



POLICY AND PROGRAM REPORT



Ethics in Government and Whistle-Blower Laws

April 2016

The issue of governmental ethics is complex and often controversial. Indeed, maintaining public trust in our process of representative democracy is vital to the success of our governing system. In a speech at Lexington, Kentucky, in May 1829, American statesman and former Speaker of the United States House of Representatives Henry Clay said, “Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.”

Assuring the public’s confidence in government requires elected officials and all who work in public service to place the public’s interest over personal interests and exhibit the highest levels of ethical standards and behavior. Laws exist in all 50 states to clarify ethical matters such as personal financial disclosures, honoraria, conflicts of interest, gifts, and unwarranted privileges.

ETHICS IN GOVERNMENT

The Nevada Ethics in Government Law is set forth in Chapter 281A (“Ethics in Government”) of *Nevada Revised Statutes* (NRS). These provisions were created by the Legislature in the late-1970s to separate the roles of persons who are both public servants and private citizens and ensure that public officers and employees exercise their duties for the sole benefit of Nevada’s residents. These statutes also govern policies regarding personal financial disclosure, abstentions in voting by elected public officers, and the operations of Nevada’s Commission on Ethics. In 2015, the Legislature enacted Assembly Bill 60 (Chapter 198, *Statutes of Nevada*) to clarify certain definitions and procedures relating to ethics in State government.

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Public Policy for Nevada Ethics in Government Law

The Nevada Legislature adopted certain findings and declarations to govern the administration and implementation of the ethics laws. These provisions are codified in NRS 281A.020, which is set forth below:

NRS 281A.020 Legislative findings and declarations.

1. It is hereby declared to be the public policy of this State that:
 - (a) A public office is a public trust and shall be held for the sole benefit of the people.
 - (b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.
2. The Legislature finds and declares that:
 - (a) The increasing complexity of state and local government, more and more closely related to private life and enterprise, enlarges the potentiality for conflict of interests.
 - (b) To enhance the people's faith in the integrity and impartiality of public officers and employees, adequate guidelines are required to show the appropriate separation between the roles of persons who are both public servants and private citizens.
 - (c) In interpreting and applying the provisions of this chapter that are applicable to State Legislators, the Commission [on Ethics] must give appropriate weight and proper deference to the public policy of this State under which State Legislators serve as "citizen Legislators" who have other occupations and business interests, who are expected to have particular philosophies and perspectives that are necessarily influenced by the life experiences of the Legislator, including, without limitation, professional, family and business experiences, and who are expected to contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted.
 - (d) The provisions of this chapter do not, under any circumstances, allow the Commission to exercise jurisdiction or authority over or inquire into, intrude upon or interfere with the functions of a State Legislator that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.

Constitutional Doctrine of Separation of Powers

In December 2008, the First Judicial District Court in Carson City found that, in light of the constitutional doctrine of separation of powers and legislative privilege and immunity, any inquiry into the ethical propriety of legislative actions concerning disclosure, voting, and abstention must be conducted by the Legislative Branch and cannot be conducted by an administrative agency of the Executive Branch, such as the Commission on Ethics. In response, the 2009 Legislature passed S.B. 160 (Chapter 257, *Statutes of Nevada*), which implemented in statute the constitutional doctrine of separation of powers and legislative privilege and immunity, protecting legislators from having to defend themselves from various legal challenges when they perform certain actions—such as speech, deliberation, and debate—within the sphere of legitimate legislative activity. Additionally, the measure clarified that statutory provisions concerning disclosure, voting, and abstention do not apply to State legislators or allow the Commission on Ethics to exercise jurisdiction over State legislators with regard to these activities.

Definition of Public Officer

Senate Bill 160 also amended certain provisions concerning public officers' and employees' ability to contract with governmental agencies under certain circumstances, and it clarified the definition of "public officer" in the Ethics Law by making it consistent with the definition of the term as it is found in NRS 281A.160.

NRS 281A.160 "Public officer" defined. [Effective January 1, 2014.]

1. "Public officer" means a person who is:
 - (a) Elected or appointed to a position which:
 - (1) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and
 - (2) Involves the exercise of a public power, trust or duty; or
 - (b) Designated as a public officer for the purposes of this chapter pursuant to NRS 281A.182.
2. As used in this section, "the exercise of a public power, trust or duty" means:
 - (a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;
 - (b) The expenditure of public money; and
 - (c) The administration of laws and rules of the State or any county, city or other political subdivision.
3. "Public officer" does not include:
 - (a) Any justice, judge or other officer of the court system;
 - (b) Any member of a board, commission or other body whose function is advisory;
 - (c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or
 - (d) A county health officer appointed pursuant to NRS 439.290.
4. "Public office" does not include an office held by:
 - (a) Any justice, judge or other officer of the court system;
 - (b) Any member of a board, commission or other body whose function is advisory;
 - (c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or
 - (d) A county health officer appointed pursuant to NRS 439.290.

Code of Ethical Standards

In Nevada, public officers and employees are governed by a "Code of Ethical Standards" (NRS 281A.400) that is intended to prevent abuse of public office by prohibiting situations in which conflicts of interest may arise.

Gifts

A public officer or employee shall not seek or accept any gift, service, favor, or employment, which would improperly influence a reasonable person to depart from the faithful and impartial discharge of his or her public duties. A gift does not include a political contribution related to a campaign, a commercially reasonable loan made in the ordinary course of business, the cost of entertainment including food or beverages, or anything of value received from a family member.

Unwarranted Privileges

A public officer or employee shall not use his or her position in government to secure unwarranted privileges, preferences, exemptions, or advantages for himself or herself, family members, or a business entity in which the public officer or employee has a significant interest.

Contracting With Government

With certain exceptions, a public officer or employee shall not bid on or enter into a contract between a governmental agency and any business in which the public officer or employee has a significant pecuniary interest. A member of a local legislative body shall not sell goods or services to a local agency over whom the body has jurisdiction, unless: (1) the member is the sole source of supply within the jurisdiction; (2) public notice is given; (3) the member discloses the significant pecuniary interest; and (4) the local legislative body approves the purchase according to law.

A member of any board, commission, or similar body who is engaged in a business regulated by that board, commission, or body may, in the ordinary course of his or her business, bid or enter into a contract with a governmental agency (other than the board) if the member has not taken part in developing the contract plans and the member will not be personally involved in opening, considering, or accepting offers. Finally, certain public officers or employees may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the rules of open competitive bidding are not employed due to an emergency situation, or the sources of supply are limited. The public officer or employee must not take part in developing the contract plans or specifications, and the public officer or employee may not be personally involved in opening, considering, or accepting offers.

The Commission on Ethics may provide a public officer or employee relief from strict application of the prohibition if the individual requests an opinion and the Commission determines that neither the public nor the agency would be adversely affected.

Private Compensation for Performing Public Duties

A public officer or employee shall not accept any salary, retainer, or other compensation from any private source for the performance of his or her duties as a public officer or employee.

Private Use of Confidential Information

A public officer or employee who acquires, through his or her public duties, any information which by law or practice is not at the time available to the people generally shall not use the information to further the pecuniary interests of himself or herself or any other person or business entity.

Suppressing Information for Pecuniary Interests

A public officer shall not suppress any governmental report or other document because it might tend to affect unfavorably his or her pecuniary interests.

Misuse of Government Resources

A public officer or employee, except State legislators who are subject to certain restrictions as described in the following paragraph, shall not use governmental time, property, equipment, or other

facility to benefit his or her personal or pecuniary interest. However, a limited use of governmental property and equipment is permissible if: (1) a policy allowing that use in emergency situations has been established; (2) the use does not interfere with the performance of duties; (3) the cost or value related to the use is nominal; and (4) the use does not create the appearance of impropriety. If a governmental agency incurs a cost as a result of a use specified above or ordinarily would charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

Misuse of Government Resources (Legislator)

A State legislator shall not use governmental time, property, or equipment for a nongovernmental purpose or the private benefit of the State legislator or another person. However, a limited use of State property and resources is permissible if: (1) the use does not interfere with the performance of the State legislator's duties; (2) the cost or value related to the use is nominal; and (3) the use does not create the appearance of impropriety. Ethics laws do not prohibit legislators from using, for nongovernmental purposes, mailing lists, computer data, or other information lawfully obtained from a governmental agency if the lists, data, and information are also available to members of the general public. The use of telephones and other means of communication are permitted if there is not a special charge for that use. Furthermore, a member of the Legislature shall not require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except in rare situations where the employee's service is necessary for the legislator or employee to perform his or her duties or when the service has been established as legislative policy. Finally, a legislator shall not attempt to benefit personally or financially through the influence of a subordinate or seek other employment or contracts through the use of the State legislator's official position.

Lobbying by Local Elected Officials

A member of a local legislative body may not represent or counsel a private person for compensation before another local agency whose jurisdiction includes any part of the same county in which the member serves. The Commission may relieve the member of this prohibition under certain circumstances.

Honoraria

Nevada Revised Statutes 281A.510 prohibits a public officer or employee from accepting or receiving an honorarium, which is defined as "the payment of money or anything of value for an appearance or speech by the public officer or public employee in the officer's or employee's capacity as a public officer or public employee." Certain things are excluded from the definition of "honorarium," such as: (1) payment of the actual and necessary costs incurred by the public officer or employee or his or her spouse or staff for transportation, meals, and lodging while away from the public officer's or employee's residence; (2) compensation which would otherwise be earned in the normal course of the public officer's office or employment; (3) a fee for a speech that is related to the public officer's outside occupation; and (4) a fee for a speech or presentation delivered to an organization of legislatures, legislators, or other elected officials.

Financial Disclosure Statement

Most states require some form of personal financial disclosure for public officers. In Nevada, the Financial Disclosure Statement includes information regarding general income sources, debt, business ventures, real estate, and contributions of certain gifts. The following individuals must file Financial Disclosure Statements with the Secretary of State: (1) every candidate for public office who, if elected, is entitled to receive compensation of \$6,000 or more annually for serving in the office in question; (2) every elected public officer; and (3) every appointed public officer who is entitled to receive compensation of \$6,000 or more annually for serving in the office in question. Any elected supervisor of a conservation district is exempt from the requirement to file a financial disclosure statement.

Nevada Revised Statutes 281.581 provides civil penalties for willful failure to file a statement of financial disclosure. The following table sets out those penalties.

Failure to File a Financial Disclosure Statement	Civil Penalties
1 to 10 days late	\$25
11 to 20 days late	\$50
21 to 30 days late	\$100
31 to 45 days late	\$250
45 or more days late (or not filed)	\$2,000

In addition to elected public officers and candidates for public office, all other public officers who receive an annual compensation of \$6,000 or more must also file the statement with the Secretary of State. Candidates for public office must file the statement no later than the tenth day after the last day to qualify for office (ten days after the close of candidate filing). Meanwhile, elected public officers must file the statement on or before January 15 of each year of their term, and appointed public officers must file within 30 days of their appointment and annually thereafter on or before January 15.

Abstention and Disclosure

The provisions concerning the following disclosure do not apply to State legislators or allow the Commission on Ethics to exercise jurisdiction or authority over State legislators. The responsibility of a State legislator to make disclosures concerning gifts, loans, interests, or commitments and the responsibility of a State legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Senate and Assembly, which are adopted, administered, and enforced exclusively by the appropriate bodies pursuant to Section 6 of Article 4 of the *Nevada Constitution*.

Opinions issued by the Commission on Ethics have stated that the burden is appropriately on the public officer to disclose private commitments and the effect those private commitments have on the decision-making process. The public officer should make a proper determination regarding abstention where a reasonable person's independence of judgment would be materially affected by

those private commitments. It should be noted that NRS provides some minor exceptions and parameters to the abstention requirements for certain local policy-making boards.

What Are the Standards for Abstention and Disclosure by Public Officers, Employees, and Legislators?

Abstention: In addition to the requirements of the “Code of Ethical Standards,” a legislator or public officer is prohibited from voting upon or advocating the passage or failure of a matter if the legislator or public officer, in the “judgment of a reasonable person in the public officer’s situation,” would be materially affected by the legislator’s or public officer’s:

- Acceptance of a gift or a loan;
- Pecuniary interest; or
- Commitment in a private capacity to the interests of others.

It should be noted that even if a legislator must abstain, the legislator may provide factual information to colleagues as long as the legislator remains a provider of facts and does not engage in statements of advocacy regarding the matter.

Regarding disclosure for public officers and employees, NRS 281A.420 provides that:

. . . a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

- (a) Regarding which the public officer or employee has accepted a gift or loan;
- (b) In which the public officer or employee has a significant pecuniary interest; or
- (c) Which would reasonably be affected by the public officer’s or employee’s commitment in a private capacity to the interests of another person, without disclosing information concerning the gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of the person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer’s or employee’s significant pecuniary interest, or upon the person to whom the public officer or employee has a commitment in a private capacity.

A public officer must make such a disclosure at the time, and each time, the matter is considered unless the public officer is a member of the Legislature.

Nevada’s Commission on Ethics

Nevada’s Commission on Ethics (NRS 281A.200 through 281A.300) is responsible for the enforcement of the Code of Ethical Standards. The mission of the Commission on Ethics is to “enhance the public’s faith and confidence in government by ensuring that public officers and public employees uphold the public trust by committing themselves to avoid conflicts between their private interests and their public duties.” The Commission enforces guidelines set forth by the Legislature to separate the roles of persons who are both public servants and private citizens while at the same time

ensuring that public officers and public employees retain the public trust by exercising their powers and duties for the sole benefit of the people of the State.

Established by the Nevada Legislature in 1975, the Commission on Ethics is an independent executive commission of State government and serves in a “quasi-judicial” capacity. The Commission has a full-time staff including an Executive Director and a General Counsel. The Attorney General may appoint a deputy to act in place of the Commission’s counsel or employ outside legal counsel if the Commission counsel is unable to act on a particular matter. The Commission has eight members, four appointed by the Legislative Commission and four appointed by the Governor, who each serve four-year terms. Main functions performed by the Commission include:

1. Interpreting and providing guidance to public officers and employees on Nevada’s “Ethics in Government” laws;
2. Investigating and adjudicating third-party ethics complaints against public officers and employees for violating certain ethics provisions; and
3. Educating public officers and employees regarding ethical provisions and prohibitions under Nevada law.

Procedures

In 2015, the Legislature enacted A.B. 60 to revise the procedures of the Commission. The Commission is required to determine whether it has jurisdiction concerning a third-party request and to complete its investigation and make a recommendation within the time provided, unless the public officer or employee waives the time limit.

The investigative file includes any information provided to or obtained by an investigatory panel. All information not included in the investigative file is confidential until a panel determines there is cause for an opinion or the public officer or employee authorizes disclosure. A person who makes a third-party request may ask that his or her name be kept confidential in certain circumstances. The Commission must maintain confidentiality if the requester works for the same public employer as the subject of the request. The Commission may maintain confidentiality if the requester establishes evidence of a threat of physical force or violence. When the Commission does not disclose a requester’s name, the Commission may not render an opinion unless it has sufficient evidence from other sources. If the Commission intends to use the person’s testimony, it must disclose the person’s name prior to the hearing.

First-party requests of current public officers or employees are confidential. Such individuals may disclose the request to certain persons without waiving the confidentiality of the request or any related opinions or record.

Willful Violations of Ethics Laws

As defined in NRS 281A.170, a “willful violation” is one where a public officer or employee: (1) intentionally or knowingly acted; or (2) intentionally or knowingly failed to act, where action was called for by law. A willful violation does not include any act or failure to act that does not result in a sanctionable violation. *Nevada Revised Statutes* 281A.480 requires a public officer or employee to establish by sufficient evidence that he or she satisfied the following requirements to overcome the statutory presumption that his or her actions were willful:

1. The public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency, or employer, provided that the advice was obtained before the public officer or employee acted or failed to act; and
2. Based upon a reasonable legal determination, the act or failure to act was not contrary to a prior published opinion issued by the Commission, which was available publicly on the Commission’s website.

The Commission must consider various aggravating and mitigating factors when determining whether a violation is willful. The Commission must also treat comparable situations in a comparable manner and ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation.

Pursuant to the provisions of NRS 281A.480, if the Commission finds that a legislator has committed one or more willful violations of the ethics laws, the Commission shall submit its opinion to the leadership of the appropriate body of the Legislature for consideration.

Federal Ruling on Nevada Ethics in Government Law

In 2011, the United States Supreme Court upheld certain provisions of Chapter 281A of NRS in *Nevada Commission on Ethics v. Carrigan*. Six years earlier, Michael A. Carrigan was a member of the Sparks City Council when a development company applied to the city for approval of a hotel/casino project. The developer hired a consultant who had served previously as Carrigan’s manager during his election campaigns. Carrigan sought the advice of the Sparks City Attorney regarding his potential conflict of interest. The City Attorney advised Carrigan that his obligations under the law would be discharged by publicly disclosing his relationship before voting on the matter, which Carrigan did.

The Commission on Ethics censured Carrigan for failure to abstain from voting, holding that his previous relationship with the consultant created a disqualifying relationship. Carrigan challenged the Commission’s ruling, asserting that Nevada’s ethics statutes violated his First Amendment rights. The Nevada Supreme Court struck down a portion of NRS 281A.420 as unconstitutionally overbroad, holding elected officials have a First Amendment right to vote on official business. The U.S. Supreme Court reversed the State court and held that those empowered with legislative authority have no First Amendment right in a legislative vote. Legislative power is not personal to the legislator; it belongs to the people.

Whistle-Blower Statutes

First enacted in 1991, the Nevada “whistle-blower” statutes (NRS 281.611 through 281.671) originally provided protection only for State government employees who report government waste or wrongdoing. Whistle-blower protection was expanded in 2001 to include local government employees. The Legislature has declared that the public policy of the State is to encourage State and local officers and employees to disclose improper governmental action and that the Legislature will protect the rights of persons making such disclosures (NRS 281.621).

Separate and apart from the whistle-blower statutes in Chapter 281 of NRS, other provisions of the law protect police officers who report improper governmental action. In addition, certain types of disclosures of wrongdoing are protected; for example, specific protection is provided for school personnel reporting testing irregularities, persons reporting violations of occupational health and safety laws, and persons filing complaints against long-term care facilities.

Nevada whistle-blower statutes define “improper governmental action” as actions taken in the performance of official duties, whether or not the action is within the scope of employment, that are:

- In violation of State law or regulation;
- For local government officers and employees, in violation of local ordinances;
- In abuse of authority;
- A substantial and specific danger to public health or safety; or
- A gross waste of money.

State or local officers or employees are prohibited from using their position to prevent disclosure of an improper governmental action by another officer or employee. Governmental officers or employees who report improper governmental action are protected from “reprisal or retaliatory action” by their employer for two years after the disclosure.

Officers or employees who believe that they have been subjected to reprisal or retaliatory action within two years of a disclosure of improper governmental action must file a written appeal with either the Division of Human Resource Management within Nevada’s Department of Administration or the entity designated by the local ordinance, as applicable. State law requires local governments to adopt procedures for hearing appeals of local government officers and employees alleging reprisal or retaliatory action, subject to certain minimum State standards.

What Types of Conduct Are Considered Retaliation or Reprisal in Nevada?

Examples of conduct considered a reprisal or retaliatory action include:

- Refusal to assign meaningful work;
- Issuance of reprimands or poor evaluations;
- Demotions or reductions in pay;
- Denial of promotions;
- Suspension, transfer, or dismissal; or
- Conditions creating an adverse working environment.

For State appeals, if the appeal is filed within ten days of the alleged reprisal or retaliatory action, a hearing is scheduled before a hearing officer to take evidence and testimony. If the hearing officer finds that the whistle-blower has been subjected to reprisal or retaliation, then the hearing officer may issue an order directing the person responsible for the reprisal to refrain from such action. The hearing officer shall also file a copy of the decision with the Governor or elected State person who supervises the person found responsible. Details of the appeals process for State officers and employees are spelled out in Chapter 281 of *Nevada Administrative Code*.

Although not traditionally considered whistle-blower protection, any person who, in good faith, communicates information or a complaint to a legislator, officer, or employee of the federal or State government in Nevada on a matter of reasonable concern to that entity is protected from personal or civil liability by NRS 41.635 through 41.670.

WEBSITES AND CONTACTS

Ethics in Government
Commission on Ethics
Telephone: (775) 687-5469
Website: <http://ethics.nv.gov>

Whistle-Blower Law
Division of Human Resource Management
Department of Administration
Telephone: (775) 684-0150
Website: <http://hr.nv.gov/>

FREQUENTLY ASKED QUESTIONS

Ethics in Government

Q: How can I request an opinion concerning an ethics issue?

A: Legislators may contact either the Commission on Ethics (for questions regarding nonlegislative actions) or the Legal Division of the Legislative Counsel Bureau for assistance with ethics-related matters. Clarification on legislator conflicts of interest, abstentions, and other legislative actions are to be handled by the Legal Division. Other public officers are encouraged to contact the Commission on Ethics regarding alleged ethics violations. The Executive Director of the Commission is also authorized to conduct training on Nevada's ethics laws for public agencies.

Q: Where can I get copies of ethics opinions?

A: Previously issued opinions of the Commission on Ethics can be found on the Commission's website, organized by number and also by the statutory provision the opinion is interpreting. There are also annotations to recent ethics opinions in NRS following the pertinent sections.

Q: Who are the members of the Commission on Ethics?

A: Cheryl A. Lau, Esq. (Chair)	Barbara Gruenewald, Esq.
Keith A. Weaver, Esq. (Vice Chair)	James M. Shaw
John C. Carpenter	Daniel Stewart, Esq.
Magdalena M. Groover	

Q: Does Nevada have a “cooling-off” period or other provisions concerning a conflict of interest in future business opportunities for a public officer or employee?

A: Yes. The *Nevada Constitution* sets forth a one-year “cooling-off” period for legislators. Specifically, Article 4, Section 8, provides that:

No Senator or member of Assembly shall, during the term for which he shall have been elected, nor for one year thereafter be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by elections by the people.

In addition, the 2015 Legislature enacted A.B. 273 (Chapter 216, *Statutes of Nevada*) to prohibit a former legislator from receiving compensation to lobby before the Legislature for a period beginning when the legislator leaves office and ending at the adjournment of the next regular session. An exemption is provided if lobbying is a duty of the former legislator’s full-time employment and the former legislator does not act as a lobbyist for any other employer, client, or client of his or her employer.

A “cooling-off” period for some former public officers and employees in certain agencies is set forth in Chapter 281A of NRS. A cooling-off period limits a former public officer or employee from going to work for a specified period of time in a business or industry regulated by the public officer’s or employee’s former employer. The provision primarily affects former members of the Public Utilities Commission of Nevada, former members of the Nevada Gaming Control Board, and any public officer or employee who seeks employment in a business for which the officer or employee: (1) formulated policy contained in State administrative regulations; (2) had control over an audit, decision, or investigation affecting the business; or (3) possesses knowledge of trade secrets of a direct business competitor.

In addition to the cooling-off period for business and industry, a public officer or employee must refuse any offer or promise of future employment, a business opportunity, money, or anything of value from a person who has provided a bid on a purchasing contract to be awarded by a public body. An employee must report such an offer to his or her supervisor or agency head within 72 hours. In addition, a State or local government or any public officer or employee shall not offer or provide to a bidder any proprietary information regarding the contract or details regarding a bid on the contract from another person, and the bidder is prohibited from requesting such information.

A member of a local legislative body is prohibited from representing a private interest before any other local agency in the same county and may not sell services or goods to the local body of

which he or she is a member unless that person is the sole source of that commodity. A person may seek relief from the strict application of the law from the Commission on Ethics.

Whistle-Blower Law

Q: What advice should I give to someone who has or may have a whistle-blower complaint?

A: If the person is a State employee, that person should be immediately directed to Division of Human Resource Management within Nevada's Department of Administration for assistance in obtaining the correct forms and filing the complaint. Because State employees only have ten days after an act of reprisal or retaliation in which to file a complaint, any potential whistle-blower should be advised about the short deadline for filing a complaint and the need for prompt action. It may also be advisable to suggest that the employee consider consulting a private attorney or the State of Nevada Employees Association for assistance.

If the person is a local government employee, that person should immediately contact his or her human resources department for assistance with filing a complaint. Each local jurisdiction is required to adopt procedures for whistle-blower complaints, and each local jurisdiction may have a different deadline and procedures. Again, it may also be advisable to suggest that the employee consider consulting a private attorney or a representative of the employee's collective bargaining unit for assistance.

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