

ASSEMBLY BILL NO. 211—ASSEMBLYMEN AIZLEY, OHRENSCHALL, CARRILLO, HORNE; ATKINSON, CONKLIN, DONDERO LOOP, FRIERSON, GOEDHART, HAMBRICK, HOGAN, OCEGUERA, PIERCE AND STEWART

FEBRUARY 25, 2011

JOINT SPONSORS: SENATORS LESLIE, PARKS; AND DENIS

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits discriminatory employment practices based upon gender identity or expression. (BDR 53-272)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment practices; prohibiting discriminatory employment practices based upon the gender identity or expression of a person; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes that it is the policy of this State to foster the right of all
2 persons to reasonably seek, obtain and hold employment without discrimination,
3 distinction or restriction because of race, religious creed, color, age, sex, disability,
4 national origin or ancestry. (NRS 233.010) Consistent with that policy, existing law
5 protects against such discrimination with respect to apprenticeships. (NRS 610.010,
6 610.020, 610.150, 610.185) In addition, existing law prohibits certain employers,
7 employment agencies, labor organizations, joint labor-management committees or
8 contractors from engaging in certain discriminatory employment practices. For
9 example, it is an unlawful employment practice to fail to hire or to fire or otherwise
10 discriminate against a person, or to limit or segregate or classify an employee on
11 the basis of race, color, religion, sex, sexual orientation, age, disability or national
12 origin, except in certain circumstances. (NRS 338.125, 613.330, 613.340, 613.350,
13 613.380) **Sections 2-4, 7-13, 16 and 17** of this bill add “gender identity or
14 expression” to the list of categories upon which discrimination is prohibited, and
15 **sections 1, 5 and 14** of this bill define “gender identity or expression” to mean the
16 gender-related identity, appearance, expression or behavior of a person, regardless
17 of the person’s assigned sex at birth.



18 Existing law authorizes the Nevada Equal Rights Commission to investigate
19 tensions, practices of discrimination and acts of prejudice against any person with
20 regard to employment based on race, color, creed, sex, age, disability, national
21 origin or ancestry. (NRS 233.150) **Section 15** of this bill adds “gender identity or
22 expression” to the list of categories upon which the Commission may investigate
23 such allegations of discrimination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 610.010 is hereby amended to read as follows:
2 610.010 As used in this chapter, unless the context otherwise
3 requires:

4 1. “Agreement” means a written and signed agreement of
5 indenture as an apprentice.

6 2. “Apprentice” means a person who is covered by a written
7 agreement, issued pursuant to a program with an employer, or with
8 an association of employers or an organization of employees acting
9 as agent for an employer.

10 3. “Disability” means, with respect to a person:

11 (a) A physical or mental impairment that substantially limits one
12 or more of the major life activities of the person;

13 (b) A record of such an impairment; or

14 (c) Being regarded as having such an impairment.

15 4. *“Gender identity or expression” means a gender-related*
16 *identity, appearance, expression or behavior of a person,*
17 *regardless of the person’s assigned sex at birth.*

18 5. “Program” means a program of training and instruction as an
19 apprentice in an occupation in which a person may be apprenticed.

20 ~~5.1~~ 6. “Sexual orientation” means having or being perceived
21 as having an orientation for heterosexuality, homosexuality or
22 bisexuality.

23 **Sec. 2.** NRS 610.020 is hereby amended to read as follows:

24 610.020 The purposes of this chapter are:

25 1. To open to people, without regard to race, color, creed, sex,
26 sexual orientation, *gender identity or expression*, religion, disability
27 or national origin, the opportunity to obtain training that will equip
28 them for profitable employment and citizenship.

29 2. To establish, as a means to this end, an organized program
30 for the voluntary training of persons under approved standards for
31 apprenticeship, providing facilities for their training and guidance in
32 the arts and crafts of industry and trade, with instruction in related
33 and supplementary education.

34 3. To promote opportunities for employment for all persons,
35 without regard to race, color, creed, sex, sexual orientation, *gender*



1 *identity or expression*, religion, disability or national origin, under
2 conditions providing adequate training and reasonable earnings.

3 4. To regulate the supply of skilled workers in relation to the
4 demand for skilled workers.

5 5. To establish standards for the training of apprentices in
6 approved programs.

7 6. To establish a State Apprenticeship Council with the
8 authority to carry out the purposes of this chapter and provide for
9 local joint apprenticeship committees to assist in carrying out the
10 purposes of this chapter.

11 7. To provide for a State Director of Apprenticeship.

12 8. To provide for reports to the Legislature and to the public
13 regarding the status of the training of apprentices in the State.

14 9. To establish procedures for regulating programs and
15 deciding controversies concerning programs and agreements.

16 10. To accomplish related ends.

17 **Sec. 3.** NRS 610.150 is hereby amended to read as follows:

18 610.150 Every agreement entered into under this chapter must
19 contain:

20 1. The names and signatures of the contracting parties and the
21 signature of a parent or legal guardian if the apprentice is a minor.

22 2. The date of birth of the apprentice.

23 3. The name and address of the sponsor of the program.

24 4. A statement of the trade or craft in which the apprentice is to
25 be trained, and the beginning date and expected duration of the
26 apprenticeship.

27 5. A statement showing the number of hours to be spent by the
28 apprentice in work and the number of hours to be spent in related
29 and supplemental instruction, which instruction must not be less
30 than 144 hours per year.

31 6. A statement setting forth a schedule of the processes in the
32 trade or division of industry in which the apprentice is to be trained
33 and the approximate time to be spent at each process.

34 7. A statement of the graduated scale of wages to be paid the
35 apprentice and whether or not compensation is to be paid for the
36 required time in school.

37 8. Statements providing:

38 (a) For a specific period of probation during which the
39 agreement may be terminated by either party to the agreement upon
40 written notice to the State Apprenticeship Council; and

41 (b) That after the probationary period the agreement may be
42 cancelled at the request of the apprentice, or suspended, cancelled or
43 terminated by the sponsor for good cause, with due notice to the
44 apprentice and a reasonable opportunity for corrective action, and



1 with written notice to the apprentice and the State Apprenticeship
2 Council of the final action taken.

3 9. A reference incorporating as part of the agreement the
4 standards of the program as it exists on the date of the agreement
5 and as it may be amended during the period of the agreement.

6 10. A statement that the apprentice will be accorded equal
7 opportunity in all phases of employment and training as an
8 apprentice without discrimination because of race, color, creed, sex,
9 sexual orientation, *gender identity or expression*, religion or
10 disability.

11 11. A statement naming the State Apprenticeship Council as
12 the authority designated pursuant to NRS 610.180 to receive,
13 process and dispose of controversies or differences arising out of the
14 agreement when the controversies or differences cannot be adjusted
15 locally or resolved in accordance with the program or collective
16 bargaining agreements.

17 12. Such additional terms and conditions as are prescribed or
18 approved by the State Apprenticeship Council not inconsistent with
19 the provisions of this chapter.

20 **Sec. 4.** NRS 610.185 is hereby amended to read as follows:

21 610.185 The State Apprenticeship Council shall suspend for 1
22 year the right of any employer, association of employers or
23 organization of employees acting as agent for an employer to
24 participate in a program under the provisions of this chapter if the
25 Nevada Equal Rights Commission, after notice and hearing, finds
26 that the employer, association or organization has discriminated
27 against an apprentice because of race, color, creed, sex, sexual
28 orientation, *gender identity or expression*, religion, disability or
29 national origin in violation of this chapter.

30 **Sec. 5.** NRS 613.310 is hereby amended to read as follows:

31 613.310 As used in NRS 613.310 to 613.435, inclusive, unless
32 the context otherwise requires:

33 1. "Disability" means, with respect to a person:

34 (a) A physical or mental impairment that substantially limits one
35 or more of the major life activities of the person, including, without
36 limitation, the human immunodeficiency virus;

37 (b) A record of such an impairment; or

38 (c) Being regarded as having such an impairment.

39 2. "Employer" means any person who has 15 or more
40 employees for each working day in each of 20 or more calendar
41 weeks in the current or preceding calendar year, but does not
42 include:

43 (a) The United States or any corporation wholly owned by the
44 United States.

45 (b) Any Indian tribe.



1 (c) Any private membership club exempt from taxation pursuant
2 to 26 U.S.C. § 501(c).

3 3. "Employment agency" means any person regularly
4 undertaking with or without compensation to procure employees for
5 an employer or to procure for employees opportunities to work for
6 an employer, but does not include any agency of the United States.

7 4. "*Gender identity or expression*" means a gender-related
8 *identity, appearance, expression or behavior of a person,*
9 *regardless of the person's assigned sex at birth.*

10 5. "Labor organization" means any organization of any kind, or
11 any agency or employee representation committee or plan, in which
12 employees participate and which exists for the purpose, in whole or
13 in part, of dealing with employers concerning grievances, labor
14 disputes, wages, rates of pay, hours of employment or other
15 conditions of employment.

16 ~~5.1~~ 6. "Person" includes the State of Nevada and any of its
17 political subdivisions.

18 ~~6.1~~ 7. "Sexual orientation" means having or being perceived
19 as having an orientation for heterosexuality, homosexuality or
20 bisexuality.

21 **Sec. 6.** NRS 613.320 is hereby amended to read as follows:

22 613.320 1. The provisions of NRS 613.310 to 613.435,
23 inclusive, do not apply to:

24 (a) Any employer with respect to employment outside this state.

25 (b) Any religious corporation, association or society with
26 respect to the employment of individuals of a particular religion to
27 perform work connected with the carrying on of its religious
28 activities.

29 2. The provisions of NRS 613.310 to 613.435, inclusive,
30 concerning unlawful employment practices related to sexual
31 orientation *and gender identity or expression* do not apply to an
32 organization that is exempt from taxation pursuant to 26 U.S.C. §
33 501(c)(3).

34 **Sec. 7.** NRS 613.330 is hereby amended to read as follows:

35 613.330 1. Except as otherwise provided in NRS 613.350, it
36 is an unlawful employment practice for an employer:

37 (a) To fail or refuse to hire or to discharge any person, or
38 otherwise to discriminate against any person with respect to the
39 person's compensation, terms, conditions or privileges of
40 employment, because of his or her race, color, religion, sex, sexual
41 orientation, *gender identity or expression*, age, disability or national
42 origin; or

43 (b) To limit, segregate or classify an employee in a way which
44 would deprive or tend to deprive the employee of employment
45 opportunities or otherwise adversely affect his or her status as an



1 employee, because of his or her race, color, religion, sex, sexual
2 orientation, *gender identity or expression*, age, disability or national
3 origin.

4 2. It is an unlawful employment practice for an employment
5 agency to:

6 (a) Fail or refuse to refer for employment, or otherwise to
7 discriminate against, any person because of the race, color, religion,
8 sex, sexual orientation, *gender identity or expression*, age, disability
9 or national origin of that person; or

10 (b) Classify or refer for employment any person on the basis of
11 the race, color, religion, sex, sexual orientation, *gender identity or*
12 *expression*, age, disability or national origin of that person.

13 3. It is an unlawful employment practice for a labor
14 organization:

15 (a) To exclude or to expel from its membership, or otherwise to
16 discriminate against, any person because of his or her race, color,
17 religion, sex, sexual orientation, *gender identity or expression*, age,
18 disability or national origin;

19 (b) To limit, segregate or classify its membership, or to classify
20 or fail or refuse to refer for employment any person, in any way
21 which would deprive or tend to deprive the person of employment
22 opportunities, or would limit the person's employment opportunities
23 or otherwise adversely affect the person's status as an employee or
24 as an applicant for employment, because of his or her race, color,
25 religion, sex, sexual orientation, *gender identity or expression*, age,
26 disability or national origin; or

27 (c) To cause or attempt to cause an employer to discriminate
28 against any person in violation of this section.

29 4. It is an unlawful employment practice for any employer,
30 labor organization or joint labor-management committee controlling
31 apprenticeship or other training or retraining, including, without
32 limitation, on-the-job training programs, to discriminate against any
33 person because of his or her race, color, religion, sex, sexual
34 orientation, *gender identity or expression*, age, disability or national
35 origin in admission to, or employment in, any program established
36 to provide apprenticeship or other training.

37 5. It is an unlawful employment practice for any employer,
38 employment agency, labor organization or joint labor-management
39 committee to discriminate against a person with a disability by
40 interfering, directly or indirectly, with the use of an aid or appliance,
41 including, without limitation, a service animal, by such a person.

42 6. It is an unlawful employment practice for an employer,
43 directly or indirectly, to refuse to permit an employee with a
44 disability to keep the employee's service animal with him or her at
45 all times in his or her place of employment.



1 7. As used in this section, “service animal” has the meaning
2 ascribed to it in NRS 426.097.

3 **Sec. 8.** NRS 613.340 is hereby amended to read as follows:

4 613.340 1. It is an unlawful employment practice for an
5 employer to discriminate against any of his or her employees or
6 applicants for employment, for an employment agency to
7 discriminate against any person, or for a labor organization to
8 discriminate against any member thereof or applicant for
9 membership, because the employee, applicant, person or member, as
10 applicable, has opposed any practice made an unlawful employment
11 practice by NRS 613.310 to 613.435, inclusive, or because he or she
12 has made a charge, testified, assisted or participated in any manner
13 in an investigation, proceeding or hearing under NRS 613.310 to
14 613.435, inclusive.

15 2. It is an unlawful employment practice for an employer, labor
16 organization or employment agency to print or publish or cause to
17 be printed or published any notice or advertisement relating to
18 employment by such an employer or membership in or any
19 classification or referral for employment by such a labor
20 organization, or relating to any classification or referral for
21 employment by such an employment agency, indicating any
22 preference, limitation, specification or discrimination, based on race,
23 color, religion, sex, sexual orientation, *gender identity or*
24 *expression*, age, disability or national origin, except that such a
25 notice or advertisement may indicate a preference, limitation,
26 specification or discrimination based on religion, sex, sexual
27 orientation, *gender identity or expression*, age, physical, mental or
28 visual condition or national origin when religion, sex, sexual
29 orientation, *gender identity or expression*, age, physical, mental or
30 visual condition or national origin is a bona fide occupational
31 qualification for employment.

32 **Sec. 9.** NRS 613.350 is hereby amended to read as follows:

33 613.350 1. It is not an unlawful employment practice for an
34 employer to hire and employ employees, for an employment agency
35 to classify or refer for employment any person, for a labor
36 organization to classify its membership or to classify or refer for
37 employment any person, or for an employer, labor organization or
38 joint labor-management committee controlling apprenticeship or
39 other training or retraining programs to admit or employ any person
40 in any such program, on the basis of his or her religion, sex, sexual
41 orientation, *gender identity or expression*, age, disability or national
42 origin in those instances where religion, sex, sexual orientation,
43 *gender identity or expression*, age, physical, mental or visual
44 condition or national origin is a bona fide occupational qualification



1 reasonably necessary to the normal operation of that particular
2 business or enterprise.

3 2. It is not an unlawful employment practice for an employer to
4 fail or refuse to hire and employ employees, for an employment
5 agency to fail to classify or refer any person for employment, for a
6 labor organization to fail to classify its membership or to fail to
7 classify or refer any person for employment, or for an employer,
8 labor organization or joint labor-management committee controlling
9 apprenticeship or other training or retraining programs to fail to
10 admit or employ any person in any such program, on the basis of a
11 disability in those instances where physical, mental or visual
12 condition is a bona fide and relevant occupational qualification
13 necessary to the normal operation of that particular business or
14 enterprise, if it is shown that the particular disability would prevent
15 proper performance of the work for which the person with a
16 disability would otherwise have been hired, classified, referred or
17 prepared under a training or retraining program.

18 3. It is not an unlawful employment practice for an employer to
19 fail or refuse to hire or to discharge a person, for an employment
20 agency to fail to classify or refer any person for employment, for a
21 labor organization to fail to classify its membership or to fail to
22 classify or refer any person for employment, or for an employer,
23 labor organization or joint labor-committee controlling
24 apprenticeship or other training or retraining programs to fail to
25 admit or employ any person in any such program, on the basis of his
26 or her age if the person is less than 40 years of age.

27 4. It is not an unlawful employment practice for a school,
28 college, university or other educational institution or institution of
29 learning to hire and employ employees of a particular religion if the
30 school or institution is, in whole or in substantial part, owned,
31 supported, controlled or managed by a particular religion or by a
32 particular religious corporation, association or society, or if the
33 curriculum of the school or institution is directed toward the
34 propagation of a particular religion.

35 5. It is not an unlawful employment practice for an employer to
36 observe the terms of any bona fide plan for employees' benefits,
37 such as a retirement, pension or insurance plan, which is not a
38 subterfuge to evade the provisions of NRS 613.310 to 613.435,
39 inclusive, as they relate to discrimination against a person because
40 of age, except that no such plan excuses the failure to hire any
41 person who is at least 40 years of age.

42 ***6. It is not an unlawful employment practice for an employer***
43 ***to require employees to adhere to reasonable workplace***
44 ***appearance, grooming and dress standards so long as such***
45 ***requirements are not precluded by law, except that an employer***



1 *shall allow an employee to appear, groom and dress consistent*
2 *with the employee's gender identity or expression.*

3 **Sec. 10.** NRS 613.380 is hereby amended to read as follows:

4 613.380 Notwithstanding any other provision of NRS 613.310
5 to 613.435, inclusive, it is not an unlawful employment practice for
6 an employer to apply different standards of compensation, or
7 different terms, conditions or privileges of employment pursuant to
8 a bona fide seniority or merit system, or a system which measures
9 earnings by quantity or quality of production or to employees who
10 work in different locations, if those differences are not the result of
11 an intention to discriminate because of race, color, religion, sex,
12 sexual orientation, *gender identity or expression*, age, disability or
13 national origin, nor is it an unlawful employment practice for an
14 employer to give and to act upon the results of any professionally
15 developed ability test, if the test, its administration or action upon
16 the results is not designed, intended or used to discriminate because
17 of race, color, religion, sex, sexual orientation, *gender identity or*
18 *expression*, age, disability or national origin.

19 **Sec. 11.** NRS 613.400 is hereby amended to read as follows:

20 613.400 Nothing contained in NRS 613.310 to 613.435,
21 inclusive, requires any employer, employment agency, labor
22 organization or joint labor-management committee subject to NRS
23 613.310 to 613.435, inclusive, to grant preferential treatment to any
24 person or to any group because of the race, color, religion, sex,
25 sexual orientation, *gender identity or expression*, age, disability or
26 national origin of the individual or group on account of an
27 imbalance which exists with respect to the total number or
28 percentage of persons of any race, color, religion, sex, sexual
29 orientation, *gender identity or expression*, age, disability or national
30 origin employed by any employer, referred or classified for
31 employment by any employment agency or labor organization,
32 admitted to membership or classified by any labor organization, or
33 admitted to, or employed in, any apprenticeship or other training
34 program, in comparison with the total number or percentage of
35 persons of that race, color, religion, sex, sexual orientation, *gender*
36 *identity or expression*, age, disability or national origin in any
37 community, section or other area, or in the available workforce in
38 any community, section or other area.

39 **Sec. 12.** NRS 613.405 is hereby amended to read as follows:

40 613.405 Any person injured by an unlawful employment
41 practice within the scope of NRS 613.310 to 613.435, inclusive,
42 may file a complaint to that effect with the Nevada Equal Rights
43 Commission if the complaint is based on discrimination because of
44 race, color, sex, sexual orientation, *gender identity or expression*,
45 age, disability, religion or national origin.



1 **Sec. 13.** NRS 233.010 is hereby amended to read as follows:

2 233.010 1. It is hereby declared to be the public policy of the
3 State of Nevada to protect the welfare, prosperity, health and peace
4 of all the people of the State, and to foster the right of all persons
5 reasonably to seek, obtain and hold ~~employment and~~ housing
6 accommodations without discrimination, distinction or restriction
7 because of race, religious creed, color, age, sex, disability, national
8 origin or ancestry.

9 2. It is hereby declared to be the public policy of the State of
10 Nevada to protect the welfare, prosperity, health and peace of all the
11 people of the State, and to foster the right of all persons reasonably
12 to seek and be granted services in places of public accommodation
13 without discrimination, distinction or restriction because of race,
14 religious creed, color, age, sex, disability, sexual orientation,
15 national origin or ancestry.

16 3. *It is hereby declared to be the public policy of the State of
17 Nevada to protect the welfare, prosperity, health and peace of all
18 the people of the State, and to foster the right of all persons
19 reasonably to seek, obtain and hold employment without
20 discrimination, distinction or restriction because of race, religious
21 creed, color, age, sex, disability, gender identity or expression,
22 national origin or ancestry.*

23 4. It is recognized that the people of this State should be
24 afforded full and accurate information concerning actual and alleged
25 practices of discrimination and acts of prejudice, and that such
26 information may provide the basis for formulating statutory
27 remedies of equal protection and opportunity for all citizens in this
28 State.

29 **Sec. 14.** NRS 233.020 is hereby amended to read as follows:

30 233.020 As used in this chapter:

31 1. "Administrator" means the Administrator of the
32 Commission.

33 2. "Commission" means the Nevada Equal Rights Commission
34 within the Department of Employment, Training and Rehabilitation.

35 3. "Disability" means, with respect to a person:

36 (a) A physical or mental impairment that substantially limits one
37 or more of the major life activities of the person;

38 (b) A record of such an impairment; or

39 (c) Being regarded as having such an impairment.

40 4. *"Gender identity or expression" means a gender-related
41 identity, appearance, expression or behavior of a person,
42 regardless of the person's assigned sex at birth.*

43 5. "Member" means a member of the Nevada Equal Rights
44 Commission.



1 ~~5.~~ 6. "Sexual orientation" means having or being perceived
2 as having an orientation for heterosexuality, homosexuality or
3 bisexuality.

4 **Sec. 15.** NRS 233.150 is hereby amended to read as follows:

5 233.150 The Commission may:

6 1. Order its Administrator to:

7 (a) With regard to public accommodation, investigate tensions,
8 practices of discrimination and acts of prejudice against any person
9 or group because of race, color, creed, sex, age, disability, sexual
10 orientation, national origin or ancestry, and may conduct hearings
11 with regard thereto.

12 (b) With regard to ~~employment and~~ housing, investigate
13 tensions, practices of discrimination and acts of prejudice against
14 any person or group because of race, color, creed, sex, age,
15 disability, national origin or ancestry, and may conduct hearings
16 with regard thereto.

17 *(c) With regard to employment, investigate tensions, practices
18 of discrimination and acts of prejudice against any person or
19 group because of race, color, creed, sex, age, disability, gender
20 identity or expression, national origin or ancestry, and may
21 conduct hearings with regard thereto.*

22 2. Mediate between or reconcile the persons or groups involved
23 in those tensions, practices and acts.

24 3. Issue subpoenas for the attendance of witnesses or for the
25 production of documents or tangible evidence relevant to any
26 investigations or hearings conducted by the Commission.

27 4. Delegate its power to hold hearings and issue subpoenas to
28 any of its members or any hearing officer in its employ.

29 5. Adopt reasonable regulations necessary for the Commission
30 to carry out the functions assigned to it by law.

31 **Sec. 16.** NRS 281.370 is hereby amended to read as follows:

32 281.370 1. All personnel actions taken by state, county or
33 municipal departments, housing authorities, agencies, boards or
34 appointing officers thereof must be based solely on merit and
35 fitness.

36 2. State, county or municipal departments, housing authorities,
37 agencies, boards or appointing officers thereof shall not refuse to
38 hire a person, discharge or bar any person from employment or
39 discriminate against any person in compensation or in other terms or
40 conditions of employment because of the person's race, creed, color,
41 national origin, sex, sexual orientation, *gender identity or
42 expression*, age, political affiliation or disability, except when based
43 upon a bona fide occupational qualification.

44 3. As used in this section:

45 (a) "Disability" means, with respect to a person:



- 1 (1) A physical or mental impairment that substantially limits
- 2 one or more of the major life activities of the person;
- 3 (2) A record of such an impairment; or
- 4 (3) Being regarded as having such an impairment.

5 (b) *“Gender identity or expression” means a gender-related*

6 *identity, appearance, expression or behavior of a person,*

7 *regardless of the person’s assigned sex at birth.*

8 (c) “Sexual orientation” means having or being perceived as

9 having an orientation for heterosexuality, homosexuality or

10 bisexuality.

11 **Sec. 17.** NRS 338.125 is hereby amended to read as follows:

12 338.125 1. It is unlawful for any contractor in connection

13 with the performance of work under a contract with a public body,

14 when payment of the contract price, or any part of such payment, is

15 to be made from public money, to refuse to employ or to discharge

16 from employment any person because of his or her race, color,

17 creed, national origin, sex, sexual orientation , *gender identity*

18 *or expression*, or age, or to discriminate against a person with respect

19 to hire, tenure, advancement, compensation or other terms,

20 conditions or privileges of employment because of his or her race,

21 creed, color, national origin, sex, sexual orientation , *gender identity*

22 *or expression*, or age.

23 2. Contracts between contractors and public bodies must

24 contain the following contractual provisions:

25

26 In connection with the performance of work under this

27 contract, the contractor agrees not to discriminate against any

28 employee or applicant for employment because of race, creed,

29 color, national origin, sex, sexual orientation , *gender identity*

30 *or expression*, or age, including, without limitation, with

31 regard to employment, upgrading, demotion or transfer,

32 recruitment or recruitment advertising, layoff or termination,

33 rates of pay or other forms of compensation, and selection for

34 training, including, without limitation, apprenticeship.

35 The contractor further agrees to insert this provision in all

36 subcontracts hereunder, except subcontracts for standard

37 commercial supplies or raw materials.

38

39 3. Any violation of such provision by a contractor constitutes a

40 material breach of contract.

41 4. As used in this section ~~[, “sexual”]~~ :

42 (a) *“Gender identity or expression” means a gender-related*

43 *identity, appearance, expression or behavior of a person,*

44 *regardless of the person’s assigned sex at birth.*



- 1 **(b) “Sexual** orientation” means having or being perceived as
- 2 having an orientation for heterosexuality, homosexuality or
- 3 bisexuality.

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