

ASSEMBLY BILL NO. 384—ASSEMBLYMEN THOMPSON, MCCURDY II, FLORES, ARAUJO, CARRILLO; BILBRAY-AXELROD, BROOKS, BUSTAMANTE ADAMS, CARLTON, DALY, FRIERSON, FUMO, MILLER, MONROE-MORENO, NEAL, OHRENSCHALL, SPRINKLE AND YEAGER

MARCH 20, 2017

JOINT SPONSORS: SENATORS FORD, ATKINSON, SPEARMAN, CANCELA, PARKS; DENIS, SEGERBLOM AND WOODHOUSE

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the consideration of the criminal history of an applicant for employment by the State or a county, city or unincorporated town. (BDR 23-33)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

~

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

AN ACT relating to public employment; providing generally that the criminal history of an applicant or other qualified person under consideration for a position in the unclassified or classified service of the State may be considered only after the applicant has been certified by the Administrator of the Division of Human Resource Management of the Department of Administration or after a conditional offer of employment has been made to the applicant; prohibiting the Administrator, when examining an applicant for a position in the classified service of the State, from considering the criminal history of the applicant; providing that, except in certain circumstances, the criminal history of a person may serve as the basis for the Administrator to refuse to certify an applicant or for rescission of a conditional offer of employment in the unclassified or classified service of the State only after consideration of certain factors relating to the criminal history of the person; providing for written notice to a person if the criminal history of the person is the basis for the Administrator's refusal to certify the person or for the rescission of a conditional offer of employment; establishing similar provisions relating to the consideration by the governing body of a county, incorporated city or unincorporated town of the criminal history of an applicant for employment by a county, incorporated city or unincorporated town; authorizing the filing of a complaint with the Nevada Equal Rights Commission under certain circumstances; and providing other matters properly relating thereto.



\* A B 3 8 4 R 1 \*

**Legislative Counsel's Digest:**

1 Existing law governs generally the employment of persons in the classified and  
2 unclassified service of the State. Existing law further establishes the duties of the  
3 Administrator of the Division of Human Resource Management of the Department  
4 of Administration with regard to administering competitive examinations of  
5 persons seeking employment in the classified service of the State and maintaining a  
6 list of eligible persons for employment in the classified service. (Chapter 284 of  
7 NRS) Under existing law, the Administrator may refuse to examine an applicant or  
8 refuse to certify an eligible person if the person has been found guilty of any crime  
9 involving moral turpitude or of infamous or notoriously disgraceful conduct.  
10 (NRS 284.240)

11 **Section 2** of this bill provides, with exceptions, that the criminal history of an  
12 applicant or other qualified person under consideration for employment in the  
13 unclassified service of the State may be considered only after an appointing  
14 authority has made a conditional offer of employment to the applicant or, if  
15 applicable, the applicant has been certified by the Administrator. **Section 3** of this  
16 bill prohibits the Administrator from considering the criminal history of an  
17 applicant in examining the applicant. Additionally, **section 3** provides, with  
18 exceptions, that the criminal history of an applicant for a position in the classified  
19 service may be considered only after the applicant has been certified by the  
20 Administrator or an appointing authority has made a conditional offer of  
21 employment to the applicant. **Sections 2 and 3** set forth specific factors that must  
22 be considered by an appointing authority or the Administrator before the criminal  
23 history of an applicant may be used as the basis for rescinding a conditional offer of  
24 employment or for rejection of the applicant, including: (1) whether any criminal  
25 offense committed by the person directly relates to the responsibilities of the  
26 position for which the person has applied; (2) the nature and severity of each  
27 criminal offense committed by the person; (3) the age of the person at the time of  
28 the commission of each criminal offense; (4) the period of time between the  
29 commission of each criminal offense and the date of the application for  
30 employment; and (5) any information or documentation demonstrating the person's  
31 rehabilitation. **Sections 5, 6 and 6.3** of this bill establish similar provisions relating  
32 to the consideration by the governing body of a county, incorporated city or  
33 unincorporated town, respectively, of the criminal history of an applicant for  
34 employment by the county, incorporated city or unincorporated town. **Sections 2, 3,**  
35 **5, 6 and 6.3** provide that if the criminal history of an applicant is used as the basis  
36 for rejecting the applicant or rescinding a conditional offer of employment extended  
37 to the applicant, the appointing authority or the governing body of the county,  
38 incorporated city or unincorporated town, as applicable, must provide to the  
39 applicant a written statement which must specifically state the evidence presented  
40 and the reason for the rejection of the applicant or rescission of the conditional  
41 offer of employment. **Sections 2, 3, 5, 6 and 6.3** also prohibit the appointing  
42 authority or the governing body of a county, incorporated city or unincorporated  
43 town from considering certain criminal records. **Sections 2, 3, 5, 6 and 6.3** also  
44 require the appointing authority or the governing body of a county, incorporated  
45 city or unincorporated town to include certain information in an application for  
46 employment. **Sections 2, 3, 5, 6 and 6.3** do not apply to applicants for employment  
47 with a public safety agency.

48 Existing law declares certain employment practices to be unlawful and  
49 authorizes any person injured by such a practice to file a complaint with the Nevada  
50 Equal Rights Commission. Generally, the Commission has jurisdiction only over  
51 practices involving discrimination on the basis of race, color, sex and certain other  
52 enumerated characteristics. (NRS 613.330, 613.405) **Section 6.5** of this bill  
53 provides that an employer that is subject to the requirements of **section 2, 3, 5, 6 or**  
54 **6.3** and fails to follow the procedure required by those sections in considering the



55 criminal history of an applicant for employment thereby engages in an unlawful  
56 employment practice. **Section 6.7** of this bill provides that the applicant in such a  
57 case may file a complaint with the Commission, regardless of whether the  
58 complaint is based on race, color, sex or some other characteristic enumerated in  
59 existing law.

---

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

1     **Section 1.** Chapter 284 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3     **Sec. 2. 1.** *Except as otherwise authorized by specific*  
4 *statute, the criminal history of an applicant or other qualified*  
5 *person for a position in the unclassified service of the State may be*  
6 *considered only after an appointing authority has extended to the*  
7 *applicant a conditional offer of employment or, if applicable, the*  
8 *applicant has been certified by the Administrator.*

9     **2.** *An appointing authority may, before examining an*  
10 *applicant or extending to an applicant a conditional offer of*  
11 *employment, notify the applicant of any provision of state or*  
12 *federal law that disqualifies a person with a particular criminal*  
13 *history from employment in a particular position.*

14     **3.** *Unless, pursuant to a specific provision of state or federal*  
15 *law, a person is disqualified from employment in a particular*  
16 *position because of the particular criminal history of the person,*  
17 *an appointing authority may rescind a conditional offer of*  
18 *employment extended to an otherwise qualified person who has*  
19 *been convicted of a criminal offense only after considering:*

20     **(a)** *Whether any criminal offense committed by the person*  
21 *directly relates to the responsibilities of the position for which the*  
22 *person has applied or is being considered;*

23     **(b)** *The nature and severity of each criminal offense*  
24 *committed by the person;*

25     **(c)** *The age of the person at the time of the commission of each*  
26 *criminal offense;*

27     **(d)** *The period between the commission of each criminal*  
28 *offense and the date of the application for employment in the*  
29 *unclassified service; and*

30     **(e)** *Any information or documentation demonstrating the*  
31 *person's rehabilitation.*

32     **4.** *An appointing authority shall not consider any of the*  
33 *following criminal records in connection with an application for*  
34 *employment:*

35     **(a)** *An arrest of the applicant which did not result in a*  
36 *conviction;*



1 (b) *A record of conviction which was dismissed, expunged or*  
2 *sealed; or*

3 (c) *An infraction or misdemeanor for which a sentence of*  
4 *imprisonment in a county jail was not imposed.*

5 5. *If the criminal history of an applicant is used as a basis for*  
6 *rescinding a conditional offer of employment, rescission of the*  
7 *conditional offer of employment must:*

8 (a) *Be made in writing;*

9 (b) *Include a statement indicating that the criminal history of*  
10 *the applicant was the basis for the rescission of the offer; and*

11 (c) *Provide an opportunity for the applicant to discuss the*  
12 *basis for the rescission of the offer with the appointing authority.*

13 6. *An application for employment must include a statement*  
14 *that:*

15 (a) *A record of conviction will not necessarily bar the*  
16 *applicant from employment; and*

17 (b) *The appointing authority will consider factors such as:*

18 (1) *The length of time that has passed since the offense;*

19 (2) *The age of the applicant at the time of the offense;*

20 (3) *The severity and nature of the offense;*

21 (4) *The relationship of the offense to the position for which*  
22 *the applicant has applied; and*

23 (5) *Evidence of the rehabilitation of the applicant.*

24 7. *This section does not apply to applicants for employment*  
25 *with a public safety agency, as defined in NRS 239B.020.*

26 **Sec. 3. 1. Except as otherwise authorized by specific**  
27 **statute:**

28 (a) *The Administrator shall not consider the criminal history*  
29 *of an applicant in examining the applicant.*

30 (b) *The criminal history of an applicant for a position in the*  
31 *classified service may be considered only after the applicant has*  
32 *been certified by the Administrator or an appointing authority has*  
33 *extended to the applicant a conditional offer of employment.*

34 2. *The Administrator may, before examining an applicant or*  
35 *certifying an eligible person, notify the applicant or eligible person*  
36 *of any provision of state or federal law that disqualifies a person*  
37 *with a particular criminal history from employment in a particular*  
38 *position.*

39 3. *Unless, pursuant to a specific provision of state or federal*  
40 *law, a person is disqualified from employment in a particular*  
41 *position because of the particular criminal history of the person,*  
42 *the Administrator may refuse to certify an eligible person and an*  
43 *appointing authority may rescind a conditional offer of*  
44 *employment extended to an otherwise qualified person who has*  
45 *been convicted of a criminal offense only after considering:*



1 (a) Whether any criminal offense committed by the person  
2 directly relates to the responsibilities of the position for which the  
3 person has applied or is being considered;

4 (b) The nature and severity of each criminal offense  
5 committed by the person;

6 (c) The age of the person at the time of the commission of each  
7 criminal offense;

8 (d) The period between the commission of each criminal  
9 offense and the date of the application for or consideration of  
10 employment in the classified service; and

11 (e) Any information or documentation demonstrating the  
12 person's rehabilitation.

13 4. The Administrator shall not consider any of the following  
14 criminal records in connection with an application for  
15 employment:

16 (a) An arrest of the applicant which did not result in a  
17 conviction;

18 (b) A record of conviction which was dismissed, expunged or  
19 sealed; or

20 (c) An infraction or misdemeanor for which a sentence of  
21 imprisonment in a county jail was not imposed.

22 5. If the criminal history of an applicant is used as a basis for  
23 rejecting an applicant or rescinding a conditional offer of  
24 employment, such rejection or rescission of a conditional offer of  
25 employment must:

26 (a) Be made in writing;

27 (b) Include a statement indicating that the criminal history of  
28 the applicant was the basis for the rejection or rescission of the  
29 offer; and

30 (c) Provide an opportunity for the applicant to discuss the  
31 basis for the rejection or rescission of the offer with the  
32 Administrator.

33 6. An application for employment must include a statement  
34 that:

35 (a) A record of conviction will not necessarily bar the  
36 applicant from employment; and

37 (b) The Administrator will consider factors such as:

38 (1) The length of time that has passed since the offense;

39 (2) The age of the applicant at the time of the offense;

40 (3) The severity and nature of the offense;

41 (4) The relationship of the offense to the position for which  
42 the applicant has applied; and

43 (5) Evidence of the rehabilitation of the applicant.

44 7. This section does not apply to applicants for employment  
45 with a public safety agency, as defined in NRS 239B.020.



1       **Sec. 4.** NRS 284.240 is hereby amended to read as follows:

2       284.240 The Administrator may refuse to examine an applicant  
3 or, after examination, may refuse to certify an eligible person who:

4       1. Lacks any of the preliminary requirements established for  
5 the examination for the position or employment for which the  
6 applicant or eligible person applies.

7       2. Submitted to a screening test administered pursuant to NRS  
8 284.4066, the results of which indicated the presence of a controlled  
9 substance, and the person did not provide the proof required by  
10 NRS 284.4066.

11       3. ~~Has been guilty of any crime involving moral turpitude or~~  
12 ~~of infamous or notoriously disgraceful conduct.~~

13 ~~—4.~~ Has been dismissed from the public service for delinquency  
14 or misconduct.

15       ~~5.~~ 4. Has made a false statement of any material fact.

16       ~~6.~~ 5. Has, directly or indirectly, given, rendered or paid, or  
17 promised to give, render or pay, any money, service or other  
18 valuable thing to any person for, or on account of or in connection  
19 with, the examination, appointment or proposed appointment of the  
20 applicant or eligible person.

21       ~~7.~~ 6. Has practiced, or attempted to practice, any deception or  
22 fraud in the application, certificate or examination of the applicant  
23 or eligible person, or in securing the eligibility or appointment of the  
24 applicant or eligible person.

25       **Sec. 5.** Chapter 245 of NRS is hereby amended by adding  
26 thereto a new section to read as follows:

27       1. *Except as otherwise authorized by specific statute, the*  
28 *criminal history of an applicant for employment by a county may*  
29 *be considered only after the applicant is a finalist for a position or*  
30 *the county has extended to the applicant a conditional offer of*  
31 *employment.*

32       2. *The board of county commissioners, a county officer or*  
33 *any other person acting on behalf of a county may, before*  
34 *selecting an applicant as a finalist for a position or extending to*  
35 *an applicant a conditional offer of employment, notify the*  
36 *applicant of any provision of state or federal law that disqualifies*  
37 *a person with a particular criminal history from employment in a*  
38 *particular position.*

39       3. *Unless, pursuant to a specific provision of state or federal*  
40 *law, a person is disqualified from employment in a particular*  
41 *position because of the particular criminal history of the person,*  
42 *the board of county commissioners, a county officer or any other*  
43 *person acting on behalf of a county may decline to make an offer*  
44 *of employment or rescind a conditional offer of employment*



1 *extended to an otherwise qualified applicant who has been*  
2 *convicted of a criminal offense only after considering:*

3 *(a) Whether any criminal offense committed by the applicant*  
4 *directly relates to the responsibilities of the position for which the*  
5 *applicant has applied;*

6 *(b) The nature and severity of each criminal offense*  
7 *committed by the applicant;*

8 *(c) The age of the applicant at the time of the commission of*  
9 *each criminal offense;*

10 *(d) The period between the commission of each criminal*  
11 *offense and the date of the application for employment; and*

12 *(e) Any information or documentation demonstrating the*  
13 *applicant's rehabilitation.*

14 *4. The board of county commissioners, a county officer or*  
15 *any other person acting on behalf of a county shall not consider*  
16 *any of the following criminal records in connection with an*  
17 *application for employment:*

18 *(a) An arrest of the applicant which did not result in a*  
19 *conviction;*

20 *(b) A record of conviction which was dismissed, expunged or*  
21 *sealed; or*

22 *(c) An infraction or misdemeanor for which a sentence of*  
23 *imprisonment in a county jail was not imposed.*

24 *5. If the criminal history of an applicant is used as a basis for*  
25 *rejecting an applicant or rescinding a conditional offer of*  
26 *employment, such rejection or rescission of a conditional offer of*  
27 *employment must:*

28 *(a) Be made in writing;*

29 *(b) Include a statement indicating that the criminal history of*  
30 *the applicant was the basis for the rejection or rescission of the*  
31 *offer; and*

32 *(c) Provide an opportunity for the applicant to discuss the*  
33 *basis for the rejection or rescission of the offer with the board of*  
34 *county commissioners, a county officer or other person acting on*  
35 *behalf of the county.*

36 *6. An application for employment must include a statement*  
37 *that:*

38 *(a) A record of conviction will not necessarily bar the*  
39 *applicant from employment; and*

40 *(b) The board of county commissioners, a county officer or*  
41 *any other person acting on behalf of the county will consider*  
42 *factors such as:*

43 *(1) The length of time that has passed since the offense;*

44 *(2) The age of the applicant at the time of the offense;*

45 *(3) The severity and nature of the offense;*



1           (4) *The relationship of the offense to the position for which*  
2 *the applicant has applied; and*

3           (5) *Evidence of the rehabilitation of the applicant.*

4           7. *This section does not apply to applicants for employment*  
5 *with a public safety agency, as defined in NRS 239B.020.*

6           **Sec. 6.** Chapter 268 of NRS is hereby amended by adding  
7 thereto a new section to read as follows:

8           1. *Except as otherwise authorized by specific statute, the*  
9 *criminal history of an applicant for employment by an*  
10 *incorporated city may be considered only after the applicant is a*  
11 *finalist for a position or the incorporated city has extended to the*  
12 *applicant a conditional offer of employment.*

13           2. *The governing body of an incorporated city or a city officer*  
14 *may, before selecting an applicant as a finalist for a position or*  
15 *extending to an applicant a conditional offer of employment,*  
16 *notify the applicant of any provision of state or federal law that*  
17 *disqualifies a person with a particular criminal history from*  
18 *employment in a particular position.*

19           3. *Unless, pursuant to a specific provision of state or federal*  
20 *law, a person is disqualified from employment in a particular*  
21 *position because of the particular criminal history of the person,*  
22 *the governing body or a city officer may decline to make an offer*  
23 *of employment or rescind a conditional offer of employment*  
24 *extended to an otherwise qualified applicant who has been*  
25 *convicted of a criminal offense only after considering:*

26           (a) *Whether any criminal offense committed by the applicant*  
27 *directly relates to the responsibilities of the position for which the*  
28 *applicant has applied;*

29           (b) *The nature and severity of each criminal offense*  
30 *committed by the applicant;*

31           (c) *The age of the applicant at the time of the commission of*  
32 *each criminal offense;*

33           (d) *The period between the commission of each criminal*  
34 *offense and the date of the application for employment; and*

35           (e) *Any information or documentation demonstrating the*  
36 *applicant's rehabilitation.*

37           4. *The governing body of an incorporated city or a city officer*  
38 *shall not consider any of the following criminal records in*  
39 *connection with an application for employment:*

40           (a) *An arrest of the applicant which did not result in a*  
41 *conviction;*

42           (b) *A record of conviction which was dismissed, expunged or*  
43 *sealed; or*

44           (c) *An infraction or misdemeanor for which a sentence of*  
45 *imprisonment in a county jail was not imposed.*



1       5. *If the criminal history of an applicant is used as a basis for*  
2 *rejecting an applicant or rescinding a conditional offer of*  
3 *employment, such rejection or rescission of a conditional offer of*  
4 *employment must:*

5       (a) *Be made in writing;*

6       (b) *Include a statement indicating that the criminal history of*  
7 *the applicant was the basis for the rejection or rescission of the*  
8 *offer; and*

9       (c) *Provide an opportunity for the applicant to discuss the*  
10 *basis for the rejection or rescission of the offer with the governing*  
11 *body of an incorporated city or a city officer.*

12       6. *An application for employment must include a statement*  
13 *that:*

14       (a) *A record of conviction will not necessarily bar the*  
15 *applicant from employment; and*

16       (b) *The governing body of an incorporated city or a city officer*  
17 *will consider factors such as:*

18           (1) *The length of time that has passed since the offense;*

19           (2) *The age of the applicant at the time of the offense;*

20           (3) *The severity and nature of the offense;*

21           (4) *The relationship of the offense to the position for which*  
22 *the applicant has applied; and*

23           (5) *Evidence of the rehabilitation of the applicant.*

24       7. *This section does not apply to applicants for employment*  
25 *with a public safety agency, as defined in NRS 239B.020.*

26       **Sec. 6.3.** Chapter 269 of NRS is hereby amended by adding  
27 thereto a new section to read as follows:

28       1. *Except as otherwise authorized by specific statute, the*  
29 *criminal history of an applicant for employment by an*  
30 *unincorporated town may be considered only after the applicant is*  
31 *a finalist for a position or the unincorporated town has extended*  
32 *to the applicant a conditional offer of employment.*

33       2. *The town board, the board of county commissioners or any*  
34 *other person acting on behalf of an unincorporated town may,*  
35 *before selecting an applicant as a finalist for a position or*  
36 *extending to an applicant a conditional offer of employment,*  
37 *notify the applicant of any provision of state or federal law that*  
38 *disqualifies a person with a particular criminal history from*  
39 *employment in a particular position.*

40       3. *Unless, pursuant to a specific provision of state or federal*  
41 *law, a person is disqualified from employment in a particular*  
42 *position because of the particular criminal history of the person,*  
43 *the town board, the board of county commissioners or any other*  
44 *person acting on behalf of an unincorporated town may decline to*  
45 *make an offer of employment or rescind a conditional offer of*



1 *employment extended to an otherwise qualified applicant who has*  
2 *been convicted of a criminal offense only after considering:*

3 *(a) Whether any criminal offense committed by the applicant*  
4 *directly relates to the responsibilities of the position for which the*  
5 *applicant has applied;*

6 *(b) The nature and severity of each criminal offense*  
7 *committed by the applicant;*

8 *(c) The age of the applicant at the time of the commission of*  
9 *each offense;*

10 *(d) The period between the commission of each criminal*  
11 *offense and the date of the application for employment; and*

12 *(e) Any information or documentation demonstrating the*  
13 *applicant's rehabilitation.*

14 *4. A town board, the board of county commissioners or any*  
15 *other person acting on behalf of an unincorporated town shall not*  
16 *consider any of the following criminal records in connection with*  
17 *an application for employment:*

18 *(a) An arrest of the applicant which did not result in a*  
19 *conviction;*

20 *(b) A record of conviction which was dismissed, expunged or*  
21 *sealed; or*

22 *(c) An infraction or misdemeanor in which a sentence of*  
23 *imprisonment in a county jail was not imposed.*

24 *5. If the criminal history of an applicant is used as a basis for*  
25 *rejecting an applicant or rescinding a conditional offer of*  
26 *employment, such rejection or rescission of the offer of*  
27 *employment must:*

28 *(a) Be made in writing;*

29 *(b) Include a statement indicating that the criminal history of*  
30 *the applicant was the basis for the rejection or rescission of the*  
31 *offer; and*

32 *(c) Provide an opportunity for the applicant to discuss the*  
33 *basis for the rejection or rescission of the offer with the town*  
34 *board, the board of county commissioners or any other person*  
35 *acting on behalf of the unincorporated town.*

36 *6. An application for employment must include a statement*  
37 *that:*

38 *(a) A record of conviction will not necessarily bar the*  
39 *applicant from employment; and*

40 *(b) The town board, the board of county commissioners or any*  
41 *other person acting on behalf of the unincorporated town will*  
42 *consider factors such as:*

43 *(1) The length of time that has passed since the offense;*

44 *(2) The age of the applicant at the time of the offense;*

45 *(3) The severity and nature of the offense;*



1           ***(4) The relationship of the offense to the position for which***  
2 ***the applicant has applied; and***

3           ***(5) Evidence of the rehabilitation of the applicant.***

4           ***7. This section does not apply to applicants for employment***  
5 ***with a public safety agency, as defined in NRS 239B.020.***

6           **Sec. 6.5.** NRS 613.330 is hereby amended to read as follows:

7           613.330 1. Except as otherwise provided in NRS 613.350, it  
8 is an unlawful employment practice for an employer:

9           (a) To fail or refuse to hire or to discharge any person, or  
10 otherwise to discriminate against any person with respect to the  
11 person's compensation, terms, conditions or privileges of  
12 employment, because of his or her race, color, religion, sex, sexual  
13 orientation, gender identity or expression, age, disability or national  
14 origin; or

15           (b) To limit, segregate or classify an employee in a way which  
16 would deprive or tend to deprive the employee of employment  
17 opportunities or otherwise adversely affect his or her status as an  
18 employee, because of his or her race, color, religion, sex, sexual  
19 orientation, gender identity or expression, age, disability or national  
20 origin.

21           2. It is an unlawful employment practice for an employment  
22 agency to:

23           (a) Fail or refuse to refer for employment, or otherwise to  
24 discriminate against, any person because of the race, color, religion,  
25 sex, sexual orientation, gender identity or expression, age, disability  
26 or national origin of that person; or

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

30           3. It is an unlawful employment practice for a labor  
31 organization:

32           (a) To exclude or to expel from its membership, or otherwise to  
33 discriminate against, any person because of his or her race, color,  
34 religion, sex, sexual orientation, gender identity or expression, age,  
35 disability or national origin;

36           (b) To limit, segregate or classify its membership, or to classify  
37 or fail or refuse to refer for employment any person, in any way  
38 which would deprive or tend to deprive the person of employment  
39 opportunities, or would limit the person's employment opportunities  
40 or otherwise adversely affect the person's status as an employee or  
41 as an applicant for employment, because of his or her race, color,  
42 religion, sex, sexual orientation, gender identity or expression, age,  
43 disability or national origin; or

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



1 4. It is an unlawful employment practice for any employer,  
2 labor organization or joint labor-management committee controlling  
3 apprenticeship or other training or retraining, including, without  
4 limitation, on-the-job training programs, to discriminate against any  
5 person because of his or her race, color, religion, sex, sexual  
6 orientation, gender identity or expression, age, disability or national  
7 origin in admission to, or employment in, any program established  
8 to provide apprenticeship or other training.

9 5. Except as otherwise provided in subsection 6, it is an  
10 unlawful employment practice for any employer, employment  
11 agency, labor organization or joint labor-management committee to  
12 discriminate against a person with a disability by interfering,  
13 directly or indirectly, with the use of an aid or appliance, including,  
14 without limitation, a service animal, by such a person.

15 6. It is an unlawful employment practice for an employer,  
16 directly or indirectly, to refuse to permit an employee with a  
17 disability to keep the employee's service animal with him or her at  
18 all times in his or her place of employment, except that an employer  
19 may refuse to permit an employee to keep a service animal that is a  
20 miniature horse with him or her if the employer determines that it is  
21 not reasonable to comply, using the assessment factors set forth in  
22 28 C.F.R. § 36.302.

23 7. *It is an unlawful employment practice for an appointing*  
24 *authority governed by the provisions of chapter 284 of NRS, the*  
25 *Administrator of the Division of Human Resource Management of*  
26 *the Department of Administration or the governing body of a*  
27 *county, incorporated city or unincorporated town to consider the*  
28 *criminal history of an applicant for employment without following*  
29 *the procedure required in section 2, 3, 5, 6 or 6.3 of this act, as*  
30 *applicable.*

31 8. As used in this section, "service animal" has the meaning  
32 ascribed to it in NRS 426.097.

33 **Sec. 6.7.** NRS 613.405 is hereby amended to read as follows:

34 613.405 ~~Any~~

35 1. *Except as otherwise provided in subsection 2, any* person  
36 injured by an unlawful employment practice within the scope of  
37 NRS 613.310 to 613.435, inclusive, may file a complaint to that  
38 effect with the Nevada Equal Rights Commission if the complaint is  
39 based on discrimination because of race, color, sex, sexual  
40 orientation, gender identity or expression, age, disability, religion or  
41 national origin.

42 2. *Any person injured by an unlawful employment practice*  
43 *within the scope of subsection 7 of NRS 613.330 may file a*  
44 *complaint to that effect with the Nevada Equal Rights Commission*  
45 *regardless of whether the complaint is based on discrimination*



- 1 *because of race, color, sex, sexual orientation, gender identity or*
- 2 *expression, age, disability, religion or national origin.*
- 3 **Sec. 7.** This act becomes effective on January 1, 2018.

Ⓢ



\* A B 3 8 4 R 1 \*