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FIRST REPRINT

A.B. 365

ASSEMBLY BILL NO. 365—ASSEMBLYMEN PETERS, BRITTNEY MILLER, C.H. MILLER, GONZÁLEZ; ANDERSON, MONROE-MORENO, NGUYEN, TORRES AND WATTS

MARCH 22, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration. (BDR 23-133)

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

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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 governmental administration; declaring the policy of this State that persons employed by the State be afforded respect, dignity and equity in the workplace; requiring the Departments of the State Government to prepare and submit a report concerning equity in the workplace annually; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to evaluate annually the effectiveness of any policy intended to encourage equity in the workforce and prepare and submit a report concerning the evaluation; requiring certain regulations adopted by the Personnel Commission of the Division to include requirements for the training of supervisors and managerial employees concerning implicit bias; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill declares that it is the public policy of this State that
2 persons employed by the State be afforded respect, dignity and equity in the
3 workplace. **Sections 2 and 6-8** of this bill require the Departments of the State
4 Government to prepare and submit to the Governor and the Legislature annually a
5 report concerning equity in the workplace, which includes: (1) a summary of each
6 complaint filed by an employee in the immediately preceding calendar year which
7 alleges conduct which is not unlawful but is against the public policy set forth in
8 **section 1**; and (2) any action taken in response to such a complaint. **Section 6** of
9 this bill additionally requires the Court Administrator to submit annually the report



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10 to the Chief Justice of the Supreme Court. **Section 4** of this bill requires the
11 Administrator of the Division of Human Resource Management of the Department
12 of Administration annually to: (1) evaluate the effectiveness of any policy of the
13 Division intended to encourage equity in the workforce for persons of color and
14 other persons of marginalized identities; and (2) prepare and submit a report to the
15 Governor and the Legislature concerning the results of the evaluation. **Section 3** of
16 this bill defines the term “marginalized identity” for purposes of the requirements
17 of **sections 2, 4 and 6-8** to mean an identity that causes or has historically caused a
18 person of such an identity to be disproportionately subject to discrimination,
19 harassment or other negative treatment as a result of the identity.

20 Existing law requires the Personnel Commission of the Division to adopt
21 regulations for the training of employees in the state service. (NRS 284.343)
22 **Section 5** of this bill requires that these regulations include requirements for the
23 training of supervisors and managerial employees concerning implicit bias.

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

1 **Section 1.** Chapter 281 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The Legislature declares that it is the public policy of this State*
4 *that persons employed by the State be afforded respect, dignity and*
5 *equity in the workplace.*

6 **Sec. 2.** Chapter 284 of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *1. Each appointing authority shall file a report annually with*
9 *the Administrator concerning equity in the workplace. Such a*
10 *report must include:*

11 *(a) A summary of each complaint filed by an employee of the*
12 *appointing authority in the immediately preceding calendar year*
13 *which alleges conduct, whether intentional or unintentional,*
14 *which is not unlawful but is against the public policy set forth in*
15 *section 1 of this act, including, without limitation, conduct that*
16 *communicates a negative attitude toward persons of marginalized*
17 *identities; and*

18 *(b) Any action taken in response to a complaint described in*
19 *paragraph (a).*

20 *2. The Administrator shall annually compile such reports and*
21 *submit the compilation to the Governor and the Director of the*
22 *Legislative Counsel Bureau for transmittal to the Legislature.*

23 *3. Any information contained in a report required by this*
24 *section must be reported in a manner that does not reveal the*
25 *identity of any person.*

26 **Sec. 3.** NRS 284.015 is hereby amended to read as follows:

27 284.015 As used in this chapter, unless the context otherwise
28 requires:

29 1. “Administrator” means the Administrator of the Division.



- 1 2. "Commission" means the Personnel Commission.
2 3. "Disability," includes, but is not limited to, physical
3 disability, intellectual disability and mental or emotional disorder.
4 4. "Division" means the Division of Human Resource
5 Management of the Department of Administration.
6 5. "Essential functions" has the meaning ascribed to it in
7 29 C.F.R. § 1630.2.

8 6. *"Marginalized identity" means an identity that causes or*
9 *has historically caused a person of such an identity to be*
10 *disproportionately subject to discrimination, harassment or other*
11 *negative treatment as a result of the identity.*

12 7. "Public service" means positions providing service for any
13 office, department, board, commission, bureau, agency or institution
14 in the Executive Department of the State Government operating by
15 authority of the Constitution or law, and supported in whole or in
16 part by any public money, whether the money is received from the
17 Government of the United States or any branch or agency thereof, or
18 from private or any other sources.

19 ~~7.7~~ 8. "Veteran" means a person who:
20 (a) Was regularly enlisted, drafted, inducted or commissioned in
21 the:

22 (1) Armed Forces of the United States and was accepted for
23 and assigned to active duty in the Armed Forces of the United
24 States;

25 (2) National Guard or a reserve component of the Armed
26 Forces of the United States and was accepted for and assigned to
27 duty for a minimum of 6 continuous years; or

28 (3) Commissioned Corps of the United States Public Health
29 Service or the Commissioned Corps of the National Oceanic and
30 Atmospheric Administration of the United States and served in the
31 capacity of a commissioned officer while on active duty in defense
32 of the United States; and

33 (b) Was separated from such service under conditions other than
34 dishonorable.

35 ~~8.7~~ 9. "Veteran with a service-connected disability" has the
36 meaning ascribed to it in NRS 338.13843 and includes a veteran
37 who is deemed to be a veteran with a service-connected disability
38 pursuant to NRS 417.0187.

39 **Sec. 4.** NRS 284.105 is hereby amended to read as follows:
40 284.105 1. The Administrator shall direct and supervise all
41 administrative and technical activities of the Division.

42 2. In addition to the duties imposed upon the Administrator
43 elsewhere in this chapter, the Administrator shall:

44 (a) Apply and carry out the provisions of this chapter and the
45 regulations adopted pursuant to it.



1 (b) Establish objectives for the Division in terms which are
2 specific, measurable and conducive to reliable evaluation, and
3 develop a plan for accomplishing those objectives.

4 (c) Establish a system of appropriate policies for each function
5 within the Division.

6 (d) Attend all meetings of the Commission.

7 (e) Advise the Commission with respect to the preparation and
8 adoption of regulations to carry out the provisions of this chapter.

9 (f) Report to the Governor and the Commission upon all matters
10 concerning the administration of the Administrator's office and
11 request the advice of the Commission on matters concerning the
12 policies of the Division, but the Administrator is responsible for the
13 conduct of the Division and its administrative functions unless
14 otherwise provided by law.

15 (g) *Annually:*

16 (1) *Evaluate the effectiveness of any policy of the Division*
17 *intended to encourage equity in the workforce for persons of color*
18 *and other persons of marginalized identities, taking into*
19 *consideration any complaints included in a report submitted*
20 *pursuant to section 2 of this act;*

21 (2) *Prepare a report concerning the results of the*
22 *evaluation conducted pursuant to subparagraph (1); and*

23 (3) *Submit the report prepared pursuant to subparagraph*
24 *(2) to the Governor and the Director of the Legislative Counsel*
25 *Bureau for transmittal to the Legislature.*

26 (h) Establish and maintain a roster of all employees in the public
27 service. The roster must set forth, as to each employee:

28 (1) The class title of the position held.

29 (2) The salary or pay.

30 (3) Any change in class title, pay or status.

31 (4) Other pertinent data.

32 ~~(h)~~ (i) Submit to the Director of the Department of Veterans
33 Services and make available to the public a monthly report which
34 lists the names of all veterans and, to the extent the information is
35 available, widows and widowers of persons killed in the line of duty
36 while on active duty in the Armed Forces of the United States, who
37 are employed in the classified or unclassified service of the State.
38 The report must state whether each veteran listed is a resident of this
39 State.

40 ~~(h)~~ (j) Submit to the Governor and the Director of the
41 Legislative Counsel Bureau for distribution to the Legislature a
42 report for each calendar quarter on the total combined number of
43 veterans and, to the extent the information is available, widows and
44 widowers of persons killed in the line of duty while on active duty



1 in the Armed Forces of the United States, who were hired in the
2 classified or unclassified service of the State during the quarter.

3 ~~{(k)}~~ *(k)* Ensure, to the extent practicable, that the combined total
4 percentage of officers and employees in public service who are
5 veterans and, to the extent the information is available, widows and
6 widowers of persons killed in the line of duty while on active duty
7 in the Armed Forces of the United States, is proportional to the
8 combined total percentage of veterans and, to the extent the
9 information is available, such widows and widowers, who reside in
10 this State and are in the labor force.

11 ~~{(l)}~~ *(l)* In cooperation with appointing authorities and others,
12 foster and develop programs for improving the effectiveness and
13 morale of employees, including training and procedures for hearing
14 and adjusting grievances.

15 ~~{(m)}~~ *(m)* Encourage and exercise leadership in the development
16 of effective personnel administration within the several departments
17 in the public service, and make available the facilities and services
18 of the Division and its employees to this end.

19 ~~{(n)}~~ *(n)* Make to the Commission and to the Governor such
20 special reports as the Administrator may consider desirable.

21 ~~{(o)}~~ *(o)* Maintain a continuous program of recruiting for the
22 classified service.

23 ~~{(p)}~~ *(p)* Perform any other lawful acts which the Administrator
24 may consider necessary or desirable to carry out the purposes and
25 provisions of this chapter.

26 **Sec. 5.** NRS 284.343 is hereby amended to read as follows:

27 284.343 1. Except as otherwise provided in this subsection,
28 after consultation with appointing authorities, and in cooperation
29 with the State Board of Examiners, the Commission shall adopt
30 regulations for all training of employees in the state service.
31 Professional employees of the teaching staff, Agricultural Extension
32 Service and Nevada Agricultural Experiment Station staffs of the
33 Nevada System of Higher Education, or any other state institution of
34 learning and student employees of such an institution are exempt
35 from the provisions of this section.

36 2. The regulations adopted pursuant to subsection 1 must ~~{set}~~ :

37 *(a) Include requirements for the training of supervisors and*
38 *managerial employees concerning implicit bias.*

39 *(b) Set* forth the conditions under which educational leave
40 stipends may be paid to any officer or employee of the State. Except
41 as otherwise provided in NRS 612.230 and with the exception of
42 intermittent course work not leading to the awarding of a degree, no
43 person may be granted educational leave stipends until the person
44 has entered into a contract with the person's employing agency
45 whereby the person agrees to pursue only those courses required for



1 a degree related to the person's employment with the State and to
2 return to the employ of the person's employing agency on the basis
3 of 1 year for each 9 months of educational leave taken or to refund
4 the total amount of the stipends regardless of the balance at the time
5 of separation.

6 3. This section does not prevent the granting of sabbatical
7 leaves by the Board of Regents of the University of Nevada.

8 4. Where practicable all training for state employees must be
9 presented through established educational institutions within the
10 State.

11 5. The Division shall coordinate all training activities related to
12 remedial programs and programs for career development designed
13 to correct educational and training deficiencies of state employees
14 and create employment opportunities for the disadvantaged. In
15 connection with these activities, the Division, with the approval of
16 the Governor, is designated to enter into contractual arrangements
17 with the Federal Government and others that provide grants or other
18 money for educational and training activities.

19 **Sec. 6.** Chapter 1 of NRS is hereby amended by adding thereto
20 a new section to read as follows:

21 *1. The Court Administrator shall prepare and submit to the*
22 *Chief Justice of the Supreme Court of Nevada, the Governor and*
23 *the Director of the Legislative Counsel Bureau for transmittal to*
24 *the Legislature an annual report concerning equity in the*
25 *workplace, which includes:*

26 *(a) A summary of each complaint filed by an employee of the*
27 *Nevada Supreme Court, Court of Appeals, Office of the Court*
28 *Administrator or Supreme Court Law Library in the immediately*
29 *preceding calendar year which alleges conduct, whether*
30 *intentional or unintentional, which is not unlawful but is against*
31 *the public policy set forth in section 1 of this act, including,*
32 *without limitation, conduct that communicates a negative attitude*
33 *toward persons of marginalized identities; and*

34 *(b) Any action taken in response to a complaint described in*
35 *paragraph (a).*

36 *2. Any information contained in a report required by*
37 *subsection 1 must be reported in a manner that does not reveal the*
38 *identity of any person.*

39 *3. As used in this section, "marginalized identity" has the*
40 *meaning ascribed to it in NRS 284.015.*

41 **Sec. 7.** Chapter 218F of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 *1. The Director shall prepare and submit to the Governor and*
44 *transmit to the Legislature an annual report concerning equity in*
45 *the workplace, which includes:*



1 (a) *A summary of each complaint filed by an employee of the*
2 *Legislative Counsel Bureau in the immediately preceding calendar*
3 *year which alleges conduct, whether intentional or unintentional,*
4 *which is not unlawful but is against the public policy set forth in*
5 *section 1 of this act, including, without limitation, conduct that*
6 *communicates a negative attitude toward persons of marginalized*
7 *identities; and*

8 (b) *Any action taken in response to a complaint described in*
9 *paragraph (a).*

10 2. *Any information contained in a report required by*
11 *subsection 1 must be reported in a manner that does not reveal the*
12 *identity of any person.*

13 3. *As used in this section, “marginalized identity” has the*
14 *meaning ascribed to it in NRS 284.015.*

15 **Sec. 8.** Chapter 396 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 1. *The Board of Regents shall prepare and submit to the*
18 *Governor and the Director of the Legislative Counsel Bureau for*
19 *transmittal to the Legislature an annual report concerning equity*
20 *in the workplace, which includes:*

21 (a) *A summary of each complaint filed by an employee of the*
22 *System in the immediately preceding calendar year which alleges*
23 *conduct, whether intentional or unintentional, which is not*
24 *unlawful but is against the public policy set forth in section 1 of*
25 *this act, including, without limitation, conduct that communicates*
26 *a negative attitude toward persons of marginalized identities; and*

27 (b) *Any action taken in response to a complaint described in*
28 *paragraph (a).*

29 2. *Any information contained in a report required by*
30 *subsection 1 must be reported in a manner that does not reveal the*
31 *identity of any person.*

32 3. *As used in this section, “marginalized identity” has the*
33 *meaning ascribed to it in NRS 284.015.*

34 **Sec. 9.** The provisions of subsection 1 of NRS 218D.380 do
35 not apply to any provision of this act which adds or revises a
36 requirement to submit a report to the Legislature.

37 **Sec. 10.** 1. This section becomes effective upon passage and
38 approval.

39 2. Sections 1 to 9, inclusive, of this act become effective:

40 (a) Upon passage and approval for the purpose of adopting any
41 regulations and performing any other preparatory administrative
42 tasks that are necessary to carry out the provisions of this act; and

43 (b) On July 1, 2021, for all other purposes.

