

Amendment No. 671

Assembly Amendment to Assembly Bill No. 365	(BDR 23-133)
Proposed by: Assembly Committee on Ways and Means	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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:

Section 1 of this bill declares that it is the public policy of this State that persons employed by the State be afforded respect, dignity and equity in the workplace. **Sections 2 and 6-8** of this bill require the Departments of the State Government to prepare and submit to the Governor and the Legislature annually a report concerning equity in the workplace, which includes: (1) a summary of each complaint filed by an employee in the immediately preceding calendar year which alleges conduct which is not unlawful but is against the public policy set forth in **section 1**; and (2) any action taken in response to such a complaint. **Section 6 of this bill additionally requires the Court Administrator to submit annually the report to the Chief Justice of the Supreme Court.** **Section 4** of this bill requires the Administrator of the Division of Human Resource Management of the Department of Administration annually to: (1) evaluate the effectiveness of any policy of the Division intended to encourage equity in the workforce for persons of color and other persons of marginalized identities; and (2) prepare and submit a report to the Governor and the Legislature concerning the results of the evaluation. **Section 3** of this bill defines the term “marginalized identity” for purposes of the requirements of **sections 2, 4 and 6-8** to mean an identity that causes or has historically caused a person of such an identity to be disproportionately subject to discrimination, harassment or other negative treatment as a result of the identity.

Existing law requires the Personnel Commission of the Division to adopt regulations for the training of employees in the state service. (NRS 284.343) **Section 5** of this bill requires

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20 that these regulations include requirements for the training of supervisors and managerial
 21 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 thereto a new
 2 section to read as follows:

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

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

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

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

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

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

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

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

22 284.015 As used in this chapter, unless the context otherwise requires:

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

24 2. “Commission” means the Personnel Commission.

25 3. “Disability,” includes, but is not limited to, physical disability, intellectual
 26 disability and mental or emotional disorder.

27 4. “Division” means the Division of Human Resource Management of the
 28 Department of Administration.

29 5. “Essential functions” has the meaning ascribed to it in 29 C.F.R. § 1630.2.

30 6. *“Marginalized identity” means an identity that causes or has historically*
 31 *caused a person of such an identity to be disproportionately subject to*
 32 *discrimination, harassment or other negative treatment as a result of the identity.*

33 7. “Public service” means positions providing service for any office,
 34 department, board, commission, bureau, agency or institution in the Executive
 35 Department of the State Government operating by authority of the Constitution or
 36 law, and supported in whole or in part by any public money, whether the money is
 37 received from the Government of the United States or any branch or agency
 38 thereof, or from private or any other sources.

39 ~~7-1~~ 8. “Veteran” means a person who:

40 (a) Was regularly enlisted, drafted, induced or commissioned in the:

41 (1) Armed Forces of the United States and was accepted for and assigned
 42 to active duty in the Armed Forces of the United States;

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

1 (3) Commissioned Corps of the United States Public Health Service or the
2 Commissioned Corps of the National Oceanic and Atmospheric Administration of
3 the United States and served in the capacity of a commissioned officer while on
4 active duty in defense of the United States; and

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

6 ~~8.1~~ 9. "Veteran with a service-connected disability" has the meaning ascribed
7 to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a
8 service-connected disability pursuant to NRS 417.0187.

9 **Sec. 4.** NRS 284.105 is hereby amended to read as follows:

10 284.105 1. The Administrator shall direct and supervise all administrative
11 and technical activities of the Division.

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

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

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

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

21 (d) Attend all meetings of the Commission.

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

24 (f) Report to the Governor and the Commission upon all matters concerning
25 the administration of the Administrator's office and request the advice of the
26 Commission on matters concerning the policies of the Division, but the
27 Administrator is responsible for the conduct of the Division and its administrative
28 functions unless otherwise provided by law.

29 (g) *Annually:*

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

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

36 *(3) Submit the report prepared pursuant to subparagraph (2) to the*
37 *Governor and the Director of the Legislative Counsel Bureau for transmittal to*
38 *the Legislature.*

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

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

42 (2) The salary or pay.

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

44 (4) Other pertinent data.

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

51 ~~(i)~~ (j) Submit to the Governor and the Director of the Legislative Counsel
52 Bureau for distribution to the Legislature a report for each calendar quarter on the
53 total combined number of veterans and, to the extent the information is available,

1 widows and widowers of persons killed in the line of duty while on active duty in
2 the Armed Forces of the United States, who were hired in the classified or
3 unclassified service of the State during the quarter.

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

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

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

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

20 ~~(o)~~ (o) Maintain a continuous program of recruiting for the classified service.

21 ~~(p)~~ (p) Perform any other lawful acts which the Administrator may consider
22 necessary or desirable to carry out the purposes and provisions of this chapter.

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

24 284.343 1. Except as otherwise provided in this subsection, after
25 consultation with appointing authorities, and in cooperation with the State Board of
26 Examiners, the Commission shall adopt regulations for all training of employees in
27 the state service. Professional employees of the teaching staff, Agricultural
28 Extension Service and Nevada Agricultural Experiment Station staffs of the Nevada
29 System of Higher Education, or any other state institution of learning and student
30 employees of such an institution are exempt from the provisions of this section.

31 2. The regulations adopted pursuant to subsection 1 must ~~set~~:

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

34 (b) *Set* forth the conditions under which educational leave stipends may be
35 paid to any officer or employee of the State. Except as otherwise provided in NRS
36 612.230 and with the exception of intermittent course work not leading to the
37 awarding of a degree, no person may be granted educational leave stipends until the
38 person has entered into a contract with the person's employing agency whereby the
39 person agrees to pursue only those courses required for a degree related to the
40 person's employment with the State and to return to the employ of the person's
41 employing agency on the basis of 1 year for each 9 months of educational leave
42 taken or to refund the total amount of the stipends regardless of the balance at the
43 time of separation.

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

46 4. Where practicable all training for state employees must be presented
47 through established educational institutions within the State.

48 5. The Division shall coordinate all training activities related to remedial
49 programs and programs for career development designed to correct educational and
50 training deficiencies of state employees and create employment opportunities for
51 the disadvantaged. In connection with these activities, the Division, with the
52 approval of the Governor, is designated to enter into contractual arrangements with

1 the Federal Government and others that provide grants or other money for
2 educational and training activities.

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

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

9 *(a) A summary of each complaint filed by an employee of the ~~Judicial~~
10 ~~Branch of this State~~ Nevada Supreme Court, Court of Appeals, Office of the
11 Court Administrator or Supreme Court Law Library in the immediately preceding
12 calendar year which alleges conduct, whether intentional or unintentional, which
13 is not unlawful but is against the public policy set forth in section 1 of this act,
14 including, without limitation, conduct that communicates a negative attitude
15 toward persons of marginalized identities; and*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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