

Amendment No. 416

Senate Amendment to Senate Bill No. 293	(BDR 53-907)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: Yes 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.



SENATE BILL NO. 293—SENATOR CANNIZZARO

MARCH 22, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to employment. (BDR 53-907)

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; prohibiting an employer or employment agency from seeking or relying on the wage or salary history of an applicant for employment; prohibiting an employer or employment agency from refusing to interview, hire, promote or employ an applicant or from discriminating or retaliating against an applicant if the applicant does not provide wage or salary history; prohibiting the governing body of a county, incorporated city or unincorporated town or an appointing authority from performing such actions; ~~providing that an applicant may voluntarily disclose his or her~~ **requiring an employer, an employment agency, the governing body of a county, incorporated city or unincorporated town and an appointing authority to provide the** wage or salary ~~history and that an employer, employment agency, governing body of a county, incorporated city or unincorporated town or an appointing authority may consider such voluntarily disclosed wage or salary history in determining the rate of pay for the applicant;~~ **range or rate for a position, promotion or transfer to a new position if certain conditions are satisfied;** providing that an employer, **an** employment agency, **the** governing body of a county, incorporated city or unincorporated town or an appointing authority may ask an applicant about his or her wage or salary expectations; providing that a violation of such provisions is an unlawful employment practice; **providing that a person may file a complaint for a violation of such provisions;** providing that an employer or employment agency that violates such provisions may be subject to certain administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law deems certain employment practices as unlawful and prohibits certain
2 employers, employment agencies and labor organizations from engaging in such practices.
3 (NRS 613.330-613.345) ~~[With certain exceptions, this prohibition only applies to employers~~
4 ~~who have 15 or more employees for each working day in each of 20 or more calendar weeks;~~

5 either in the same or the preceding calendar year as when an unlawful employment practice
6 occurred. ~~(NRS 613.310)~~ Section ~~1.3~~ **1.3** of this bill prohibits ~~such~~ an employer or an
7 employment agency from: (1) seeking the wage or salary history of an applicant for
8 employment; (2) relying on the wage or salary history of an applicant to determine whether to
9 offer employment to the applicant or to determine the rate of pay for the applicant; or (3)
10 refusing to interview, hire, promote or employ an applicant or discriminating or retaliating
11 against an applicant if the applicant does not provide wage or salary history. ~~Section 1.3 does~~
12 ~~not prohibit~~ **1.3 requires an employer or employment agency to provide to** an applicant
13 for employment ~~from voluntarily and without prompting disclosing his or her~~ **who has**
14 **completed an interview for a position: (1) the wage or salary history to a prospective**
15 **employer or to an employment agency. If an applicant for employment makes such a**
16 **voluntary disclosure, an employer or employment agency may consider or rely on that**
17 **voluntarily disclosed wage or salary history in determining the rate of pay for the applicant.**
18 **range or rate for the position; and (2) the wage or salary range or rate for a promotion**
19 **or transfer to a new position if certain conditions are satisfied.** Additionally, ~~section 1.3~~
20 **1.3** provides that an employer or employment agency may ask an applicant for employment
21 about his or her wage or salary expectation for the position for which the applicant is
22 applying. Furthermore, ~~section 1.3~~ **1.3** provides that : **(1) a violation of section 1.3 is an**
23 **unlawful employment practice ; (2) a person may file a complaint with the Labor**
24 **Commissioner concerning such a violation; and (3) a violation of section 1.3**
25 **may be subject to administrative penalties. If a person files such a complaint, section 1.7 of**
26 **this act requires the Labor Commissioner to issue, upon request, a right-to-sue notice if**
27 **at least 180 days have passed after the complaint was filed. Sections 2-8 of this bill make**
28 **conforming changes by [indicating the proper placement of section 1 in the Nevada Revised**
29 **Statutes.] applying certain provisions and prohibitions to section 1.3. Section 5 of this bill**
30 **provides that nothing contained in section 1.3 applies to certain businesses or enterprises**
31 **on or near an Indian reservation. [Additionally, sections 6-8 of this bill apply certain**
32 **procedures involving complaints filed with the Nevada Equal Rights Commission to a**
33 **violation of section 1.]**

34 **Section 9** of this bill prohibits the governing body of a county, a county officer or other
35 person acting on behalf of a county from: (1) seeking the wage or salary history of an
36 applicant for employment; (2) relying on the wage or salary history of an applicant to
37 determine whether to offer employment to the applicant or to determine the rate of pay for the
38 applicant; or (3) refusing to interview, hire, promote or employ an applicant or discriminating
39 or retaliating against an applicant because the applicant does not provide wage or salary
40 history. ~~Section 9 does not prohibit~~ **requires the governing body of a county, a county**
41 **officer or other person acting on behalf of a county to provide to** an applicant for
42 employment ~~from voluntarily and without prompting disclosing his or her~~ **who has**
43 **completed an interview for a position: (1) the wage or salary history to the governing body**
44 **of a county, a county officer or other person acting on behalf of a county. If an applicant for**
45 **employment makes such a voluntary disclosure, the governing body of a county, county**
46 **officer or other person may consider or rely on that voluntarily disclosed wage or salary**
47 **history in determining the rate of pay for the applicant.** **range or rate for the position; and**
48 **(2) the wage or salary range or rate for a promotion or transfer to a new position if**
49 **certain conditions are satisfied.** Finally, ~~section 9~~ **9** provides that the governing body of a
50 county, county officer or other person may ask an applicant for employment about his or her
51 wage or salary expectation for the position for which the applicant is applying. ~~Sections 10-12~~
52 **10-12** of this bill establish similar provisions for the governing body of an incorporated city, a city
53 officer, **the governing body of an** unincorporated town or **any** other person acting on behalf
54 of an unincorporated town and **an** appointing authority. ~~Section 1.3~~ **1.3** provides that it is an
55 unlawful employment practice for the governing body of a county, incorporated city or
56 unincorporated town or for an appointing authority to violate any provision of ~~sections 9-12,~~
57 **as applicable.**

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

1 **Section 1.** Chapter 613 of NRS is hereby amended by adding thereto ~~the new~~
2 ~~section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this
3 act.

4 **Sec. 1.3. 1.** *An employer or an employment agency shall not, orally or in*
5 *writing, personally or through an agent:*

6 (a) *Seek the wage or salary history of an applicant for employment;*

7 (b) *Rely on the wage or salary history of an applicant to determine:*

8 (1) *Whether to offer employment to an applicant; or*

9 (2) ~~Except as otherwise provided in subsection 2, the~~ The rate of pay for
10 the applicant; or

11 (c) *Refuse to interview, hire, promote or employ an applicant, or discriminate*
12 *or retaliate against an applicant if the applicant does not provide wage or salary*
13 *history.*

14 2. ~~Nothing in this section prohibits~~ An employer or an employment
15 agency, as applicable, shall provide:

16 (a) To an applicant for employment ~~from voluntarily and without prompting~~
17 ~~disclosing his or her~~ who has completed an interview for a position, the wage or
18 salary ~~history to a prospective employer or to an employment agency. If an~~
19 ~~applicant for employment voluntarily and without prompting discloses his or her~~
20 ~~wage or salary history to a prospective employer or to an employment agency,~~
21 ~~nothing in this section prohibits that employer or employment agency from~~
22 ~~considering or relying on that voluntarily disclosed wage or salary history in~~
23 ~~determining the rate of pay for the applicant.~~ range or rate for the position; and

24 (b) The wage or salary range or rate for a promotion or transfer to a new
25 position if an employee has:

26 (1) Applied for the promotion or transfer;

27 (2) Completed an interview for the promotion or transfer or been offered
28 the promotion or transfer; and

29 (3) Requested the wage or salary range or rate for the promotion or
30 transfer.

31 3. *Nothing in this section prohibits an employer or employment agency*
32 *from asking an applicant for employment about his or her wage or salary*
33 *expectation for the position for which the applicant is applying.*

34 4. *It is an unlawful employment practice for:*

35 (a) *An employer or an employment agency to violate any provision of this*
36 *section; and*

37 (b) *The governing body of a county, incorporated city or unincorporated*
38 *town or an appointing authority governed by the provisions of chapter 284 of*
39 *NRS to violate any provision of section 9, 10, 11 or 12 of this act, as applicable.*

40 5. A person may file with the Labor Commissioner a complaint against an
41 employer or employment agency, as applicable, for engaging in an unlawful
42 employment practice specified in subsection 4.

43 6. In addition to any other remedy or penalty, the Labor Commissioner may
44 impose against any employer or employment agency or any agent or
45 representative thereof that is found to have violated any provision of this section
46 an administrative penalty of not more than \$5,000 for each such violation.

47 ~~6.~~ 7. If an administrative penalty is imposed pursuant to this section, the
48 costs of the proceeding, including, without limitation, investigative costs and
49 attorney's fees, may be recovered by the Labor Commissioner.

~~17~~ 8. As used in this section ~~is~~ “wage”:

(a) “Employer” means a public or private employer in this State, including, without limitation:

(1) The State of Nevada;

(2) An agency of this State;

(3) A political subdivision of this State; and

(4) Any entity governed by section 9, 10, 11 or 12 of this act.

(b) “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer.

(c) “Wage or salary history” means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 1.7. If a person files a complaint with the Labor Commissioner pursuant to section 1.3 of this act which alleges an unlawful employment practice, the Labor Commissioner shall issue, upon request from the person, a right-to-sue notice if at least 180 days have passed after the complaint was filed. The person may, not later than 90 days after the date of receipt of the right-to-sue notice, bring a civil action in district court against the person named in the complaint, and the notice must so indicate.

Sec. 2. [NRS 613.310 is hereby amended to read as follows:

~~613.310 As used in NRS 613.310 to 613.4383, inclusive, and section 1 of this act, unless the context otherwise requires:~~

~~1. “Disability” means, with respect to a person:~~

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

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

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

~~2. “Employer” means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:~~

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

~~(b) Any Indian tribe.~~

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

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

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

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

~~6. “Person” includes the State of Nevada and any of its political subdivisions.~~

~~7. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.] (Deleted by amendment.)~~

1 **Sec. 3.** NRS 613.320 is hereby amended to read as follows:

2 613.320 1. The provisions of NRS 613.310 to 613.4383, inclusive, *and*
3 *section ~~##~~ 1.3 of this act* do not apply to:

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

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

8 2. The provisions of NRS 613.310 to 613.4383, inclusive, *and section ~~##~~ 1.3*
9 *of this act* concerning unlawful employment practices related to sexual orientation
10 and gender identity or expression do not apply to an organization that is exempt
11 from taxation pursuant to 26 U.S.C. § 501(c)(3).

12 **Sec. 4.** NRS 613.340 is hereby amended to read as follows:

13 613.340 1. It is an unlawful employment practice for an employer to
14 discriminate against any of his or her employees or applicants for employment, for
15 an employment agency to discriminate against any person, or for a labor
16 organization to discriminate against any member thereof or applicant for
17 membership, because the employee, applicant, person or member, as applicable,
18 has opposed any practice made an unlawful employment practice by NRS 613.310
19 to 613.4383, inclusive, *and section ~~##~~ 1.3 of this act* or because he or she has made
20 a charge, testified, assisted or participated in any manner in an investigation,
21 proceeding or hearing under NRS 613.310 to 613.4383, inclusive ~~##~~, *and section*
22 *~~##~~ 1.3 of this act.*

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

36 **Sec. 5.** NRS 613.390 is hereby amended to read as follows:

37 613.390 Nothing contained in NRS 613.310 to 613.4383, inclusive, *and*
38 *section ~~##~~ 1.3 of this act* applies to any business or enterprise on or near an Indian
39 reservation with respect to any publicly announced employment practice of such
40 business or enterprise under which a preferential treatment is given to any
41 individual because the individual is an Indian living on or near a reservation.

42 **Sec. 6.** ~~NRS 613.405 is hereby amended to read as follows:~~

43 ~~— 613.405 — 1. Except as otherwise provided in subsection 2, any person injured~~
44 ~~by an unlawful employment practice within the scope of NRS 613.310 to 613.4383,~~
45 ~~inclusive, *and section 1 of this act* may file a complaint to that effect with the~~
46 ~~Nevada Equal Rights Commission if the complaint is based on discrimination~~
47 ~~because of race, color, sex, sexual orientation, gender identity or expression, age,~~
48 ~~disability, religion or national origin.~~

49 ~~— 2. Any person injured by an unlawful employment practice within the scope~~
50 ~~of paragraph (c) of subsection 1, paragraph (c) of subsection 2, paragraph (c) of~~
51 ~~subsection 3, subsection 7 or subsection 8 of NRS 613.330 may file a complaint to~~
52 ~~that effect with the Nevada Equal Rights Commission regardless of whether the~~

1 ~~complaint is based on discrimination because of race, color, sex, sexual orientation,~~
 2 ~~gender identity or expression, age, disability, religion or national origin.~~

3 ~~2. Any person injured by an unlawful employment practice within the scope~~
 4 ~~of NRS 613.4353 to 613.4383, inclusive, and section 1 of this act may file a~~
 5 ~~complaint to that effect with the Nevada Equal Rights Commission if the complaint~~
 6 ~~is based on an employer's failure to comply with the provisions of NRS 613.4353~~
 7 ~~to 613.4383, inclusive.] (Deleted by amendment.)~~

8 **Sec. 7.** ~~[NRS 613.420 is hereby amended to read as follows:~~

9 ~~613.420 1. If the Nevada Equal Rights Commission does not conclude that~~
 10 ~~an unfair employment practice within the scope of NRS 613.310 to 613.4383,~~
 11 ~~inclusive, and section 1 of this act has occurred, the Commission shall issue:~~

12 ~~(a) A letter to the person who filed the complaint pursuant to NRS 613.405~~
 13 ~~notifying the person of his or her rights pursuant to subsection 2; and~~

14 ~~(b) A right to sue notice. The right to sue notice must indicate that the person~~
 15 ~~may, not later than 90 days after the date of receipt of the right to sue notice, bring~~
 16 ~~a civil action in district court against the person named in the complaint.~~

17 ~~2. If the Nevada Equal Rights Commission has issued a right to sue notice~~
 18 ~~pursuant to this section or NRS 613.412, the person alleging such a practice has~~
 19 ~~occurred may bring a civil action in the district court not later than 90 days after the~~
 20 ~~date of receipt of the right to sue notice for any appropriate relief, including,~~
 21 ~~without limitation, an order granting or restoring to that person the rights to which~~
 22 ~~the person is entitled under those sections.] (Deleted by amendment.)~~

23 **Sec. 8.** NRS 613.432 is hereby amended to read as follows:

24 613.432 If a court finds that an employee has been injured by an unlawful
 25 employment practice within the scope of this section and NRS 613.310 to
 26 613.4383, inclusive, *and section ~~H~~ 1.3 of this act*, the court may award the
 27 employee the same legal or equitable relief that may be awarded to a person
 28 pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., if
 29 the employee is protected by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§
 30 2000e et seq., or NRS 613.330.

31 **Sec. 9.** Chapter 245 of NRS is hereby amended by adding thereto a new
 32 section to read as follows:

33 *1. The board of county commissioners, a county officer or any other person*
 34 *acting on behalf of a county shall not, orally or in writing, personally or through*
 35 *an agent:*

36 *(a) Seek the wage or salary history of an applicant for employment by the*
 37 *county;*

38 *(b) Rely on the wage or salary history of an applicant to determine:*

39 *(1) Whether to offer employment to an applicant; or*

40 *(2) ~~[Except as otherwise provided in subsection 2, the]~~ The rate of pay for*
 41 *the applicant; or*

42 *(c) Refuse to interview, hire, promote or employ an applicant, or discriminate*
 43 *or retaliate against an applicant if the applicant does not provide wage or salary*
 44 *history.*

45 *2. ~~[Nothing in this section prohibits]~~ A board of county commissioners, a*
 46 *county officer or any other person acting on behalf of a county shall provide:*

47 *(a) To an applicant for employment by a county ~~[from voluntarily and~~*
 48 *without prompting disclosing his or her] who has completed an interview for a*
 49 *position the wage or salary ~~[history to the board of county commissioners, a~~*
 50 *county officer or any other person acting on behalf of the county. If an applicant*
 51 *for employment by a county voluntarily and without prompting discloses his or*
 52 *her wage or salary history to the board of county commissioners, a county officer*
 53 *or any other person acting on behalf of the county, nothing in this section*

~~prohibits the board of county commissioners, a county officer or any other person acting on behalf of the county from considering or relying on that voluntarily disclosed wage or salary history in determining the rate of pay for the applicant,] range or rate for the position; and~~

~~(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee of a county has:~~

~~(1) Applied for the promotion or transfer;~~

~~(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and~~

~~(3) Requested the wage or salary range or rate for the promotion or transfer.~~

3. Nothing in this section prohibits the board of county commissioners, a county officer or any other person acting on behalf of the county from asking an applicant for employment by the county about his or her wage or salary expectation for the position for which the applicant is applying.

4. As used in this section, "wage or salary history" means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 10. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of an incorporated city or a city officer shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment by the incorporated city;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) ~~[Except as otherwise provided in subsection 2, the]~~ The rate of pay for the applicant; or

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. ~~[Nothing in this section prohibits]~~ A governing body of an incorporated city or a city officer shall provide:

~~(a) To an applicant for employment by an incorporated city [from voluntarily and without prompting disclosing his or her] who has completed an interview for a position the wage or salary [history to the governing body of the incorporated city or a city officer. If an applicant for employment by an incorporated city voluntarily and without prompting discloses his or her wage or salary history to the governing body of the incorporated city or a city officer, nothing in this section prohibits the governing body of the incorporated city or a city officer from considering or relying on that voluntarily disclosed wage or salary history in determining the rate of pay for the applicant,] range or rate for the position; and~~

~~(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee of an incorporated city has:~~

~~(1) Applied for the promotion or transfer;~~

~~(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and~~

~~(3) Requested the wage or salary range or rate for the promotion or transfer.~~

3. Nothing in this section prohibits the governing body of an incorporated city or a city officer from asking an applicant for employment by the incorporated

1 city about his or her wage or salary expectation for the position for which the
2 applicant is applying.

3 4. As used in this section, “wage or salary history” means the wages or
4 salary paid to an applicant for employment by the current or former employer of
5 the applicant. The term includes, without limitation, any compensation and
6 benefits received by the applicant from his or her current or former employer.

7 **Sec. 11.** Chapter 269 of NRS is hereby amended by adding thereto a new
8 section to read as follows:

9 1. The town board, board of county commissioners or any other person
10 acting on behalf of an unincorporated town shall not, orally or in writing,
11 personally or through an agent:

12 (a) Seek the wage or salary history of an applicant for employment by the
13 unincorporated town;

14 (b) Rely on the wage or salary history of an applicant to determine:

15 (1) Whether to offer employment to an applicant; or

16 (2) ~~Except as otherwise provided in subsection 2, the~~ The rate of pay for
17 the applicant; or

18 (c) Refuse to interview, hire, promote or employ an applicant, or discriminate
19 or retaliate against an applicant if the applicant does not provide wage or salary
20 history.

21 2. ~~Nothing in this section prohibits~~ A town board, board of county
22 commissioners or any other person acting on behalf of an unincorporated town
23 shall provide:

24 (a) ~~To an applicant for employment by an unincorporated town [from~~
25 ~~voluntarily and without prompting disclosing his or her]~~ who has completed an
26 interview for a position the wage or salary [history to the town board, board of
27 ~~county commissioners or any other person acting on behalf of the~~
28 ~~unincorporated town. If an applicant for employment by an unincorporated town~~
29 ~~voluntarily and without prompting discloses his or her wage or salary history to~~
30 ~~the town board, board of county commissioners or any other person acting on~~
31 ~~behalf of the unincorporated town, nothing in this section prohibits the town~~
32 ~~board, board of county commissioners or any other person acting on behalf of the~~
33 ~~unincorporated town from considering or relying on that voluntarily disclosed~~
34 ~~wage or salary history in determining the rate of pay for the applicant.]~~ range or
35 rate for the position; and

36 (b) The wage or salary range or rate for a promotion or transfer to a new
37 position if an employee of an unincorporated town has:

38 (1) Applied for the promotion or transfer;

39 (2) Completed an interview for the promotion or transfer or been offered
40 the promotion or transfer; and

41 (3) Requested the wage or salary range or rate for the promotion or
42 transfer.

43 3. Nothing in this section prohibits the town board, board of county
44 commissioners or any other person acting on behalf of the unincorporated town
45 from asking an applicant for employment by the unincorporated town about his
46 or her wage or salary expectation for the position for which the applicant is
47 applying.

48 4. As used in this section, “wage or salary history” means the wages or
49 salary paid to an applicant for employment by the current or former employer of
50 the applicant. The term includes, without limitation, any compensation and
51 benefits received by the applicant from his or her current or former employer.

1 **Sec. 12.** Chapter 284 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. *An appointing authority shall not, orally or in writing, personally or*
4 *through an agent:*

5 (a) *Seek the wage or salary history of an applicant for employment in the*
6 *unclassified service of the State;*

7 (b) *Rely on the wage or salary history of an applicant to determine:*

8 (1) *Whether to offer employment to an applicant; or*

9 (2) ~~*Except as otherwise provided in subsection 2, the*~~ *The rate of pay for*
10 *the applicant; or*

11 (c) *Refuse to interview, hire, promote or employ an applicant, or discriminate*
12 *or retaliate against an applicant if the applicant does not provide wage or salary*
13 *history.*

14 2. ~~*Nothing in this section prohibits*~~ *An appointing authority shall provide:*

15 (a) *To an applicant for employment in the unclassified service of the State*
16 ~~*[from voluntarily and without prompting disclosing his or her]*~~ *who has*
17 *completed an interview for a position the wage or salary [history to an appointing*
18 *authority. If an applicant for employment in the unclassified service of the State*
19 ~~*voluntarily and without prompting discloses his or her wage or salary history to*~~
20 ~~*an appointing authority, nothing in this section prohibits the appointing authority*~~
21 ~~*from considering or relying on that voluntarily disclosed wage or salary history in*~~
22 ~~*determining the rate of pay for the applicant.]*~~ *range or rate for the position; and*

23 (b) *The wage or salary range or rate for a promotion or transfer to a new*
24 *position if an employee in the unclassified service of the State has:*

25 (1) *Applied for the promotion or transfer;*

26 (2) *Completed an interview for the promotion or transfer or been offered*
27 *the promotion or transfer; and*

28 (3) *Requested the wage or salary range or rate for the promotion or*
29 *transfer.*

30 3. *Nothing in this section prohibits an appointing authority from asking an*
31 *applicant for employment in the unclassified service of the State about his or her*
32 *wage or salary expectation for the position for which the applicant is applying.*

33 4. *As used in this section, “wage or salary history” means the wages or*
34 *salary paid to an applicant by the current or former employer of the applicant.*
35 *The term includes, without limitation, any compensation and benefits received by*
36 *the applicant from his or her current or former employer.*