

Amendment No. 569

Assembly Amendment to Senate Bill No. 293 First Reprint (BDR 53-907)
Proposed by: Assembly Committee on Commerce and Labor
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: No

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

JOINT SPONSOR: ASSEMBLYWOMAN DURAN

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.

~

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; 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 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) **Section 1.3** of this bill prohibits an employer or an employment
4 agency from: (1) seeking the wage or salary history of an applicant for employment; (2)
5 relying on the wage or salary history of an applicant to determine whether to offer
6 employment to the applicant or to determine the rate of pay for the applicant; or (3) refusing

7 to interview, hire, promote or employ an applicant or discriminating or retaliating against an
8 applicant if the applicant does not provide wage or salary history. **Section 1.3** requires an
9 employer or employment agency to provide to an applicant for employment who has
10 completed an interview for a position: (1) the wage or salary range or rate for the position; and
11 (2) the wage or salary range or rate for a promotion or transfer to a new position if certain
12 conditions are satisfied. Additionally, **section 1.3** provides that an employer or employment
13 agency may ask an applicant for employment about his or her wage or salary expectation for
14 the position for which the applicant is applying. Furthermore, **section 1.3** provides that: (1) a
15 violation of **section 1.3** is an unlawful employment practice; (2) a person may file a complaint
16 with the Labor Commissioner concerning such a violation; and (3) a violation of **section 1.3**
17 may be subject to administrative penalties. If a person files such a complaint, **section 1.7** of
18 this act requires the Labor Commissioner to issue, upon request, a right-to-sue notice if at
19 least 180 days have passed after the complaint was filed. **Sections 2-8** of this bill make
20 conforming changes by applying certain provisions and prohibitions to **section 1.3**. **Section 5**
21 of this bill provides that nothing contained in **section 1.3** applies to certain businesses or
22 enterprises on or near an Indian reservation.

23 **Section 9** of this bill prohibits the governing body of a county, a county officer or other
24 person acting on behalf of a county from: (1) seeking the wage or salary history of an
25 applicant for employment; (2) relying on the wage or salary history of an applicant to
26 determine whether to offer employment to the applicant or to determine the rate of pay for the
27 applicant; or (3) refusing to interview, hire, promote or employ an applicant or discriminating
28 or retaliating against an applicant because the applicant does not provide wage or salary
29 history. **Section 9** requires the governing body of a county, a county officer or other person
30 acting on behalf of a county to provide to an applicant for employment who has completed an
31 interview for a position: (1) the wage or salary range or rate for the position; and (2) the wage
32 or salary range or rate for a promotion or transfer to a new position if certain conditions are
33 satisfied. Finally, **section 9** provides that the governing body of a county, county officer or
34 other person may ask an applicant for employment about his or her wage or salary expectation
35 for the position for which the applicant is applying. **Sections 10-12** of this bill establish
36 similar provisions for the governing body of an incorporated city, a city officer, the governing
37 body of an unincorporated town or any other person acting on behalf of an unincorporated
38 town and an appointing authority. **Section 1.3** provides that it is an unlawful employment
39 practice for the governing body of a county, incorporated city or unincorporated town or for
40 an appointing authority to violate any provision of **sections 9-12**, 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
2 provisions set forth as sections 1.3 and 1.7 of this act.

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

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

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

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

8 (2) *The rate of pay for the applicant; or*

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

12 2. *An employer or an employment agency, as applicable, shall provide:*

13 (a) *To an applicant for employment who has completed an interview for a*
14 *position, the wage or salary range or rate for the position; and*

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

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

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

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

5 3. Nothing in this section prohibits an employer or employment agency
6 from asking an applicant for employment about his or her wage or salary
7 expectation for the position for which the applicant is applying.

8 4. It is an unlawful employment practice for:

9 (a) An employer or an employment agency to violate any provision of this
10 section; and

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

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

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

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

24 8. As used in this section:

25 (a) "Employer" means a public or private employer in this State, including,
26 without limitation:

27 (1) The State of Nevada;

28 (2) An agency of this State;

29 (3) A political subdivision of this State; and

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

31 (b) "Employment agency" means any person regularly undertaking with or
32 without compensation to procure employees for an employer or to procure for
33 employees opportunities to work for an employer.

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

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

45 **Sec. 2.** (Deleted by amendment.)

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

47 613.320 1. The provisions of NRS 613.310 to 613.4383, inclusive, *and*
48 *section 1.3 of this act* do not apply to:

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

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

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

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

6 613.340 1. It is an unlawful employment practice for an employer to
7 discriminate against any of his or her employees or applicants for employment, for
8 an employment agency to discriminate against any person, or for a labor
9 organization to discriminate against any member thereof or applicant for
10 membership, because the employee, applicant, person or member, as applicable,
11 has opposed any practice made an unlawful employment practice by NRS 613.310
12 to 613.4383, inclusive, *and section 1.3 of this act* or because he or she has made a
13 charge, testified, assisted or participated in any manner in an investigation,
14 proceeding or hearing under NRS 613.310 to 613.4383, inclusive ~~§~~, *and section*
15 *1.3 of this act.*

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

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

30 613.390 Nothing contained in NRS 613.310 to 613.4383, inclusive, *and*
31 *section 1.3 of this act* applies to any business or enterprise on or near an Indian
32 reservation with respect to any publicly announced employment practice of such
33 business or enterprise under which a preferential treatment is given to any
34 individual because the individual is an Indian living on or near a reservation.

35 **Sec. 6.** (Deleted by amendment.)

36 **Sec. 7.** (Deleted by amendment.)

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

38 613.432 If a court finds that an employee has been injured by an unlawful
39 employment practice within the scope of this section and NRS 613.310 to
40 613.4383, inclusive, *and section 1.3 of this act*, the court may award the employee
41 the same legal or equitable relief that may be awarded to a person pursuant to Title
42 VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., if the employee is
43 protected by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.,
44 or NRS 613.330.

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

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

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

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

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

1 (2) *The rate of pay for the applicant; or*

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

5 2. *A board of county commissioners, a county officer or any other person*
6 *acting on behalf of a county shall provide:*

7 (a) *To an applicant for employment by a county who has completed an*
8 *interview for a position the wage or salary range or rate for the position; and*

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

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

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

14 (3) *Requested the wage or salary range or rate for the promotion or*
15 *transfer.*

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

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

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

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

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

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

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

32 (2) *The rate of pay for the applicant; or*

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

36 2. *A governing body of an incorporated city or a city officer shall provide:*

37 (a) *To an applicant for employment by an incorporated city who has*
38 *completed an interview for a position the wage or salary range or rate for the*
39 *position; and*

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

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

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

45 (3) *Requested the wage or salary range or rate for the promotion or*
46 *transfer.*

47 3. *Nothing in this section prohibits the governing body of an incorporated*
48 *city or a city officer from asking an applicant for employment by the incorporated*
49 *city about his or her wage or salary expectation for the position for which the*
50 *applicant is applying.*

51 4. *As used in this section, "wage or salary history" means the wages or*
52 *salary paid to an applicant for employment by the current or former employer of*

1 *the applicant. The term includes, without limitation, any compensation and*
2 *benefits received by the applicant from his or her current or former employer.*

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

5 *1. The town board, board of county commissioners or any other person*
6 *acting on behalf of an unincorporated town shall not, orally or in writing,*
7 *personally or through an agent:*

8 *(a) Seek the wage or salary history of an applicant for employment by the*
9 *unincorporated town;*

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

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

12 *(2) The rate of pay for the applicant; or*

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

16 *2. A town board, board of county commissioners or any other person acting*
17 *on behalf of an unincorporated town shall provide:*

18 *(a) To an applicant for employment by an unincorporated town who has*
19 *completed an interview for a position the wage or salary range or rate for the*
20 *position; and*

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

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

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

26 *(3) Requested the wage or salary range or rate for the promotion or*
27 *transfer.*

28 *3. Nothing in this section prohibits the town board, board of county*
29 *commissioners or any other person acting on behalf of the unincorporated town*
30 *from asking an applicant for employment by the unincorporated town about his*
31 *or her wage or salary expectation for the position for which the applicant is*
32 *applying.*

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

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

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

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

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

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

45 *(2) The rate of pay for the applicant; or*

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

49 *2. An appointing authority shall provide:*

50 *(a) To an applicant for employment in the unclassified service of the State*
51 *who has completed an interview for a position the wage or salary range or rate*
52 *for the position; and*

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

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

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

6 ***(3) Requested the wage or salary range or rate for the promotion or***
7 ***transfer.***

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

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