

ASSEMBLY BILL NO. 13—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Government Affairs

SUMMARY—Revises provisions related to governmental administration. (BDR 23-418)

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 governmental administration; revising provisions governing the protections against reprisal or retaliatory action provided for a state officer or employee who discloses certain governmental action; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law encourages state officers and employees to disclose improper
2 action and protects the rights of a state officer or employee who makes such a
3 disclosure, commonly known as a whistleblower. (NRS 281.611, 281.621, 281.631,
4 281.641, 281.651, 281.661, 281.671) Existing law further: (1) requires a state
5 officer or employee to use his or her official authority or influence to remedy any
6 reprisal or retaliatory action of which the officer or employee becomes aware; and
7 (2) prohibits a state officer or employee from using or attempting to use his or her
8 official authority or influence to intimidate, threaten, coerce, command or influence
9 another state officer or employee in an effort to interfere with or prevent the
10 disclosure of information concerning improper governmental action. (NRS
11 281.631) If any violation of these requirements or prohibitions occur or any alleged
12 reprisal or retaliatory action is taken against a state officer or employee who
13 discloses information concerning improper action within 2 years after the
14 information is disclosed, existing law authorizes the state officer or employee to file
15 a written appeal with a hearing officer of the Personnel Commission of the Division
16 of Human Resource Management of the Department of Administration. (NRS
17 281.641) This bill requires that any such written appeal be filed not later than 10
18 working days after the date on which the alleged violation or reprisal or retaliatory
19 action occurred.



20 Existing law authorizes a hearing officer who hears an appeal relating to
21 alleged reprisal or retaliatory action against a state officer or employee for
22 disclosing improper governmental action, upon determining that certain violations
23 occurred or an action taken was a reprisal or retaliatory action to: (1) issue an order
24 directing the proper person to desist and refrain from engaging in such a violation
25 or action; or (2) terminate the employment of the proper person. (NRS 281.641)
26 This bill eliminates the authority of a hearing officer to order the termination of
27 employment of the proper person.

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

1 **Section 1.** NRS 281.641 is hereby amended to read as follows:
2 281.641 1. If any alleged violation of NRS 281.631 occurs or
3 any alleged reprisal or retaliatory action is taken against a state
4 officer or employee who discloses information concerning improper
5 governmental action within 2 years after the information is
6 disclosed, the state officer or employee may file a written appeal ,
7 *not later than 10 working days after the date on which the alleged*
8 *violation or reprisal or retaliatory action occurred*, with a hearing
9 officer of the Personnel Commission for a determination of whether
10 a violation of NRS 281.631 occurred or the action taken was a
11 reprisal or retaliatory action, as applicable. The written appeal must
12 be accompanied by a statement that sets forth with particularity, as
13 applicable:
14 (a) The facts and circumstances relating to the alleged violation
15 of NRS 281.631; or
16 (b) The facts and circumstances under which the disclosure of
17 improper governmental action was made and the reprisal or
18 retaliatory action that is alleged to have been taken against the state
19 officer or employee.
20 ↪ The hearing must be conducted in accordance with the
21 procedures set forth in NRS 284.390 to 284.405, inclusive, and the
22 procedures adopted by the Personnel Commission pursuant to
23 subsection 5.
24 2. If the hearing officer determines that a violation of NRS
25 281.631 occurred or the action taken was a reprisal or retaliatory
26 action, the hearing officer may issue an order directing ~~[-~~
27 ~~—(a) The]~~ *the* proper person to desist and refrain from engaging in
28 such a violation or action . ~~[-; or~~
29 ~~—(b) The termination of the employment of the proper person.]~~
30 3. The hearing officer shall file a copy of the decision with the
31 Governor or any other elected state officer who is responsible for
32 the actions of that person.



1 4. The hearing officer may not rule against the state officer or
2 employee based on the person or persons to whom the improper
3 governmental action was disclosed.

4 5. The Personnel Commission may adopt rules of procedure for
5 conducting a hearing pursuant to this section that are not
6 inconsistent with the procedures set forth in NRS 284.390 to
7 284.405, inclusive.

8 6. As used in this section, "Personnel Commission" means the
9 Personnel Commission created by NRS 284.030.

10 **Sec. 2.** This act becomes effective on July 1, 2023.

