

SENATE BILL NO. 141—SENATORS SEEVERS GANSERT, HARDY,
PICKARD; HAMMOND AND SETTELMAYER

FEBRUARY 11, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Nevada Equal Rights Commission. (BDR S-249)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included in Executive Budget.

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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 the Nevada Equal Rights Commission; requiring the Commission to perform specific activities relating to disseminating information regarding the Commission and its role with respect to sexual harassment and the laws relating to sexual harassment and provide a report relating to these activities; requiring the change of a certain position within the Commission to a different occupational group; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Equal Rights Commission is created under existing law within the Department of Employment, Training and Rehabilitation. (NRS 233.030) Existing law sets forth various powers and duties of the Commission relating to discrimination in employment, housing and public accommodations. Among other duties, existing law requires the Commission to formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating tensions, discrimination or prejudice because of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, national origin or ancestry. (NRS 233.140) **Section 1** of this bill requires the Commission to: (1) conduct outreach efforts to educate employers, employees and members of the public regarding the Commission and its role with respect to sexual harassment; (2) conduct seminars, training sessions and workshops for and provide other educational services to employers, employees and members of the public regarding the laws relating to sexual harassment; and (3) perform follow-up communication with employers who participate in such a seminar, training session or workshop or who receive other educational services from the Commission. **Section 1** also requires the Division of Human Resource Management of the Department of



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Administration to change the position of NERC Chief Investigator/Outreach Specialist to a Training Officer II, effective July 1, 2019. Additionally, **section 1** requires the Administrator of the Commission to include in the report required by existing law to be sent to the Governor and the Director of the Legislative Counsel Bureau concerning the activities of the Commission: (1) the outreach, education and communication efforts made by the Commission to carry out the provisions of **section 1**; and (2) certain information regarding sexual harassment complaints filed with the Commission during the 2019 and 2020 calendar years. (NRS 233.080)

Section 2 of this bill makes an appropriation from the State General Fund to the Commission in each fiscal year of the 2019-2021 biennium to carry out the provisions of **section 1** of this bill.

WHEREAS, Sexual harassment is a form of sex discrimination that is prohibited under both state and federal law; and

WHEREAS, There is a need for awareness by employers, employees and members of the public about the laws relating to sexual harassment; and

WHEREAS, The Nevada Equal Rights Commission, which along with the federal Equal Employment Opportunity Commission is responsible for enforcing those laws in Nevada, has trained employees currently available to provide education about the laws relating to sexual harassment; and

WHEREAS, Many employers and employees may not be aware of the availability of such trained employees to provide education about the laws relating to sexual harassment; and

WHEREAS, There is a need for additional funding for the Nevada Equal Rights Commission to provide education about the laws relating to sexual harassment and increase awareness among employers, employees and members of the public about the availability of trained employees of the Commission to provide such education; now therefore,

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

Section 1. 1. The Nevada Equal Rights Commission shall:

(a) Conduct outreach efforts to educate employers, employees and members of the public regarding the Nevada Equal Rights Commission and its role with respect to the laws relating to sexual harassment;

(b) Conduct seminars, training sessions and workshops, including, without limitation, on-site workshops at places of employment, for and provide other educational services to employers, employees and members of the public regarding the laws relating to sexual harassment; and



(c) Perform follow-up communication with employers who participate in a seminar, training session or workshop conducted pursuant to paragraph (b) or who receive other educational services provided pursuant to paragraph (b) to:

(1) Determine whether the employer or any employee of the employer would benefit from additional assistance, information or training regarding the laws relating to sexual harassment; and

(2) Provide any additional assistance, information or training that the Nevada Equal Rights Commission determines is necessary pursuant to subparagraph (1).

2. Notwithstanding any other provision of law, the Division of Human Resource Management of the Department of Administration shall change the position of NERC Chief Investigator/Outreach Specialist, which is position number 55 in the Nevada Equal Rights Commission, to a Training Officer II, effective July 1, 2019, to assist in carrying out the duties prescribed in subsection 1.

3. The Administrator of the Nevada Equal Rights Commission shall include in the report sent to the Governor and the Director of the Legislative Counsel Bureau on or before January 15, 2021, pursuant to NRS 233.080:

(a) The number of outreach efforts conducted by the Nevada Equal Rights Commission pursuant to paragraph (a) of subsection 1 and the methods used to conduct such outreach efforts;

(b) The number of seminars, training sessions and workshops conducted and other educational services provided by the Nevada Equal Rights Commission pursuant to paragraph (b) of subsection 1 and the number of persons who attended the seminars, training sessions and workshops or received the educational services;

(c) The number of employers with whom the Nevada Equal Rights Commission performed follow-up communication pursuant to paragraph (c) of subsection 1 and the number of times such a communication resulted in:

(1) A determination that additional assistance, information or training would benefit the employer or any employee of the employer; and

(2) The Nevada Equal Rights Commission providing additional assistance, information or training to the employer or any employee of the employer;

(d) The number of sexual harassment complaints filed with the Nevada Equal Rights Commission during the 2019 and 2020 calendar years and, for each of those calendar years, the average number of days between the date on which the Nevada Equal Rights Commission received the complaint and the date on which the Commission:

(1) Responded to the complaint; and



1 (2) Resolved the complaint; and
2 (e) Any recommendations for legislation as a result of
3 performing the duties prescribed in subsection 1.

4 4. As used in this section, "sexual harassment" means repeated,
5 unsolicited verbal or physical contact of a sexual nature that is
6 threatening in character.

7 **Sec. 2.** 1. There is hereby appropriated from the State
8 General Fund to the Nevada Equal Rights Commission to carry out
9 the provisions of section 1 of this act the following sums:

10 For the Fiscal Year 2019-2020\$11,240.96
11 For the Fiscal Year 2020-2021\$11,242.96

12 2. The sums appropriated by subsection 1 are available for
13 either fiscal year. Any remaining balance of those sums must not be
14 committed for expenditure after June 30, 2021, by the entity to
15 which the appropriation is made or any entity to which money from
16 the appropriation is granted or otherwise transferred in any manner,
17 and any portion of the appropriated money remaining must not be
18 spent for any purpose after September 17, 2021, by either the entity
19 to which the money was appropriated or the entity to which the
20 money was subsequently granted or transferred, and must be
21 reverted to the State General Fund on or before September 17, 2021.

22 **Sec. 3.** This act becomes effective on July 1, 2019.

