

Personnel Commission Meeting
June 21, 2019

For Information Only

The following is a summary of the result of the 2019 Legislative Session.

Division of Human Resource Management Budget

The Division's budget was approved as submitted by the Governor. The following are highlights from the Division's Budget:

- Funding of \$9,574,678 in FY 20 and \$9,542,486 in FY 21; technical adjustments may be made to actual funding.
- A budget carveout for Agency HR Services (BA 1360). Funding of \$1,123,116 in FY 20 and \$1,171,526 in FY 21.
- Funding of 75.06 FTE positions (an addition of three positions), a student worker, a Veteran's Recruitment Coordinator and a Training Officer II. 62.06 positions will remain in Budget Account 1363 and 13.0 positions will transfer to Budget Account 1360.
- Funds for the replacement of the computer equipment, Personnel Assessment revenue over the 2019-21 biennium of \$47,620.

Legislation impacting DHRM, the Commission and/or State Employees.

2019 Bills Affecting State Employees

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Bill #	Brief Description (Please reference the bill for complete information.)	Effective Date
AB 60	Definition of “domestic violence” – Existing law sets forth certain unlawful acts that constitute domestic violence when committed against certain persons. This bill revises the unlawful acts that constitute domestic violence to include coercion, burglary, home invasion and pandering. (NRS 33.018) Chapter 284 of the Nevada Administrative Code references NRS 33.018 to define “domestic violence.” (NAC 284.0577)	7/1/2019
AB 70	Open Meeting Law – This bill authorizes a public body, under certain circumstances, to conduct a public meeting by teleconference or videoconference. This bill authorizes, under certain circumstances, a public body to gather to receive training regarding its legal obligations without complying with the Open Meeting Law. The Open Meeting Law requires a public body to make supporting material for a meeting of the public body available to the public upon request. This bill defines the term “supporting material.”	10/1/2019
AB 89	Veterans – Existing law establishes certain preferences for veterans relating to appointment and promotion to positions in the classified service of the Executive Department of the State Government. This bill removes the requirement of Nevada residency, thereby making veterans who are not residents of Nevada eligible for the veterans’ preferences relating to employment in the classified service.	10/1/2019
AB 132	Pre-employment Screening – This bill prohibits, with certain exceptions, an employer from denying employment to a prospective employee because the prospective employee has submitted to a drug screening test and the test indicates the presence of marijuana.	1/1/2020
AB 264	Relations Between State Agencies and Indian Nations or Tribes – This bill requires the Nevada Indian Commission to implement a policy that promotes collaboration and positive government-to-government relations between state agencies and Indian tribes. This bill also requires certain state agencies to designate a tribal liaison and requires the head of a state agency and the tribal liaison to collaborate with an Indian tribe to resolve an issue the Indian tribe has identified with a policy, agreement or program of the state agency in accordance with the policy implemented by the Commission. This bill also requires the Commission to post on its Internet website a list of the names	7/1/2019

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	and contact information for the leaders of the Indian tribes and the tribal liaison of each state agency. Finally, this bill requires certain employees of state agencies to complete certain training and requires each state agency to submit a report to the Nevada Indian Commission, which then must compile the reports and submit them to the Governor and the Director of the Legislative Counsel Bureau.	
AB 274	Whistleblower Protections – Existing law encourages state and local governmental officers and employees to disclose action taken by a state or local governmental officer or employee in the performance of his or her official duties which is: (1) a violation of a state law or local ordinance; (2) an abuse of authority; (3) of substantial and specific danger to the public health or safety; or (4) a gross waste of public money. This bill clarifies and expands provisions of the whistleblower protections. Existing law requires certain persons to annually make available to each state or local governmental officer or employee a written summary of the provisions of existing law concerning reprisal or retaliatory action against a state or local governmental officer or employee who discloses improper governmental action. This bill requires this written summary to be: (1) developed by the Division of Human Resource Management of the Department of Administration and clearly explain the relevant provisions in existing law, including any action that a hearing officer is authorized to take if the hearing officer determines that reprisal or retaliatory action was taken; and (2) provided within 30 days after the commencement of employment, in addition to being provided annually. This bill also authorizes, in lieu of the written summary, the viewing of a video recording developed by the Division of Human Resource Management that clearly explains the relevant provisions in existing law and requires the Division and the administrative head of a local government to obtain written confirmation that employees received the summary or viewed the video as required. Finally, this bill also makes changes to the confidentiality of information gathered by the Nevada Equal Rights Commission in the course of its investigation of an alleged unlawful discriminatory practice.	5/25/2019
AB 393	Government Shutdown Protections – The Federal Employees Civil Relief Act, which is pending before Congress, proposes to provide relief to federal employees and employees of contractors during a lapse in appropriations for any federal agency or department by suspending the	6/8/19

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	enforcement of certain civil liabilities of such employees during the lapse. (S. 72, 116th Cong. (2019)) This bill generally enacts similar provisions in state law intended to provide certain protections to federal workers, tribal workers, state workers and household members of such workers during a lapse in appropriations at the state or federal level or for the tribal government. This bill prohibits foreclosure, eviction or the repossession of vehicles during a government shutdown. Existing law authorizes the Division of Welfare and Supportive Services of the Department of Health and Human Services to use money in the Fund for Energy Assistance and Conservation to assist eligible households in paying for natural gas and electricity. This bill makes households that include at least one federal worker, tribal worker or state worker eligible for such assistance during a shutdown.	
AB 397	Under existing law, the Governor and other state and certain judicial officers may be impeached for misdemeanor or malfeasance in office and the Assembly of the Nevada Legislature has the sole power to impeach, all impeachments are tried by the Senate. Existing law establishes the Nevada Equal Rights Commission. The Commission is authorized to investigate and conduct hearings regarding any unlawful employment practice by an employer. An unlawful employment practice includes discrimination by an employer against a person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. An unlawful employment practice based on sex includes a prohibition on engaging in acts that constitute sexual harassment. If the Administrator of the Commission determines that an unlawful employment practice has occurred, the Administrator is required to attempt to mediate between or reconcile the parties. If attempts fail, the Commission is authorized to hold a public hearing on the matter and take certain actions if an unlawful employment practice has occurred. This bill requires the Commission to accept a complaint that alleges a local elected officer has engaged in an unlawful employment practice regarding discrimination and take appropriate action. It requires the Commission to present a complaint to the district court if the Commission determines in a public hearing that a local elected officer has committed an unlawful employment practice regarding discrimination in employment and that the discriminatory practice is severe or pervasive such that removal from office is appropriate. The bill	7/1/19

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	defines “malfeasance in office” to include, without limitation, engaging in an unlawful employment practice of discrimination or willfully failing to comply with any other sanction imposed by the Commission.	
AB 500	HR Enterprise Resource Planning System – This bill makes appropriations to the Office of Finance for costs associated with replacement of the Advantage Financial and Human Resources System with the Enterprise Resource Planning System.	6/6/19
AB 530	Background Checks – This bill requires the Department of Taxation to obtain information on the background and personal history of a prospective employee or prospective contractor of the Department and requires a background investigation to be conducted for employees and contractors every 5 years after the initial investigation. This bill requires current employees of the Department to submit information to the Department for such background investigations by January 1, 2020 and additionally requires a current contractor of the Department to submit information to the Department for such a background investigation when his or her contract is being renewed.	7/1/19
AB 542	Employee Pay – This act establishes the maximum allowed salaries for certain employees in the classified and unclassified service of the State, making appropriations for the payment of salaries, and grants a 3% COLA increase on July 1, 2019.	7/1/2019
SB 31	Reassignment and Screening Tests – This bill removes the requirement that an appointment as a result of reassignment must be approved by the appointing authority and that the employee must have successfully completed a probationary period. This bill also expands the types of samples for testing to detect the presence of a drug to include a sample of a person’s blood or other bodily substance.	1/1/2020
SB 50	Temporary Appointments of Certified Persons with Disabilities – With limited exceptions, existing law requires agencies of the Executive Department of the State Government to make temporary limited appointments of persons with disabilities who are certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to certain positions in state service for a period not to exceed 700 hours. This bill clarifies that such an accommodation must be reasonable.	10/1/19

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	This bill also removes the prohibition that such an appointment of a certified person to an agency from which the certified person receives benefits.	
SB 135	Collective Bargaining – This bill authorizes collective bargaining between the State and certain state employees. This bill authorizes certain state employees to organize and join labor organizations, or refrain from engaging in that activity, and, as applicable, to engage in collective bargaining through exclusive representatives. This bill establishes requirements concerning collective bargaining agreements and prohibits certain unfair labor practices in the context of collective bargaining. This bill provides for the creation and organization of bargaining units of employees of the Executive Department.	6/12/19
SB 158	Definition of “supervisory employee” – Existing law defines “supervisory employee” to include any person who, on behalf of his or her employer, engages in various employment actions when such actions are not just routine and require the use of independent judgment. Existing law further provides that an employee organization which is negotiating on behalf of two or more bargaining units consisting of firefighters or police officers may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not. This bill revises the definition of “supervisory employee” to prohibit a police officer, firefighter or certain other persons who have the powers of a peace officer from being deemed a supervisory employee solely because he or she engages in some, but not all, of the employment actions of a supervisory employee under a paramilitary command structure.	7/1/19
SB 166	Discrimination – Existing law prohibits an employer, employment agency, labor organization or joint labor-management committee from discriminating against any person with respect to employment or membership, as applicable, on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origination. Existing federal law provides that an unlawful employment practice with respect to discrimination in compensation occurs when: (1) a discriminatory compensation decision or other practice is adopted; (2) an individual becomes subject to a discriminatory compensation decision or other practice; or (3) an individual is affected by	1/1/2020

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	<p>application of a discriminatory compensation decision or other practice. This bill generally revises provisions governing the filing of complaints alleging a practice of unlawful discrimination in compensation to require that the complaint be filed within 300 days after the date on which the unlawful discrimination occurs pursuant to federal law, as it currently exists. If federal law is amended to provide greater protections for employees, this bill requires such a complaint to be filed within 300 days after the date on which the unlawful discrimination occurs pursuant to federal law, as amended. This bill authorizes the Nevada Equal Rights Commission to: (1) award back pay for a period beginning 2 years before the date of the filing of a complaint regarding an unlawful employment practice and ending on the date the Commission issues an order regarding the complaint; (2) order payment of lost wages or other economic damages in cases involving an unlawful employment practice relating to discrimination on the basis of sex; and (3) under certain circumstances, order a civil penalty, in increasing amounts, for an unlawful employment practice that it determines is willful based on the number of such practices the person has committed in the previous 5 years. Existing law prohibits an employer, employment organization or labor organization from discriminating against certain persons because the persons have inquired about, discussed or voluntarily disclosed his or her wages or the wages of another such person. This bill expressly includes references to the provisions providing such protections for the purpose of specifying who may file a complaint.</p>	
SB 177	<p>Discrimination – Existing law provides that a person may file a complaint which alleges unlawful discriminatory practices in employment with the Nevada Equal Rights Commission not later than 300 days after the date of the occurrence of the alleged unlawful discriminatory practice in employment. Under existing law, if, after a complaint alleging an unfair employment practice is filed with the Commission, the Commission does not conclude that an unfair employment practice has occurred, the person alleging such a practice has occurred is authorized to bring a civil action in the district court for an order granting or restoring to that person the rights to which the person is entitled. Existing law prohibits a person from bringing such a civil action unless it is brought not more than 180 days after the act constituting the unfair employment practice occurred and provides that the</p>	10/1/2019

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	180-day period is tolled during the pendency of the complaint before the Commission. This bill prohibits a person from bringing a civil action in district court unless the civil action is brought not later than 180 days after the act constituting the unfair employment practice occurred, including the period for which this 180-day period is tolled during the pendency of the complaint before the Commission, or not later than 90 days after a right-to-sue notice is received, whichever is later. Existing Nevada law also provides that if the Commission does not conclude that an unfair employment practice has occurred, any person alleging such a practice may bring an action in district court. This bill provides that if a court finds that an employee has been injured as the result of certain unlawful employment practices, the court may award to the employee the same legal or equitable relief that may be awarded to a person pursuant to Title VII of the Civil Rights Act of 1964 if the employee is protected by Title VII of the Civil Rights Act of 1964 or certain provisions of existing law.	
SB 302	Records Containing Personal Information – Existing law requires a data collector, including a governmental agency, that maintains records which contain personal information of a resident of this State to implement and maintain reasonable security measures to protect such records. This bill requires a data collector that is a governmental agency to comply, to the extent practicable, with certain standards published by the Center for Internet Security, Inc. or the National Institute of Standards and Technology of the United States Department of Commerce with respect to the collection, dissemination and maintenance of records containing personal information. This bill authorizes a governmental agency to require a person to submit a document that is required to contain personal information by electronic means, and further authorizes a governmental agency to establish procedures by which a person may apply for and receive a waiver from such a requirement.	6/5/2019 1/1/2021
SB 336	Buffalo Soldiers Day – Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. This bill requires the Governor to annually proclaim July 28 to be “Buffalo Soldiers Day” in the State of Nevada.	5/29/2019
SB 388	Public Records – Existing law generally authorizes members of the public to inspect or copy public	7/1/2019

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	records not declared by law to be confidential. This bill requires a governmental entity to maintain a list of records and portions of records declared confidential under such circumstances. This bill also requires the governmental entity to grant a request to inspect or copy such a record or portion of a record declared confidential under such circumstances if the disclosure is not otherwise prohibited by state or federal law and the requester demonstrates a compelling justification that outweighs the risk of potential negative consequences. Finally, this bill requires a governmental entity to submit to the Legislature an annual report that includes a description of each record determined to be confidential under such circumstances and the reasons for that determination.	