

SENATE BILL NO. 180—SENATORS SEGERBLOM,
SPEARMAN, PARKS; AND ATKINSON

FEBRUARY 21, 2013

JOINT SPONSORS: ASSEMBLYMEN AIZLEY, HEALEY, OHRENSCHALL;
ELLIOT ANDERSON, HOGAN, NEAL, PIERCE AND SWANK

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Requires a court to award certain relief to an employee injured by certain unlawful employment practices under certain circumstances. (BDR 53-561)

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 practices; requiring a court to award certain relief to an employee injured by certain unlawful employment practices under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a person who has suffered an injury as a result of
2 certain unlawful employment practices may file a complaint with the Nevada Equal
3 Rights Commission. (NRS 613.405) Existing law also provides that if the
4 Commission does not conclude that an unfair employment practice has occurred,
5 the person alleging such a practice may bring an action in district court. (NRS
6 613.420) This bill provides that if a court finds that an employee has been injured
7 as the result of certain unlawful employment practices, the court must award to the
8 employee, in addition to any other legal or equitable relief, damages, lost wages
9 and benefits, costs and attorney's fees to the extent consistent with Title VII of the
10 Civil Rights Act, 42 U.S.C. §§ 2000e et seq.



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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided by specific statute, if a court finds that an employee has been injured by an unlawful employment practice within the scope of this section and NRS 613.310 to 613.435, inclusive, the court shall award the employee any legal or equitable relief as may be appropriate, including, without limitation, damages, lost wages and benefits, costs and attorney's fees to the extent consistent with Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e et seq.

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

613.310 As used in NRS 613.310 to 613.435, 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.



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1 6. "Person" includes the State of Nevada and any of its
2 political subdivisions.

3 7. "Sexual orientation" means having or being perceived as
4 having an orientation for heterosexuality, homosexuality or
5 bisexuality.

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

7 613.320 1. The provisions of NRS 613.310 to 613.435,
8 inclusive, *and section 1 of this act*, do not apply to:

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

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

14 2. The provisions of NRS 613.310 to 613.435, inclusive, *and*
15 *section 1 of this act*, concerning unlawful employment practices
16 related to sexual orientation and gender identity or expression do not
17 apply to an organization that is exempt from taxation pursuant to 26
18 U.S.C. § 501(c)(3).

19 **Sec. 4.** NRS 613.390 is hereby amended to read as follows:

20 613.390 Nothing contained in NRS 613.310 to 613.435,
21 inclusive, *and section 1 of this act*, applies to any business or
22 enterprise on or near an Indian reservation with respect to any
23 publicly announced employment practice of such business or
24 enterprise under which a preferential treatment is given to any
25 individual because the individual is an Indian living on or near a
26 reservation.

