

**EXECUTIVE AGENCY
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: March 8, 2015

Agency Submitting: Department of Employment, Training and Rehabilitation

Items of Revenue or Expense, or Both	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

NERC anticipates that imposing a civil penalty or any other additional damages onto the current enforcement scheme would result in increasing the number of cases filed at NERC and increasing the adversarial climate of those cases. As a matter of course, NERC is capable of an investigation within a case that will hopefully result in settlement. If not, the aggrieved party will be issued a 'right to sue' whereby punitive damages are recoverable by a finding from the federal court. An award of punitive damages in favor of the complainant by NERC as an administrative agency would most likely result in NERC having to proceed to District Court and beyond to defend/enforce the damage award, which would incur more staff time and Nevada Attorney General (AG) fees. Although hard to calculate, any expansion of caseload or percentage of cases not resolved via settlement is currently not covered under NERC's contract with the Federal Equal Employment Opportunity Commission (EEOC). Therefore, it is likely that any increase in NERC recourses resulting from this provision would be borne by the State's General Fund.

The Equal Pay Act (1963) is a federal law that prohibits sex discrimination. We currently transfer these cases to the EEOC. While currently, there are minimal cases referred, this proposed expansion of NERC's jurisdiction will surely increase NERC's caseload incrementally. In SFY 14, eight cases were transferred to the EEOC based on EPA allegations; currently (SFY 15) NERC has transferred five cases. The EEOC currently pays NERC \$650 per case closure. Assuming 10 cases per year, NERC will request a \$6,500 grant increase from the EEOC. Should the EEOC decide not fund NERC's request, any increase in NERC recourses necessary to investigate and resolve this new area of jurisdiction would be borne by the State's General Fund. Furthermore, staff (11 FTE) will need training in this area of law which can be requested from the EEOC. The cost to train is unknown at this time

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Title Management Analyst

DEPARTMENT OF ADMINISTRATION'S COMMENTS

Date Friday, March 06, 2015

The agency's response appears reasonable.

Name James R. Wells, CPA

Title Interim Director