

Amendment No. 399

Assembly Amendment to Assembly Bill No. 276 (BDR 53-289)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: Yes Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JFD/EGO



Date: 4/20/2017

A.B. No. 276—Revises provisions relating to employment practices.

(BDR 53-289)



ASSEMBLY BILL NO. 276—ASSEMBLYMEN SPIEGEL, JOINER, DIAZ; BILBRAY-AXELROD, CARLTON, COHEN, MILLER, SWANK, ~~AND~~ THOMPSON AND YEAGER

MARCH 10, 2017

JOINT SPONSORS: SENATORS PARKS; ~~AND~~ MANENDO AND SEGERBLOM

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to employment practices. (BDR 53-289)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment; prohibiting an employer, employment agency or labor organization from discriminating against certain persons for inquiring about, discussing or voluntarily disclosing information about wages under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain employment practices as unlawful and prohibits certain employers, employment agencies and labor organizations from engaging in such practices. (NRS 613.330) With certain exceptions, this prohibition only applies to employers who have 15 or more employees for each working day in each of 20 or more calendar weeks, either in the same or the preceding calendar year as when an unlawful employment practice occurred. (NRS 613.310) This bill prohibits such an employer, an employment agency or a labor organization from discriminating against a person with respect to employment or membership, as applicable, for inquiring about, discussing or voluntarily disclosing information about wages. This provision does not apply to any person who has access to information about the wages of other persons as part of his or her essential job functions and discloses the information to a person who does not have access to that information , except as ordered by the Labor Commissioner or a court of competent jurisdiction.

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

Section 1. NRS 613.330 is hereby amended to read as follows:
613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; ~~to~~

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin ~~to~~ ; or

(c) *Except as otherwise provided in subsection 7, to discriminate against any employee because the employee has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another employee.*

2. It is an unlawful employment practice for an employment agency : ~~to~~

(a) ~~to~~ ~~fail~~ To fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; ~~to~~

(b) ~~to~~ ~~classify~~ To classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person ~~to~~ ; or

(c) *Except as otherwise provided in subsection 7, to discriminate against any person because the person has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another person.*

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; ~~to~~

(c) *Except as otherwise provided in subsection 7, to discriminate or take any other action prohibited by this section against any member thereof or any applicant for membership because the member or applicant has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another member or applicant; or*

(d) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by

1 interfering, directly or indirectly, with the use of an aid or appliance, including,
2 without limitation, a service animal, by such a person.

3 6. It is an unlawful employment practice for an employer, directly or
4 indirectly, to refuse to permit an employee with a disability to keep the employee's
5 service animal with him or her at all times in his or her place of employment,
6 except that an employer may refuse to permit an employee to keep a service animal
7 that is a miniature horse with him or her if the employer determines that it is not
8 reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

9 7. *The provisions of paragraph (c) of subsection 1, paragraph (c) of*
10 *subsection 2 and paragraph (c) of subsection 3, as applicable, do not apply to any*
11 *person who has access to information about the wages of other persons as part of*
12 *his or her essential job functions and discloses that information to a person who*
13 *does not have access to that information unless the disclosure is ~~in response to a~~*
14 *~~charge, complaint or investigation for a violation of this section.~~ ordered by the*
15 *Labor Commissioner or a court of competent jurisdiction.*

16 8. As used in this section, "service animal" has the meaning ascribed to it in
17 NRS 426.097.

18 Sec. 2. This act becomes effective ~~on July 1, 2017.~~ upon passage and
19 approval.