

BDR 34-1144

AB 362

UNSOLICITED EXECUTIVE AGENCY FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: April 4, 2017

Agency Submitting: Department of Employment, Training and Rehabilitation

Items of Revenue or Expense, or Both	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19	Effect on Future Biennia
General Fund (Revenue)		\$8,747	\$10,122	\$20,244
Section 110 Grant (Revenue)		\$32,319	\$37,398	\$74,796
New Program Officer Position and Associated Costs (Expense)		\$41,066	\$47,520	\$95,040
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

The Department has estimated the time required to fulfill the duties outlined in AB362, which include time allocated for follow-up correspondence, emails, phone calls, tracking, and reporting. The Vocational Rehabilitation (VR) program currently has 172 active provider agreements for VR, with an unknown total number of employees within each of those service providers. There are over 200 employees of service providers in the fields of job development, job coaching, and self-advocacy training alone. The Division estimates one Program Officer I could perform these duties, as outlined in AB362, in about 20 hours per week. The fiscal note calculations provide for a .51 FTE Program Officer 1 with associated operating costs. The effect on the future biennia is calculated to be twice the amount of Fiscal Year 2018-19.

Name Kathleen DeSocio

Title Deputy Chief Financial Officer

State of Nevada
BAV Line Item Summary

3/29/17 4:49 PM

Budget Period: 2017-2019 Biennium (FY18-19)
Budget Account: 3265 DETR - VOCATIONAL REHABILITATION
Version: W10 ESTIMATE FOR AB362/BDR 34-1144

DU	Description	Grp	Actual	Work Pgm	Year 1	Year 2
E249	EFFICIENT AND RESPONSIVE STATE GOVERNMENT	00REV	0	0	41,066	47,520
E249	EFFICIENT AND RESPONSIVE STATE GOVERNMENT	01EXP	0	0	41,066	47,520

Detailed calculations are available in NEBS working version W10.
Impact is calculated in decision unit E249.

State of Nevada
BAV Line Item Summary

3/29/17 5:00 PM

Budget Period: 2017-2019 Biennium (FY18-19)

Budget Account: 3265 DETR - VOCATIONAL REHABILITATION

Version: W10 ESTIMATE FOR AB362/BDR 34-1144

Catg	Description	Grp	Actual	Work Pgm	Year 1	Year 2
00	REVENUE	REV	0	0	41,066	47,520
01	PERSONNEL SERVICES	EXP	0	0	28,628	39,011
03	IN-STATE TRAVEL	EXP	0	0	392	392
04	OPERATING	EXP	0	0	7,320	7,342
05	EQUIPMENT	EXP	0	0	2,336	0
26	INFORMATION SERVICES	EXP	0	0	2,304	689
30	TRAINING	EXP	0	0	45	45
59	UTILITIES	EXP	0	0	41	41

BUREAU OF VOCATIONAL REHABILITATION/REHABILITATION DIV/DETR
AGENCY LEGISLATIVE STATUS REPORT
79TH LEGISLATIVE SESSION (2017)

Agency: Bureau of Vocational Rehabilitation **Date:** 3/27/17

Contact Name: Shelley Hendren, Rehab. Div.
Administrator

Phone: 775-687-6860

Fax: 775-684-4184

Bill No. AB362

BDR No. 34-1144

Sponsor: Senators Gansert & Spearman

Reprint No.

Remarks: (Check appropriate response)

Position: ☐ Support ☐ Have Concerns ☒ Neutral

Track this bill: ☒ Yes ☐ No

**Information/testimony
or data to be provided
on this bill:** ☒ Yes ☐ No

**Policy impact on
agency:** ☒ Yes ☐ No ☐ Unknown

Fiscal impact on agency: ☒ Yes ☐ No Estimate for
biennium (amt.
should agree with
fiscal note):

Comments: Would passage of this bill constitute good public policy? Explain Briefly.

There is a risk that the vocational rehabilitation (VR) programs' staff and service providers to pupils may be considered "independent contractors" as it is being used in Section 12 of AB362, since the proposed language of the bill draft has no definition of "independent contractor" and does not cite an NRS that defines "independent contractor." Under these circumstances a court would use the plain, ordinary definition of independent contractor, which can be found in dictionaries.

For example, in the *Merriam-Webster Online Dictionary*, "independent contractor" is defined as "person hired to do work who controls how the work is done," while the *Cambridge Online Dictionary* defined "independent contractor" as a "person or company that supplies goods or services to another company." The *Oxford Living Dictionary* defined "independent contractor" as "a person or company providing a service or goods on a contractual basis, and not regarded as the legal responsibility of those with whom the contract is made, or formally accorded employee status." Without a narrower definition of "independent contractor," any entity that provides services in public schools to pupils under a contract/agreement might conceivably be considered an "independent contractor." Also, it appears that a general aim of AB362 seems to be to protect students by creating pathways to get information about anyone who would come into contact with pupils, and so that aim would encompass VR staff and VR's service providers who may have direct contact with pupils.

Division staff would have to perform additional duties to be compliant with AB362. For each and every staff member and service provider that may be in contact with pupils, the Division would have to: 1) Collect employment history, including contact information for any employment that involved direct contact with children; 2) Collect written authorization for a current or previous employer(s) to release information related to his/her employment; 3) Collect a written statement indicating whether the person has been the subject of an investigation concerning an alleged sexual offense by an employer, licensing agency, law enforcement agency, child welfare agency, or similar agency; 4) contact all employers listed in the employment history that involved contact with children and verify with them: A) the dates of employment; B) whether the individual had ever been the subject of an investigation concerning an alleged sexual offense; C) been disciplined, discharged, asked to resign, had contract revoked or not renewed or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending, upon conclusion of the investigation, and/or found to have committed the offense; and D) had a license or certificate suspended or revoked while an investigation concerning an alleged sexual offense was pending, upon conclusion of the investigation, and/or found to have committed the offense; 5) Verify that the Dept. of Education has not received notice that the applicant is a defendant in a criminal case; 6) Follow up on all information contained within the person's required statement (see 3 above) if it includes that the person has been the subject of an investigation concerning an alleged sexual offense by an employer, licensing agency, law enforcement agency, child welfare agency, or similar agency, and request further information and documentation; 7) Report certain information to the Dept. of Education, licensing agency, law enforcement agency, child welfare agency, or similar agency; 8) All documentation must be tracked and maintained; 9) Allow provisional employment under certain circumstances, up to 90 days while gathering information, and track provisional employment in order not to exceed the 90 days; 10) maintain a list of any and all applicants and staff who willfully violate provisions of this bill.

The Rehabilitation Division has estimated the time that would be required to fulfill these duties in AB362, which includes time allocated for follow-up correspondence, emails, phone calls, tracking and reporting. The Vocational Rehabilitation program currently has 172 active provider agreements for VR, with an unknown total number of employees within each of those service providers. There are over 200 employees of service providers in the fields of job development, job coaching and self-advocacy training alone. The Division estimates one Program Officer I could perform these duties, as outlined in AB362, in about 20 hours per week.