

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Ninth Session
February 27, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 9:05 a.m. on Monday, February 27, 2017, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chairman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Chris Brooks
Assemblyman Richard Carrillo
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblywoman Amber Joiner
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblyman Richard McArthur
Assemblyman William McCurdy II
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Heidi Swank, Assembly District No. 16
Assemblyman Michael C. Sprinkle, Assembly District No. 30



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Jim Penrose, Committee Counsel
Patricia Keyes, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Regina Daniel, Private Citizen, Las Vegas, Nevada
Thomas Campbell, Member, A Team NV
Shirlene Levingston, Member, A Team NV
Steve Decker, Private Citizen, Gardnerville, Nevada
Tim Bennett, President, Fallon Chapter, People First of Nevada
Gustavo Nuñez, P.E., Administrator, State Public Works Division, Department of Administration
Rebecca Lynn Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources
Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada
Shelley Hendren, Administrator, Rehabilitation Division, Department of Employment, Training and Rehabilitation
David Sorensen, Council Member, Nevada Governor's Council on Developmental Disabilities
Sherry Manning, Executive Director, Nevada Governor's Council on Developmental Disabilities
Ed Guthrie, Chief Executive Officer Emeritus, Opportunity Village
Erik Jimenez, representing High Sierra Industries
Cara Paoli, Deputy Administrator, Developmental Services, Aging and Disability Services Division, Department of Health and Human Services
Edward Ableser, Ph.D., Administrator, Aging and Disability Services Division, Department of Health and Human Services

Chairman Flores:

[Roll was called. Committee rules and protocol were explained.] We are going to take things out of order today for the sake of welcoming some of our guests. We are going to public comment first, then go back to the agenda and hear Assembly Bill 160 and Assembly Bill 192. If I could ask whomever would like to introduce the group to please come up for public comment.

Regina Daniel, Private Citizen, Las Vegas, Nevada:

The group of folks here with the green shirts represent self-advocates for choice. They are all gainfully employed. They are hoping to keep their jobs. They are really excited to be here. They are learning how to articulate their needs.

Chairman Flores:

Thank you for that. We welcome all of you. We look forward to meeting with you throughout the day. I know that you are going to be coming to visit some of us. We look forward to that.

Thomas Campbell, Member, A Team NV:

We are from A Team NV. We want to say thank you. Welcome, we are here.

Chairman Flores:

All of you are welcome. Thank you for stopping by in our Committee this morning. We look forward to speaking with you.

Shirlene Levingston, Member, A Team NV:

My kids and I came here in 2005. My oldest son is autistic. Nevada was not very friendly as far as providing services to disabled adults. There were not many programs supporting disabled adults. We wound up leaving and going back to Los Angeles. At some point, we decided to come back to Nevada to try and do something

My autistic son had an independent skills coordinator in Los Angeles. Here, there are not very many programs that assist disabled people with their independent living skills. These are the higher-functioning individuals who need assistance. They may be in an apartment by themselves but cannot do everyday living skills. They may need advocacy so they are not taken advantage of. We are asking the Legislature to look into funding for independent living skills through associations or companies that can help people with disabilities. There are also not many programs in Nevada right now. We ask that you please help us.

Chairman Flores:

Thank you for sharing your comments. Members, I would like you to know that everyone who has walked before you today is here in support of A.B. 192, which will be the last item on our agenda. While you are considering your vote on that specific bill, it is important that you recognize that all of those individuals were specifically here in support of that bill. I believe we have somebody else here for public comment.

Steve Decker, Private Citizen, Gardnerville, Nevada:

I am an advisor to the Aktion Club, an independently formed group of individuals who have disabilities as adults. We are here in favor of the 700 hour program [*Nevada Revised Statutes* (NRS) 284.327]. We are consistently in favor of competitive employment and individual choice. Thank you for reviewing this today.

Tim Bennett, President, Fallon Chapter, People First of Nevada:

My name is Tim Bennett from Fallon, Nevada. I am the People First of Nevada, Fallon Chapter President. I am glad to be here today.

Chairman Flores:

Great seeing you. Thank you for coming by. Is there anybody else here for public comment? [There was no one.]

First on the agenda is Assembly Bill 160, which requires consideration of alternatives to window replacement in certain state buildings.

Assembly Bill 160: Requires consideration of alternatives to window replacement in certain state buildings. (BDR 58-725)

I would like to open up the hearing on Assembly Bill 160. If I could have our Assemblywoman please come up. Welcome.

Assemblywoman Heidi Swank, Assembly District No. 16:

I want to talk about one of my favorite topics this morning, which is windows. When people buy a house or commercial property, windows are one of the first things they want to change. They want to switch out the windows and put in new ones, especially if the existing windows are single-pane windows. People often think that is what you need to do, switch out all those single-pane windows. That might not actually be true.

In 2012, the National Center for Preservation Technology and Training, which is a unit of the National Park Service, U.S. Department of the Interior, did a study of different retrofitting strategies for increasing energy efficiency. In the study was information regarding the return on investment for the different retrofitting strategies. What they learned is that almost every retrofit strategy saves money over replacing the old window with a new window. In addition, several retrofit strategies outperform new windows in terms of energy savings. The cost analysis across the United States shows that retrofitting has a higher return than new windows [page 2, ([Exhibit C](#))].

Information from multiple cities is detailed in the full study ([Exhibit D](#)). For our purposes, we looked at two cities; Boston and Phoenix. I want to talk you through these two cities. I think these cities are relevant for us in Nevada. We had snow here last night in Carson City, and it was pretty cold. In southern Nevada, we have a very different climate. While these two cities are not a perfect match, they do give some representation of the ways in which different retrofit strategies work on making windows more energy efficient.

The study looked at seven different strategies [page 3, ([Exhibit C](#))]. These strategies are surface film that goes directly onto the window; insulated cellular shades that you can purchase at JCPenney or any other home store; weather stripping, which we all know a lot about; interior windows, which are a type of storm window; the exterior window panel; and the new window. You can also do combinations. You could do the insulated cellular shade with the external window panel. There is a firm in Reno that does really good interior storm windows. The cost numbers are from 2012. This is the average cost in Phoenix for a "typical home." You can see that the new window is much more expensive than the other options, which if it made sense in terms of energy savings, would be a good way to go.

If we look at the return on investment [page 4, ([Exhibit C](#))], the average return on investment for surface film is almost 6 percent. That makes sense. It is really hot there, so if you put surface film on the window, it is going to keep a lot of sun out of your house. It will give you a good return on your investment in relation to the cost. The next highest return on investment in Phoenix is an external window panel. As you can see, apart from weather stripping, putting in a new window is probably the least effective return on investment.

Now when we look at Boston, we see similar costs [page 5, ([Exhibit C](#))]. There are some differences between the costs in Boston and the costs in Phoenix, but they are not that different. When we look at the return on investment, we see a very different shape [page 6, ([Exhibit C](#))]. That makes sense. If you have different climates, you are going to need different strategies. That is the point of working with windows. The idea that you just replace windows in every climate does not work. Surprisingly, the insulated cellular shades in a colder climate like we have in Carson City are going to get you the best bang for your buck. After that, an interior window panel will work.

That is my presentation. I would now like to talk you through A.B. 160. Section 1, subsection 1 just states that the different strategies listed in this study, and any others that the State Public Works Board, State Public Works Division, Department of Administration might want to look at, must be considered when they are looking at window replacement or working with windows. The strategies that you see in section 1, subsection 1 come right out of the National Park Service study ([Exhibit D](#)).

Section 1, subsection 2 requires that the State Public Works Board use the best strategy for return on investment. We have great folks in the State Public Works Division. The language in the bill ensures, as legislators, that we think long term. We need to stretch our meager public dollars. We always want to spend funds where they will benefit the state and our citizens the most. This is about trying to find a way to stretch our funds.

In section 1, subsection 3, the prison system is exempt for obvious security reasons. Energy efficiency might not be their biggest concern. Section 1, subsection 4 addresses buildings that are 50 years or older. Any window strategy must be approved by the Office of Historic Preservation, State Department of Conservation and Natural Resources. Both the State Public Works Division and the Office of Historic Preservation are experts on buildings and have worked together in the past. Similar language from section 1, subsection 4 relating to the Office of Historic Preservation is placed in section 2, subsection 2, paragraph (e). That is the entire bill.

Chairman Flores:

I do not think any of us expected to ever learn so much about windows in a ten minute presentation. We appreciate your expertise.

Assemblyman Carrillo:

I have a question on section 1, subsection 4. Sometimes people want to bring up the energy efficiency of a building. I understand the windows play an integral part in keeping the historic premise of the building in place. Putting high-efficiency windows into a building may increase the Leadership in Energy and Environmental Design (LEED) rating and help as a whole; however, now the statute will need to be followed. This may prevent someone from actually trying to increase the LEED rating and prevent them from being able to achieve what they are expecting to achieve because they had been planning on replacing the windows.

Assemblywoman Swank:

If you are going for LEED certification, you are trying to increase energy efficiency. As the study shows, combinations of strategies often get you the exact same energy efficiency bump up as a new window. Assembly Bill 160 adds extra impetus to make sure that we are not spending money unnecessarily.

One of the issues that happened early on in LEED rating is that people were spending so much money to get the LEED rating certification that it was not making sense. We are trying to find a balance and get people to think about LEED rating in terms of money savings and to do LEED rating in a way that is economical. This helps along that road.

Assemblywoman Bilbray-Axelrod:

This bill seems very common sense and nothing, as a legislator, makes me happier than when someone is bringing something forward that makes sense. What if it is a very large window? In a colder climate, replacing the window might be expensive.

Assemblywoman Swank:

No matter the size of the window, you can still have an interior storm window or an exterior storm window made. In my own home, I have some large, six-foot by nine-foot, windows. We would be able to have an interior storm window or an exterior storm window made in that size. If you look, there are a lot of companies nationwide that make interior and exterior inserts for historic buildings. They do so for massive windows. It does not matter what size the window is. You can always find a way to make that work.

Assemblyman Carrillo:

What is a window insert? Is it a secondary window? I rented a house that had inserts, and it kept the cold out. The window in my rental was actually a plastic sheet with a perimeter. It inserted into the window and in the spring, we took it out. I just wanted to make sure that is what you were referring to. That secondary insert would go in front of the window to allow them to be energy efficient.

Assemblywoman Swank:

That is exactly what I am talking about. If you would like to see an example, I have them in my office here in the Legislative Building. It seems to be a strategy that does get used when we have single-pane windows. There is a range of types of inserts. You can have some made from lighter plexiglass, or you can have them made from glass. There are some that are mounted with screws, but there are also ones that you can click in with magnets, which makes them easy to remove, clean, and put back in. There are many different strategies for window inserts. Some of the best work in relation to windows that has been done in recent years allows us to save money and maintain historic character without replacing the window.

Assemblyman Carrillo:

You have a working model in your office?

Assemblywoman Swank:

It does seem so.

Assemblywoman Joiner:

I have a question about how the return on investment is calculated. Was it just a per dollar on energy bill savings?

Assemblywoman Swank:

I believe it has to do with the projected energy savings. They use computer modeling to figure out the amounts. The cost of the treatment is subtracted then divided again. I can look into it further and get back to you.

Assemblywoman Monroe-Moreno:

Are there companies in both the Reno area and southern Nevada that will allow us to use local companies to do this work?

Assemblywoman Swank:

Yes there are.

Assemblyman Ellison:

Has this been codified?

Assemblywoman Swank:

I am not sure. I can look into that for you. When I spoke with the State Public Works Division, they were not concerned so I did not look further.

Assemblyman Ellison:

I am pretty sure that it has been and the reason it was is because after they got done with the codification, they found out that they were having problems because the buildings were too tight. They had to bring in excess air. Does this bill apply only to remodels as needed? The fiscal note indicated that they were going to remodel all of these buildings. Is this only in reference to remodeling?

Assemblywoman Swank:

It is going forward. As the State Public Works Division is working on a building, this would be part of their general process. The window treatment would not mean that the building would be so sealed up that it would not have air coming in.

We know that was an energy-efficiency problem very early on. We did not realize that we needed some circulation. This just helps when you have a single-pane window that is not efficient. The window strategy will help bring up the energy efficiency. In no way will any of these strategies seal the building.

Assemblyman Daly:

Is this going to apply only to state buildings or does it apply to all government buildings? I know it is in NRS Chapter 701, which is the energy policy.

Assemblywoman Swank:

That was one of the issues that was brought up. We wanted to make sure that it is only State of Nevada public buildings. It would be overly burdensome to have to apply this statute to every public building in Nevada. It would also be reaching into other people's affairs. We could get a legal opinion. I will definitely work to clarify this issue.

Chairman Flores:

In section 1, subsection 4, the determination to use an alternative to window replacement in a building 50 years or older must be approved through the Office of Historic Preservation. How does that work?

Assemblywoman Swank:

There is a form that the State Public Works Division uses when they are looking at a project. If the bill passes, they will add the language from section 1, subsection 4 to the form. Should the building be 50 years or older, they will contact the Office of Historic Preservation to get their signoff on the form. That is how I believe it is going to work.

Chairman Flores:

I am just curious to know what the process is.

Gustavo Nuñez, P.E., Administrator, State Public Works Division, Department of Administration:

The Division drafts up a letter to the Office of Historic Preservation to document the request. We attach any drawings, specifications, colors, finishes, et cetera, so they have a full review. This is a fairly normal process for us. We do this for any buildings that have historical significance. Most of the state buildings that have historical significance are in northern Nevada.

Rebecca Lynn Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources:

We receive the requests from the State Public Works Division for comment. We evaluate each request against the U.S. Secretary of the Interior's Standards for Rehabilitation, which is a national standard. Then we provide our comment back to the State Public Works Division.

Chairman Flores:

I would like to have those in support of A.B. 160, please come up. [There was no one.] If there is anybody who would like to speak in opposition, please come up.

Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada:

While the Libertarian Party supports effective cost-saving measures, we are not convinced that A.B. 160 represents such a change. At present, the law does not mandate the replacement of any drafty or damaged state windows, nor does it prohibit maintenance personnel from using their discretion to install weather stripping, interior surface film, insulating shades, storm windows, or interior window panels when necessary. This decision is currently left to the judgement of those with the knowledge of specific time and place at the time of repair.

Requiring a feasibility study by the State Public Works Board prior to the replacement of any given window would not only delay any form of repair, but it would also quickly become substantially more expensive than any cost savings potentially gained. Each time the Nevada State Public Works Board meets, it costs \$86.40 per member, according to TransparentNevada.com. Therefore, seven members meeting to discuss replacing a window would cost Nevada taxpayers \$604.80. If the Board chooses to evaluate all repair requests at a single meeting, windows could remain broken or drafty for months pending requests. Either state employees will endure unrepaired windows for months or Nevada taxpayers, state employees included, will pay as much per meeting to discuss a broken window as the window itself may have cost had it simply been replaced. If there were an epidemic of unnecessary window replacements in state buildings, the Libertarian Party would certainly be interested in measures to reduce such spending; however, without evidence of such an issue, we believe that A.B. 160 will result in delays to minor repairs and a substantial increase in per-window spending. The Libertarian Party of Nevada therefore, opposes A.B. 160.

Chairman Flores:

Is there anybody else who wishes to speak in opposition to this measure? [There was no one.] I would like to invite anybody who is here to speak in the neutral position to please come up. [There was no one.]

Assemblywoman Swank:

I would be willing to amend the bill to address one of the issues brought up. This in no way would prohibit the fixing of broken windows. We never expect our state employees to be sitting next to a broken window. It is not safe. It is not a good way to treat our employees who work very hard for us. I would be very happy to put that into the bill if the Chairman would so require.

Chairman Flores:

I would like to close the hearing on A.B. 160. Next we have Assembly Bill 192, which revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. I will now open the hearing on A.B. 192.

Assembly Bill 192: Revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. (BDR 23-525)

Assemblyman Michael C. Sprinkle, Assembly District No. 30:

It is quite exciting for me to be here today to present to you Assembly Bill 192. First, let me give you a brief history of how we even got to this point. Over a year ago, I was fortunate enough to be appointed to the National Task Force on Workforce Development for People with Disabilities. This task force was charged with trying to make it more feasible, acceptable, and easy for people with disabilities to get back into the workforce. Part of what we looked at with this task force was how this is truly a benefit to employers. One of the conclusions that we reached was that we need to lead by example. A lot of the recommendations that came out of the national task force ended up being presented to legislators throughout the United States.

I felt that it was imperative, not just because of my work on the national task force, but also because this a really important and necessary idea, looking at what could be done on the state level and bringing those ideas to the first legislative session since the national task force was created. I sat down with members from the Governor's Task Force on Integrated Employment. We started brainstorming different ideas. I will walk you through the bill in just a moment, but just so this Committee understands, this is the first step, and it is something that I will continue to work on from this point forward. We truly do need to help people with disabilities. The disabilities may be cognitive, physical, and/or congenital. Getting those with disabilities into the workforce is important.

As our disabled children make it through the educational system and they leave high school, their opportunities are limited. If we can provide a certain level of education, and then show them that there are means for them to be successful in society as a whole, this will build their self-confidence and help provide them with the beneficial lifestyle that we all enjoy. I do believe that this bill is one of the very first steps to accomplishing that goal.

In essence, what A.B. 192 does is to require the use of a program that is already in statute. It is called the 700 hour program [NRS 284.327]. It is almost as if this program is an internship. A disabled person can fill a state position if they meet certain requirements. The person who is hired can work a maximum of 700 hours. During that time, they can show the employer that they have the ability to do the job even with a disability. Ultimately, the intent is to hire the person as a state employee. In a moment, I will have someone come forward and explain how the program worked for him. If we want to lead by example, then we should start with state employees. That is specifically what this bill does. In the future, I would like to see this program expand, even into the private sector. That would be amazing.

The 700 hour program is already in place. Another thing this bill does is require that the agency doing the hiring have at least one person who has a working knowledge of what it means to work with a disability. This requires a certain level of training and education. That is the bill. There was one amendment that was submitted late last week ([Exhibit E](#)). The language added by the amendment conforms with language used at the federal level. One of my concerns is that you understand what it means to perform the functions of the position with or without accommodation. It does not mean that the person must be able to perform the task without accommodation. It simply means that, within reason, accommodations can and will be made.

That is an important point that was discussed by the national task force. There have been so many advances in technology. People can complete their work assignments by using computers. With innovations in software, people can work from home. Where once a person may have been completely limited in holding down a job because they did not have the transportation to get to their place of employment, now through technology, that barrier can be eliminated. These are the kind of accommodations we are talking about. It may be helpful to the Committee for somebody to now come forward and explain what the 700 hour program is.

Shelley Hendren, Administrator, Rehabilitation Division, Department of Employment, Training and Rehabilitation:

The 700 hour program under NRS 284.327 allows state agencies to make temporary limited appointments of certified individuals with disabilities into jobs in state service up to a period of 700 hours. Counselors from the Bureau of Vocational Rehabilitation, Rehabilitation Division, Department of Employment, Training and Rehabilitation, certify that individuals with disabilities possess the minimum job qualifications, with or without a reasonable accommodation, for specific jobs or a series of job classifications within state service. Counselors evaluate these candidates through aptitude, educational, situational or community-based assessments and through observation as to the level of performance the individuals are capable.

Bureau of Vocational Rehabilitation counselors present the certifications and candidates application packets, including resumes, to the Division of Human Resource Management (DHRM), Department of Administration. Representatives from DHRM then place these individuals onto 700-hour unranked lists if they meet the minimum qualifications for those lists. A temporary, limited appointment of a certified person from a 700-hour list to a continuing position constitutes the individual's examination as required under NRS 284.215.

The 700-hour lists are unranked and available for review at all times by appointing authorities. Having individuals on these lists allows agencies to bypass the process of ranking, examinations, and even interviewing should they so choose. Consideration of individuals on the 700-hour lists should occur before any open recruitment listing is considered for those same positions or at the same time. This is an additional benefit to individuals and agencies as it speeds up the hiring process.

State agencies are authorized and encouraged to review the 700-hour lists of candidates, and consider those candidates for hire, but they are not required to do so. If however, an individual from the 700-hour list is selected for hire, the 700 hours are utilized as an evaluative measure to assess the individual's ability to perform the essential functions of the job, and for the agency to ensure that the individual is a good fit. At any point up to the end of the 700-hour period, the agency may elect to permanently hire the individual if he or she has satisfactory performance. In that case, the hours in the temporary employment, up to 700 hours, becomes part of that person's probationary period. Additionally, during the 700-hour period, agencies have the expertise and the support of the state's vocational rehabilitation program staff that ensure that the individual's barriers to employment are mitigated or eliminated.

Agencies with high turnover rates and numerous vacancies can benefit from hiring off the 700-hour list. Vacancies often result in decreased production and poor morale, and appointments of 700-hour applicants may be made immediately after review of their credentials. National studies have shown that individuals with disabilities make excellent employees. They have high levels of performance, retention and attendance.

Assemblyman Sprinkle:

Thank you, Mr. Chairman, I think there is just one testimonial, if that is okay, as to some of the benefits that have come from this program.

David Sorensen, Council Member, Nevada Governor's Council on Developmental Disabilities:

I am a recipient of the 700 hour program. I am going to read you a letter about what I have done ([Exhibit F](#)). My name is David Sorensen, and I am a council member of the Nevada Governor's Council on Developmental Disabilities. I was a participant in the 700 hour program. I have overcome significant cognitive, physical, and psychological barriers since birth. I applied for services at the Bureau of Vocational Rehabilitation after my job in the private sector was eliminated. I was worried that I would end up homeless as I once was before. I maintained a positive attitude, and I showed initiative to find a part-time job working for Washoe County as a cashier for the Bowers Mansion Pool for the summer. I completed vocational rehabilitation clerical training and graduated with high marks. I displayed great skill in using Microsoft Excel, and with the support of the Bureau of Vocational Rehabilitation, I achieved my goal. I am now working for the State of Nevada as an Administrative Assistant I through the 700 hour program.

I have a very inspiring and positive demeanor and can-do attitude. An interesting fact about me is that I was selected by Special Olympics Nevada to compete nationally in aquatics in the first-ever Special Olympics USA Games in Ames, Iowa, which was seen nationally on TBS and ESPN. I placed 4th and 6th overall in the country. I believe vocational rehabilitation is the best program for people with disabilities. The Bureau of Vocational Rehabilitation sent me to school, and I graduated with an Associate of Arts degree. With their help, I graduated with a 3.30 grade point average. Without their help, I do not know where I would be.

The skills and training provided from the Bureau of Vocational Rehabilitation allowed me to become employed by Intuit Inc. for over 15 years. In January 2016, I was laid off from Intuit Inc. and was eligible to be rehired. In June 2016, my name was on the 700-hour list, and I was selected for an interview for an Administrative Assistant I. I was selected and offered a position with the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), Division of Public and Behavioral Health, Department of Health and Human Services. On August 1, 2016, I accepted a position as an Administrative Assistant I, and for the past six months, I have been employed by Nevada WIC.

I was also one of several people that the Bureau of Vocational Rehabilitation named 2016 Success Story of the Year.

In conclusion, as you can see from my experience, the 700 hour program works for people with disabilities. It gives them skills that are necessary to succeed in today's society. People with disabilities have a hard time finding employment. That is why I am so grateful for the 700 hour program. I look forward to seeing what the future holds for this wonderful program. Sincerely yours, David Sorensen.

Assemblyman Carillo:

How did the program come up with the 700-hour mark? What is the reasoning?

Assemblyman Sprinkle:

I am not sure of the answer to that question. It is already in statute so discussion of the 700 hours came up when this program was initially put into statute. We would have to go back and look at the testimony of when this was first presented. The intent of this bill is to utilize a program that has been underutilized. We are trying to get State of Nevada employers to utilize this program.

Assemblyman McCurdy:

When people are going through this program, are they being paid below minimum wage or an actual minimum wage?

Shelley Hendren:

No program with regard to placements through the Bureau of Vocational Rehabilitation pays below minimum wage. No state employment pays below minimum wage. People are hired into the position that we hope will become a permanent position, so they are paid at that wage.

Assemblyman Brooks:

How many folks are involved in this program now? What do you see as the potential of how many individuals could be involved if we were to go forward with this bill?

Shelley Hendren:

Currently, there are 46 individuals statewide on lists. They could be on a single position list or on a whole classification list, if they qualify.

Assemblyman Sprinkle:

Projections are difficult. As I stated in my opening comments, projections are going to be higher if the bill passes. This is the first step in a theoretical plan I have as to where we can eventually get to. A lot of this comes from recommendations of the national task force that I sat on. This was the first thing that it looked like we could do immediately. If I am able to get future legislation passed and other ideas brought forward, this legislation will enhance the program as a whole. The program will help fill some of the constantly vacant positions that we hear about all the time in the Assembly Committee on Ways and Means. A lot of the positions that are hard to fill are at that entry level. This is going to help fill those positions. That is why I am very optimistic about what this program could do. I am also very excited about this program.

Assemblyman Brooks:

When you said that you have 46 individuals on lists, how many are placed right now and are working?

Shelley Hendren:

The numbers are low. Last year only 9 individuals were placed through the 700 hour program. The program total for the last two years is 23.

Assemblywoman Monroe-Moreno:

How are we getting the word out to communities that this program actually exists? I have family members that could benefit from this program, but I had no knowledge of it. How can we get the word out to those communities?

Assemblyman Sprinkle:

That is the whole intent of this bill. This is something that has existed but we, in conjunction with others who sat around the table when we were first discussing this, recognized the fact that while the program is here, not a lot of departments know about it. Not only is this putting stronger language in statute to mandate the use of the 700 hour program, but the other part of the bill is to actually have someone within each one of the hiring departments that has a working knowledge of people with disabilities and how they perform in the work place. Then, when these positions seem applicable to somebody that is on the 700 hour program list, there will be far greater utilization of the program. That is just one of the ways. I also hope that testimony today and future actions will help promote what is already in existence but is being underutilized.

Assemblywoman Monroe-Moreno:

Have you thought about putting together an aggressive marketing plan across the state? Could you work with a public relations firm that would like to donate their time to help promote this program?

Shelley Hendren:

The Bureau of Vocational Rehabilitation did launch a media campaign in 2015. We do not currently have sufficient funding to specifically market the 700 hour program. We have a small marketing budget. We often do commercials on National Public Radio and those kinds of stations on a statewide basis. We also now have a social media presence. We have a lot of success stories on a Web page as well as on Twitter and Facebook. We are trying to get the word out about all of our programs and the kinds of support we can provide. We have not done any marketing specifically for the 700 hour program.

Assemblyman Sprinkle:

During the interim, we all attend different events and activities. With the education and knowledge that is being brought forward through the testimony on this bill, we can all take part during the interim to spread the word about the program, assuming there is support for this bill. In my opinion, this is a good program and we could achieve remarkable things.

Assemblyman Kramer:

As stated in the bill in section 1, subsection 3, "Each appointing authority shall ensure that there is a least one person on staff of the appointing authority who has training concerning: (a) Making a temporary limited appointment . . ." and that person must be familiar with the challenges facing a person with disabilities. How many people throughout the state have this training and have you got a program put together through the Department of Employment, Training and Rehabilitation (DETR) or somewhere to make sure that training is available to the state agencies?

Shelley Hendren:

The Bureau of Vocational Rehabilitation program does a lot of outreach and training. We reach about 20,000 groups and individuals each year. We do have a variety of training programs and a lot of expertise. All of our rehabilitation counselors have master's degrees in vocational rehabilitation. I am confident that we can work through state human resource management to create a training program that we could, through the Bureau of Vocational Rehabilitation, deliver to state agencies.

Assemblywoman Neal:

You stated that 20,000 people are reached in regards to training. If that is the case, why is there such a small number that are taking advantage of the 700 hour program? There were 23 last year and 9 this year. Other than what we have already heard, what is the disconnect?

Shelley Hendren:

It is my fault that I did not appropriately clarify my statistic. When I say that the program does outreach, it is through all kinds of events such as job fairs, meeting with employers, meeting with individuals, and talking to advocacy groups. As a whole, that is the amount of outreach that the Bureau of Vocational Rehabilitation does to try and get the word out about all of our programs. That is not training specific to the 700 hour program. I used the statistic to show why I think that we can put together a training program so the employers can meet the provisions of the proposed bill.

Assemblywoman Neal:

That brings me to questions regarding workforce and the initiatives that are taking place around on-the-job training. To me, this 700 hour program squarely fits inside such a program. What are the conversations or integration that is happening on that front?

Shelley Hendren:

The Bureau of Vocational Rehabilitation has a similar on-the-job training program where we can pay someone when we are doing it as an assessment. We pay their salary while they are either being assessed or working. That is not a conversation that we have had as part of the 700 hour program. The expectation of the 700 hour program, as it currently stands, is that the agency that hires the person—pays their salary. The 700 hours gives the hiring agency time to evaluate if the person can perform the job before actually permanently hiring that person. Certainly, that is a conversation that we can have and already do have programs like that in place.

Assemblywoman Neal:

That is good information. The reason I brought it up is I know that workforce is taking on a different focus, and they are trying to breakdown silos and figure out how to reach underrepresented communities across the state. You stated the 700 hours is used as an evaluative measure, and in some cases, it can be used as probationary hours.

The first thing that came to mind was individuals who walk through the door who end up being used but never really getting the meaningful employment that they are seeking, which is the sustainable job. I want to know about safeguards to prevent them from being used but not placed into a meaningful position that is sustainable for them.

Shelley Hendren:

That is part of why there is a limit on the number of hours. They can work up to 700 hours, and if the agency does not hire them permanently, then that is the end of the appointment. I see what you are saying how they could perhaps cycle through. The expectation of the program is that they will be made a permanent hire. That is why we work closely with the Division of Human Resource Management to ensure that the folks that we are putting on these lists have the necessary qualifications and can meet the requirements of the job before they are placed on the list. These are quality, skilled applicants on the lists.

Assemblywoman Neal:

I know that this is the first step. You can literally work five days a week at six hours a day for seven months. That is a lot of experience and a lot of time doing a job and then finding yourself cycling into another job. You then have a candidate who cycles through many jobs and gains a lot of different job experience. We do not want that job experience to go to waste.

Assemblyman Sprinkle:

That is a valid concern. It is something that has happened with other on-the-job training programs that I have heard of in the past. There are two things that I would say to that. One, typically speaking, these are going to be positions that are hard to fill. We are trying to find a very select group that meets the qualifications. This has been an underrepresented group in the past. That is one of the intents of this bill and what I am trying to get at. In line with the conversations that I have had with Ms. Hendren and others, it is absolutely not our intent to just use these individuals and then discard them.

The intent is actually to start filling positions in the state. In the broader spectrum, it is to show that even a person with some type of disability can be a valued employee. There is nothing in the 700 hour program that says if the person has been shown to be a valuable employee that they must work 700 hours before they can be hired permanently. Once the person is hired permanently, the 700 hour program ends, and they are simply an employee of the state. This is something that is important to me. I would hope that it is something that is important to all of you on this Committee. I will be looking at trends. If I see that sort of trend, obviously, that is going to raise a lot of questions from me individually. I cannot believe that is the intent of those people I have been working very closely with on this bill. What we are trying to do is help get this underserved population into the workforce and, just as importantly, help fill some of those positions that are vacant all the time because we cannot find qualified people who want to come in at an entry-level position.

Assemblywoman Neal:

I think this is a good bill. I understand your intent. I understand where you are going. I understand the purpose and the goal. It made me think about some concepts that could be used in other frameworks. We can promote training for individuals who do not necessarily have the skill that fits, who are underemployed in our state. We can possibly have something similar to the 700 hour program, that allows them to get that training. That is a missing component in the state.

Chairman Flores:

I will echo the comments of our Vice Chairwoman. In the past I have worked with youth programs where the whole intent was identifying students who had barriers such as gangs, teen pregnancy, dropping out of school, et cetera. The intent was to show them that with the right training, they could get jobs. We placed them in law offices, clinics, hospitals, et cetera. I appreciate the intent and the spirit of this bill. I think the comments that are being echoed here are ones we can keep. What more can we do?

Assemblyman Sprinkle:

This is just the first step of many of what I consider as good ideas for things we can do in the future. There may be some difficulty getting past this body, but it truly is just the first step.

Chairman Flores:

I would like all those who wish to speak in support of the bill come up, and then we will move on to opposition and neutral.

Sherry Manning, Executive Director, Nevada Governor's Council on Developmental Disabilities:

[Written testimony ([Exhibit G](#)) provided.] Thank you for the opportunity to address you today. I am here to offer support of the Governor's Council on Developmental Disabilities for A.B. 192. I want to give you a little history as to who the Council is. The Council is a consumer-driven group that actively supports people with developmental disabilities. The Council is solely within the state of Nevada. Sixty percent of the Council must be people with developmental disabilities or the parents of such individuals. You saw some of those individuals in the room today, and we thank you for this opportunity. The Council also has agencies that represent people with developmental disabilities, including state agencies. It is a Governor-appointed council. The mission of the Council is to ensure that individuals with developmental disabilities receive the services, support, and opportunities they need to achieve independence, productivity, integration, and inclusion into the community of their choice.

One of the ways the Council carries out its mission is to provide information to policy makers on issues that may affect people with disabilities. Integrated employment for persons with disabilities has been identified as a priority area of emphasis by the community. The Council is charged in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 with coming up with a five-year state plan. In a previous five-year state plan and in the current five-year state plan, employment was one of the largest areas of emphasis.

In 2010, the Council funded a statewide disability conference. A lot of the people who attended that conference and summit were some of the people that you saw walk through here today. At the conference we were able to hear what issues and needs people with disabilities felt were the most important. In 2013, the Employment First Ad-Hoc Committee was established by the Council. It included many of the people you saw here today, and some that will be speaking before you today, including Mr. Ed Guthrie. This committee created a position paper. The Position Statement on Integrated Employment was published by the Council and was presented to Governor Sandoval.

On July 21, 2014, Governor Sandoval signed Executive Order #2014-16 establishing the Governor's Taskforce on Integrated Employment. The task force was responsible for examining and evaluating current employment programs, resources, funding, available training, and employment opportunities for people with intellectual and developmental disabilities. The task force was also responsible for developing a three-, five-, and a ten-year state plan. Nevada's Strategic Plan on Integrated Employment 2015-2025 ([Exhibit H](#)) is on NELIS. We hope that you have the opportunity to look at the material. There is a lot of really great information in the plan. I will speak to some specific strategies in the plan that pertain to A.B. 192 and what Assemblyman Sprinkle had spoken to. The need for government to be a leader and model employer for integrated employment can be found within the document on pages 7, 14, and 26.

Assembly Bill 192 is a great first step in meeting this strategy by providing more awareness and consistency to the already existing *Nevada Revised Statutes*. As represented in the room today, the most important voice in the development of Nevada's strategic plan were those people with intellectual and developmental disabilities. It was important to listen to their needs, concerns and issues. They are the people represented in this three-, five-, and ten-year state strategy plan.

During this hearing, there were a couple of questions that were brought up. Assemblywoman Monroe-Moreno asked how people would find out about this program. The Council exists in Nevada within the Department of Health and Human Services. Because of that, we receive federal and state funding. We have set aside dollars specifically for integrated employment. We have been working with vocational rehabilitation and will be looking at some kind of an information campaign to publicize the 700 hour program. We are committed to that.

Also, Assemblyman Kramer, when you spoke about what would be done about training, we have also set aside funding for that. We receive approximately \$540,000 from the federal government. We also receive 25 percent of that amount from the State General Fund. About half of our budget goes out into the community to fulfill our five-year state plan. We really need to get the information out and get people trained. There are many programs available right now. Washoe County School District puts on a summer camp. People with disabilities come to this one-week camp. They work in the community and in businesses. Some employers have hired people with disabilities, and they have found out that they are valuable. It is very important that we get out and complete the training.

Ed Guthrie, Chief Executive Officer Emeritus, Opportunity Village

I served as the Chief Executive Officer for Opportunity Village for 22 years. I also serve on the Governor's Taskforce for Integrated Employment. I am a former chair of the Nevada State Rehabilitation Council, Department of Employment, Training and Rehabilitation. I have been involved with placing people with disabilities in the community for a number of years. We think that every option should be used to make sure that people who want community employment have access to community employment. That is why we support A.B. 192.

Government has always taken the lead in providing employment for disadvantaged groups. In the 19th century, the government was the first place immigrants were able to find jobs. In the 1960s and 1970s, affirmative action programs made sure that racial minorities and women had access to employment. The government took the lead there too. Government showed private industry that these people could do the job, and employers should hire people like them. We think the same occurs here with A.B. 192. People with intellectual disabilities have the lowest participation in the workforce of any group in the United States. This is a chance for us to try to change that, to give disabled people a chance to participate in the workforce even more than they do right now. For that reason, Mr. Chairman, we strongly support A.B. 192.

Erik Jimenez, representing High Sierra Industries:

I am here on behalf of High Sierra Industries. Our organization is in Assembly District 30. We appreciate that Assemblyman Sprinkle has taken the leadership on this issue. As Mr. Guthrie alluded to, this group is the most underemployed group in our state. That is unacceptable. These individuals are getting failed in the school system. They are slipping through the cracks. They are getting failed when we talk about reimbursement rates for Medicaid services, and they are getting failed when we think about competitive integrated employment.

When people come to High Sierra Industries, oftentimes they cannot even dress themselves. They cannot even bathe themselves. We do our best to give them the skills they need to enter the workforce. I think the state needs to be leading by example on this issue. Assembly Bill 192 does just that.

I have some of the same concerns that Assemblywoman Neal does about how we get to a long-term solution for the sustainability of employment of this group. We have some awesome ideas. Let us talk offline. We can do some great work. This is the first step in making sure these people have meaningful careers and can live life without limits.

Chairman Flores:

Is there anybody else who wishes to speak in support. [There was no one.] Is there anybody in Carson City or Las Vegas who wishes to speak in opposition? [There was no one.] Is there anybody who wishes to speak in the neutral position?

Cara Paoli, Deputy Administrator, Developmental Services, Aging and Disability Services Division, Department of Health and Human Services:

We met with Sherry Manning, Assemblyman Sprinkle, Shelley Hendren, and members from the Rehabilitation Division, Department of Employment, Training and Rehabilitation. We talked about this program and how we think it can benefit consumers. We feel that it would be beneficial to many of our consumers to have the opportunity to apply for these positions and be successful.

We also have programs, jobs, and day-training programs that offer supported employment. This is an opportunity for those individuals who are applying for these jobs to have somebody there to assist them with the interview process and also in attaining the skills as they go forward in the program. Assemblywoman Neal's question regarding sustainability is something that is also going through my mind. We need trained staff to help individuals with intellectual and developmental disabilities and related conditions be successful.

Edward Ableser, Ph.D., Administrator, Aging and Disability Services Division, Department of Health and Human Services:

The Aging and Disability Services Division has been working very closely with the Rehabilitation Division on ways to create more inroads moving forward to integrate mutual efforts. For a long time there has not been the coordination between the two divisions that have appropriately assisted our consumers in the community. The Aging and Disability

Services Division has substantial job and day-training programs across the state. With new rules coming out from the federal government in 2018, we are looking at a more expansive and exhaustive integrated employment situation. We are going to need and rely on the Rehabilitation Division to assist in training and placement.

As a Division we are neutral, but we do see the tremendous benefit of this program that specifically starts the initiative with the 700 hour program in state agencies. We are very excited about opportunities within vocational rehabilitation and looking at things such as a meaningful day program. A meaningful day program looks at ways to enhance the life of an individual with disabilities. As part of the program, the individual might go to training to learn job skills, attend day-training programs, or spend time in an adult daycare program.

The end result of the program would be getting integrated into the competitive employment workforce and making money for themselves. Having that informal support in their lives is very effective and substantial. It can help keep their independence through employment sustainable throughout the years. That is our end goal. We are just starting through this initial process so we are not there yet. Unfortunately, I think there is a history of state agencies not always appropriately communicating on what they are doing. We are moving in positive direction to coordinate our efforts so we can have a broader reach.

Shelley Hendren:

The Bureau of Vocational Rehabilitation and the Bureau of Services to Persons Who Are Blind or Visually Impaired certify individuals with disabilities for qualification on the state's job recruitments for the 700 hour program. Individuals with disabilities on 700-hour recruitment lists are equally qualified for the positions for which they are competing. Some of these individuals will require reasonable accommodations. However, that is consistent with the requirements within the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008. As these are vocational rehabilitation consumers, both bureaus can assist with accommodations and other preparations needed for the job. For state agencies that use the 700 hour program and select candidates from it, there are two major benefits aside from the fact that they will be hiring a qualified individual for the job.

First, those individuals with disabilities and the agencies that hire them will have the expertise and support of Nevada's Rehabilitation Division staff including assistance with job coaching, assistive technology for the candidate as needed, and even education and training of agency staff and management on disability issues. Secondly, agencies are able to make temporary appointments, up to 700 hours, to ensure a good fit and to allow the individual to learn on the job. Currently agencies are encouraged to utilize the 700 hour program; however, utilization has been limited. Most agencies do not exercise this option. From January 1, 2016 through February 21, 2017, a total of 30 state agencies have requested 700 hour program recruitment lists and have made a total of nine appointments. Fourteen appointments were made in the previous year.

Assembly Bill 192 makes utilization of a requirement for agencies to consider candidates on the 700 hour program recruitment lists for appointment, whenever possible, prior to seeking other recruitment options. This program helps pair agencies with skilled, qualified, and dependable potential employees while increasing diversity within the agencies. State employment should reflect the diversity that exists in the community.

National studies show that people with disabilities make excellent employees. A Walgreens study of its workforce found individuals with disabilities had higher employment retention ratings and were equal or better in performance, attendance, and safety than their nondisabled peers. The 700 hour program provides opportunities for individuals with disabilities for employment. This adds individuals with distinct and marketable skills to agency talent pools. Employees with disabilities bring unique experiences and understanding to the workplace that enhance products and services.

Lastly, A.B. 192 supports government as a model employer. As you heard Sherry Manning state, Nevada's Strategic Planning Framework 2016-2020 includes goals and objectives in support of this bill. For example, under "Business Development and Services," section 1.1.4 supports a strategy to "cultivate a diverse and inclusive workforce and ensure equal employment opportunities." Under "Human Services," section 5.1.3 supports a strategy to reduce employment rates for persons with disabilities by 50 percent. Under "State Support Services," section 8.3.1 is a strategy to support best practices to increase employment opportunities, foster innovation, and reduce barriers to employment for people with disabilities.

Chairman Flores:

If I could have anyone else who wishes to come up in the neutral position. [There was no one.] I would like to have the bill sponsor come back up. Please give us your closing remarks.

Assemblyman Sprinkle:

This is the culmination of over a year's worth of work and lots of travel to multiple cities within the United States. I would be remiss if I did not talk about the tremendous work that came from the National Task Force on Workforce Development for People with Disabilities. It was a joint task force between the National Conference of State Legislatures, the Council of State Governments, and the U.S. Department of Labor. This is going to be trendsetting for Nevada and for the rest of the United States.

What we potentially could be doing here will hopefully transcend all state boundaries and borders. We will be setting the example that others will follow and because of that, I am so excited to be sitting here today and asking for your support on this bill.

Chairman Flores:

With that, I would like to close the hearing on A.B. 192. Is there any public comment?
[There was none.] The meeting is adjourned [at 10:29 a.m.].

RESPECTFULLY SUBMITTED:

Patricia Keyes
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "AB160," presented by Assemblywoman Heidi Swank, Assembly District No. 16.

[Exhibit D](#) is a document titled "Saving Windows, Saving Money: Evaluating the Energy Performance of Window Retrofit and Replacement," by Preservation Green Lab, submitted by Assemblywoman Heidi Swank, Assembly District No. 16.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 192](#), dated February 23, 2017, presented by Assemblyman Michael C. Sprinkle, Assembly District No. 30.

[Exhibit F](#) is a copy of a letter dated February 27, 2017, from David Sorensen, Council Member, Nevada Governor's Council on Developmental Disabilities regarding the 700 hour program.

[Exhibit G](#) is written testimony submitted by Sherry Manning, Executive Director, Nevada Governor's Council on Developmental Disabilities in support of [Assembly Bill 192](#).

[Exhibit H](#) is a document titled "Nevada's Strategic Plan on Integrated Employment 2015-2025" by the Governor's Taskforce on Integrated Employment, submitted by Sherry Manning, Executive Director, Nevada Governor's Council on Developmental Disabilities.