

Amendment No. 444

Senate Amendment to Senate Bill No. 166	(BDR 18-5)
<b>Proposed by:</b> Senate Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

BRU/WLK



Date: 4/15/2019

S.B. No. 166—Revises provisions relating to employment. (BDR 18-5)





SENATE BILL NO. 166—SENATORS SPEARMAN, CANNIZZARO, OHRENSCHALL, PARKS;  
CANCELA, DENIS, DONDERO LOOP, HARRIS, SCHEIBLE AND WOODHOUSE

FEBRUARY 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to employment. (BDR 18-5)

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; requiring certain penalties and fines imposed by the Nevada Equal Rights Commission for certain unlawful discriminatory practices to be deposited in the State General Fund; ~~requiring civil penalties imposed by the Nevada Equal Rights Commission for certain unlawful employment practices to be deposited in the Nevada Equal Rights Commission Gift Fund and used for certain purposes;~~ revising provisions governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission; revising provisions relating to unlawful employment practices; revising the relief that the Commission may order if it determines that an unlawful employment practice has occurred; revising provisions relating to the time in which a person may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.

#### Legislative Counsel's Digest:

Existing law prohibits an employer, employment agency, labor organization or joint labor-management committee from discriminating against any person with respect to employment or membership, as applicable, on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origination. (NRS 613.330) Existing law also requires the Nevada Equal Rights Commission to accept certain complaints alleging unlawful discriminatory practices and, if the Commission determines that an unlawful practice has occurred, order: (1) the person engaging in the practice to cease and desist; and (2) for a case involving an unlawful employment practice, the restoration of all benefits and rights to which the aggrieved person is entitled. (NRS 233.157, 233.160, 233.170)

**Section 2** of this bill revises provisions governing the filing of complaints alleging a practice of unlawful discrimination in compensation to require that the complaint be filed within 300 days after any date on which: (1) a decision or practice resulting in discriminatory compensation is adopted; (2) a person becomes subject to such a decision or practice; or (3) a person is affected by an application of such a decision or practice. **Section 2** also requires the Commission to notify each party to a complaint of the period of time that a person may apply to a district court for relief. ~~Sections~~ **Section 3** ~~and 4~~ of this bill ~~revise~~ **revises** the powers

of the Commission to order remedies for unlawful employment practices. **Section 3** authorizes the Commission to: (1) award back pay for a period beginning 2 years before the date of the filing of a complaint regarding an unlawful employment practice and ending on the date the Commission issues an order regarding the complaint; (2) ~~award costs and reasonable attorney's fees in cases involving an unlawful employment practice;~~ (3) order payment of compensatory damages in cases involving an unlawful employment practice relating to discrimination on the basis of sex; and ~~[(4)] (3)~~ under certain circumstances, order a civil penalty, in increasing amounts, for an unlawful employment practice that it determines is willful based on the number of such practices the person has committed in the previous 5 years.

**Section 1** of this bill requires ~~[, with limited exception,]~~ that any penalty or fine imposed by the Commission for certain unlawful discriminatory practices and for willful interference with the performance of duties by the Commission be deposited in the State General Fund and authorizes the Commission to present a claim for recommendation to the Interim Finance Committee if money is required to pay certain costs. ~~[Section 1 requires that any civil penalty imposed by the Commission for certain willful unlawful employment practices be deposited in the Nevada Equal Rights Commission Gift Fund and used to prevent unlawful employment practices through enforcement, outreach and training.]~~

**Section 8** of this bill requires the Commission, if it does not conclude that an unfair employment practice has occurred, to issue a letter to the person who filed the complaint concerning an unfair employment practice. This letter must notify the person of his or her right to apply to the district court for an order relating to the alleged unfair employment practice and any potential punitive damages owed to the person. **Section 9** of this bill provides that a person may apply to a district court for relief pursuant to **section 8** up to 180 days after the date of issuance of the letter described in **section 8**.

**Section 5** of this bill expands the list of persons who are protected from certain unlawful employment practices to include applicants for employment, and **section 7** of this bill expressly includes references to the provisions providing such protections for the purpose of specifying who may file a complaint.

**Section 6** of this bill provides that it is an unlawful employment practice to use an occupational qualification which: (1) is based upon or derived from a difference on the basis of sex; or (2) the employer, employment agency, labor organization or joint labor-management committee has refused to change after being presented by an affected person with an alternative practice that would serve the same purpose in a manner that is less discriminatory on the basis of sex.

---

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

**Section 1.** Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise provided in subsection 3, all~~ *All penalties and fines imposed by the Commission pursuant to NRS 233.170 and 233.210 must be deposited with the State Treasurer for credit to the State General Fund.*

2. *If the money collected from the imposition of any penalty and fine is deposited in the State General Fund pursuant to subsection 1, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.*

~~3. A civil penalty imposed by the Commission pursuant to subparagraph (5) of paragraph (b) of subsection 3 of NRS 233.170 must be deposited in the Nevada Equal Rights Commission Gift Fund created by NRS 233.155. The money described in this subsection must be accounted for separately in the Fund and used only for the purpose of preventing unlawful employment practices in this State through enforcement of this chapter, outreach and training.]~~

1       **Sec. 2.** NRS 233.160 is hereby amended to read as follows:

2       233.160 1. A complaint which alleges unlawful discriminatory practices in:

3       (a) Housing must be filed with the Commission not later than 1 year after the  
4       date of the occurrence of the alleged practice or the date on which the practice  
5       terminated.

6       (b) Employment or public accommodations must be filed with the Commission  
7       not later than 300 days after the date of the occurrence of the alleged practice.

8       ➤ A complaint is timely if it is filed with an appropriate federal agency within that  
9       period. A complainant shall not file a complaint with the Commission if any other  
10      state or federal administrative body or officer which has comparable jurisdiction to  
11      adjudicate complaints of discriminatory practices has made a decision upon a  
12      complaint based upon the same facts and legal theory.

13      2. The complainant shall specify in the complaint the alleged unlawful  
14      practice and sign it under oath.

15      3. The Commission shall send to the party against whom an unlawful  
16      discriminatory practice is alleged:

17      (a) A copy of the complaint;

18      (b) An explanation of the rights which are available to that party; and

19      (c) A copy of the Commission's procedures.

20      4. *The Commission shall notify each party to the complaint of the limitation*  
21      *on the period of time that a person may apply to the district court for relief*  
22      *pursuant to NRS 613.430.*

23      5. *For the purposes of paragraph (b) of subsection 1, an unlawful*  
24      *discriminatory practice in employment which relates to compensation occurs on*  
25      *each date on which:*

26      (a) *A decision or other practice resulting in discriminatory compensation is*  
27      *adopted;*

28      (b) *A person becomes subject to a decision or other practice resulting in*  
29      *discriminatory compensation; or*

30      (c) *A person is affected by an application of a decision or other practice*  
31      *resulting in discriminatory compensation, including, without limitation, each*  
32      *payment of wages, benefits or other compensation that is affected by the decision*  
33      *or practice.*

34      **Sec. 3.** NRS 233.170 is hereby amended to read as follows:

35      233.170 1. When a complaint is filed whose allegations if true would  
36      support a finding of unlawful practice, the Commission shall determine whether to  
37      hold an informal meeting to attempt a settlement of the dispute in accordance with  
38      the regulations adopted pursuant to NRS 233.157. If the Commission determines to  
39      hold an informal meeting, the Administrator may, to prepare for the meeting,  
40      request from each party any information which is reasonably relevant to the  
41      complaint. No further action may be taken if the parties agree to a settlement.

42      2. If an agreement is not reached at the informal meeting, the Administrator  
43      shall determine whether to conduct an investigation into the alleged unlawful  
44      practice in accordance with the regulations adopted pursuant to NRS 233.157. After  
45      the investigation, if the Administrator determines that an unlawful practice has  
46      occurred, the Administrator shall attempt to mediate between or reconcile the  
47      parties. The party against whom a complaint was filed may agree to cease the  
48      unlawful practice. If an agreement is reached, no further action may be taken by the  
49      complainant or by the Commission.

50      3. If the attempts at mediation or conciliation fail, the Commission may hold  
51      a public hearing on the matter. After the hearing, if the Commission determines that  
52      an unlawful practice has occurred, it may:

1 (a) Serve a copy of its findings of fact within 10 calendar days upon any person  
2 found to have engaged in the unlawful practice; and

3 (b) Order the person to:

4 (1) Cease and desist from the unlawful practice. *The order must include,*  
5 *without limitation, the corrective action the person must take.*

6 (2) In cases involving an unlawful employment practice, restore all  
7 benefits and rights to which the aggrieved person is entitled, including, but not  
8 limited to, rehiring, back pay for a period ~~[not to exceed 2 years after the date of the~~  
9 ~~most recent unlawful practice,]~~ *described in subsection 4,* annual leave time, sick  
10 leave time or pay, other fringe benefits and seniority, with interest thereon from the  
11 date of the Commission's decision at a rate equal to the prime rate at the largest  
12 bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on  
13 January 1 or July 1, as the case may be, immediately preceding the date of the  
14 Commission's decision, plus 2 percent. The rate of interest must be adjusted  
15 accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

16 (3) ~~[In cases involving an unlawful employment practice, pay the costs~~  
17 ~~and reasonable attorney's fees incurred by the aggrieved person to pursue the~~  
18 ~~claim.~~

19 ~~=====~~  
20 ~~(4) In cases involving an unlawful employment practice relating to~~  
21 ~~discrimination on the basis of sex, pay an amount determined to be appropriate~~  
22 ~~by the Commission as compensatory damages which, upon submission of proof~~  
23 ~~by the aggrieved party, may include, without limitation, compensation that would~~  
24 ~~have been earned in the absence of discrimination for overtime, shift differential,~~  
25 ~~[commissions, tips,] cost of living adjustments, merit increases or promotions, or~~  
26 ~~[for] other fringe benefits .], including, without limitation, vacation pay, pension~~  
27 ~~or retirement benefits, stock options or bonus plans, contributions to a savings~~  
28 ~~plan, profit sharing or benefits for medical or life insurance.]~~

29 ~~(5) (4) In cases involving an unlawful employment practice committed~~  
30 ~~by an employer with 30 or more employees that the Commission determines was~~  
31 ~~willful, pay a civil penalty of:~~

32 (I) For the first unlawful employment practice that the person has  
33 engaged in during the immediately preceding 5 years which the Commission  
34 determines was willful, not more than ~~[\$10,000,] \$5,000.~~

35 (II) For the second unlawful employment practice that the person  
36 has engaged in during the immediately preceding 5 years which the Commission  
37 determines was willful, not more than ~~[\$15,000,] \$10,000.~~

38 (III) For the third and any subsequent unlawful employment practice  
39 that the person has engaged in during the immediately preceding 5 years which  
40 the Commission determines was willful, not more than ~~[\$25,000,] \$15,000.~~

41 4. For the purposes of subparagraph (2) of paragraph (b) of subsection 3,  
42 the period for back pay must not exceed a period beginning 2 years before the  
43 date on which the complaint was filed and ending on the date the Commission  
44 issues an order pursuant to paragraph (b) of subsection 3 addressing all unlawful  
45 practices which occur during that period and which are similar or related to an  
46 unlawful practice in the complaint.

47 5. Before imposing a civil penalty pursuant to subparagraph ~~(5) (4)~~ of  
48 paragraph (b) of subsection 3, the Commission must allow the person found to  
49 have willfully engaged in an unlawful employment practice 30 days to take  
50 corrective action from the date of service of the order pursuant to paragraph (a)  
51 of subsection 3. If the person takes such corrective action, the Commission shall  
not impose the civil penalty.

1       6. *The Commission shall adopt regulations setting forth the manner in*  
2 *which the Commission will determine whether an unlawful employment practice*  
3 *was willful.*

4       7. The order of the Commission is a final decision in a contested case for the  
5 purpose of judicial review. If the person fails to comply with the Commission's  
6 order, the Commission shall apply to the district court for an order compelling such  
7 compliance, but failure or delay on the part of the Commission does not prejudice  
8 the right of an aggrieved party to judicial review. The court shall issue the order  
9 unless it finds that the Commission's findings or order are not supported by  
10 substantial evidence or are otherwise arbitrary or capricious. If the court upholds  
11 the Commission's order and finds that the person has violated the order by failing  
12 to cease and desist from the unlawful practice or to make the payment ordered, the  
13 court ~~shall~~ *+*

14 ~~—(a) Shall—~~ award the aggrieved party actual damages for any economic loss ~~++~~  
15 and ~~no more.~~

16 ~~15. (b) May, if the court determines that the employer's act or failure to act~~  
17 ~~was the result of malice or reckless indifference, impose an amount determined~~  
18 ~~by the court as punitive damages.]~~

19       8. After the Commission has held a public hearing and rendered a decision,  
20 the complainant is barred from proceeding on the same facts and legal theory  
21 before any other administrative body or officer.

22       Sec. 4. ~~[NRS 233.210 is hereby amended to read as follows:~~

23 ~~— 233.210 Any person who willfully resists, prevents, impedes or interferes~~  
24 ~~with the Commission, its members, the Administrator or agents in the performance~~  
25 ~~of duties pursuant to this chapter shall be fined not more than \$500. In such an~~  
26 ~~action, the Commission may recover any reasonable costs or expenses incurred~~  
27 ~~by the Commission, its members, the Administrator or agents in the performance~~  
28 ~~of duties pursuant to this chapter.] (Deleted by amendment.)~~

29       Sec. 5. NRS 613.330 is hereby amended to read as follows:

30       613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful  
31 employment practice for an employer:

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

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

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

46       2. It is an unlawful employment practice for an employment agency:

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

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

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

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

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

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

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

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

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

29 5. Except as otherwise provided in subsection 6, it is an unlawful employment  
30 practice for any employer, employment agency, labor organization or joint labor-  
31 management committee to discriminate against a person with a disability by  
32 interfering, directly or indirectly, with the use of an aid or appliance, including,  
33 without limitation, a service animal, by such a person.

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

40 7. The provisions of paragraph (c) of subsection 1, paragraph (c) of  
41 subsection 2 and paragraph (c) of subsection 3, as applicable, do not apply to any  
42 person who has access to information about the wages of other persons as part of  
43 his or her essential job functions and discloses that information to a person who  
44 does not have access to that information unless the disclosure is ordered by the  
45 Labor Commissioner or a court of competent jurisdiction.

46 8. It is an unlawful employment practice for an appointing authority governed  
47 by the provisions of chapter 284 of NRS, the Administrator of the Division of  
48 Human Resource Management of the Department of Administration or the  
49 governing body of a county, incorporated city or unincorporated town to consider  
50 the criminal history of an applicant for employment without following the  
51 procedure required in NRS 245.046, 268.402, 269.0802, 284.281 or 284.283, as  
52 applicable.



1       9. As used in this section, “service animal” has the meaning ascribed to it in  
2 NRS 426.097.

3       **Sec. 6.** NRS 613.350 is hereby amended to read as follows:

4       613.350 1. It is not an unlawful employment practice for an employer to  
5 hire and employ employees, for an employment agency to classify or refer for  
6 employment any person, for a labor organization to classify its membership or to  
7 classify or refer for employment any person, or for an employer, labor organization  
8 or joint labor-management committee controlling apprenticeship or other training  
9 or retraining programs to admit or employ any person in any such program, on the  
10 basis of his or her religion, sex, sexual orientation, gender identity or expression,  
11 age, disability or national origin in those instances where religion, sex, sexual  
12 orientation, gender identity or expression, age, physical, mental or visual condition  
13 or national origin is a bona fide occupational qualification reasonably necessary to  
14 the normal operation of that particular business or enterprise.

15       2. It is not an unlawful employment practice for an employer to fail or refuse  
16 to hire and employ employees, for an employment agency to fail to classify or refer  
17 any person for employment, for a labor organization to fail to classify its  
18 membership or to fail to classify or refer any person for employment, or for an  
19 employer, labor organization or joint labor-management committee controlling  
20 apprenticeship or other training or retraining programs to fail to admit or employ  
21 any person in any such program, on the basis of a disability in those instances  
22 where physical, mental or visual condition is a bona fide and relevant occupational  
23 qualification necessary to the normal operation of that particular business or  
24 enterprise, if it is shown that the particular disability would prevent proper  
25 performance of the work for which the person with a disability would otherwise  
26 have been hired, classified, referred or prepared under a training or retraining  
27 program.

28       3. It is not an unlawful employment practice for an employer to fail or refuse  
29 to hire or to discharge a person, for an employment agency to fail to classify or  
30 refer any person for employment, for a labor organization to fail to classify its  
31 membership or to fail to classify or refer any person for employment, or for an  
32 employer, labor organization or joint labor-management committee controlling  
33 apprenticeship or other training or retraining programs to fail to admit or employ  
34 any person in any such program, on the basis of his or her age if the person is less  
35 than 40 years of age.

36       4. It is not an unlawful employment practice for a school, college, university  
37 or other educational institution or institution of learning to hire and employ  
38 employees of a particular religion if the school or institution is, in whole or in  
39 substantial part, owned, supported, controlled or managed by a particular religion or  
40 by a particular religious corporation, association or society, or if the curriculum of  
41 the school or institution is directed toward the propagation of a particular religion.

42       5. It is not an unlawful employment practice for an employer to observe the  
43 terms of any bona fide plan for employees’ benefits, such as a retirement, pension  
44 or insurance plan, which is not a subterfuge to evade the provisions of NRS  
45 613.310 to 613.4383, inclusive, as they relate to discrimination against a person  
46 because of age, except that no such plan excuses the failure to hire any person who  
47 is at least 40 years of age.

48       6. It is not an unlawful employment practice for an employer to require  
49 employees to adhere to reasonable workplace appearance, grooming and dress  
50 standards so long as such requirements are not precluded by law, except that an  
51 employer shall allow an employee to appear, groom and dress consistent with the  
52 employee’s gender identity or expression.

1       7. *For the purpose of subsection 1, “bona fide occupational qualification*  
2 *reasonably necessary to the normal operation of that particular business or*  
3 *enterprise” does not include a qualification which:*

4       (a) *Is based upon or derived from a difference on the basis of sex; or*  
5       (b) *The employer, employment agency, labor organization or joint labor-*  
6 *management committee has refused to change after an affected person has*  
7 *presented an alternative practice that would serve the same purpose without*  
8 *producing the same amount of differential treatment on the basis of sex.*

9       **Sec. 7.** NRS 613.405 is hereby amended to read as follows:

10       613.405 1. Except as otherwise provided in subsection 2, any person injured  
11 by an unlawful employment practice within the scope of NRS 613.310 to 613.4383,  
12 inclusive, may file a complaint to that effect with the Nevada Equal Rights  
13 Commission if the complaint is based on discrimination because of race, color, sex,  
14 sexual orientation, gender identity or expression, age, disability, religion or national  
15 origin.

16       2. Any person injured by an unlawful employment practice within the scope  
17 of *paragraph (c) of subsection 1, paragraph (c) of subsection 2, paragraph (c) of*  
18 *subsection 3, subsection 7 or* subsection 8 of NRS 613.330 may file a complaint to  
19 that effect with the Nevada Equal Rights Commission regardless of whether the  
20 complaint is based on discrimination because of race, color, sex, sexual orientation,  
21 gender identity or expression, age, disability, religion or national origin.

22       3. Any person injured by an unlawful employment practice within the scope  
23 of NRS 613.4353 to 613.4383, inclusive, may file a complaint to that effect with  
24 the Nevada Equal Rights Commission if the complaint is based on an employer's  
25 failure to comply with the provisions of NRS 613.4353 to 613.4383, inclusive.

26       **Sec. 8.** NRS 613.420 is hereby amended to read as follows:

27       613.420 If the Nevada Equal Rights Commission does not conclude that an  
28 unfair employment practice within the scope of NRS 613.310 to 613.4383,  
29 inclusive, has occurred ~~[, any]:~~

30       1. Any person alleging such a practice may apply to the district court for an  
31 order granting or restoring to that person the rights to which the person is entitled  
32 under those sections ~~[, and, if the court determines that the employer's act or~~  
33 ~~failure to act was the result of malice or reckless indifference, imposing an~~  
34 ~~amount determined to be appropriate by the court as punitive damages,]; and~~

35       2. *The Commission shall issue a letter to the person who filed the complaint*  
36 *pursuant to NRS 613.405 notifying the person of his or her rights pursuant to*  
37 *subsection 1.*

38       **Sec. 9.** NRS 613.430 is hereby amended to read as follows:

39       613.430 No action authorized by NRS 613.420 may be brought more than  
40 180 days after the date of the act complained of ~~[, or more than 180 days after the~~  
41 *date of the issuance of the letter described in subsection 2 of NRS 613.420,*  
42 *whichever is later.* When a complaint is filed with the Nevada Equal Rights  
43 Commission the limitation provided by this section is tolled as to any action  
44 authorized by NRS 613.420 during the pendency of the complaint before the  
45 Commission.

46       **Sec. 10.** This act becomes effective:

47       1. Upon passage and approval for the purpose of adopting regulations and  
48 performing any other preparatory administrative tasks that are necessary to carry  
49 out the provisions of this act; and

50       2. On January 1, 2020, for all other purposes.