

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Eightieth Session
May 22, 2019**

The Committee on Commerce and Labor was called to order by Chair Ellen B. Spiegel at 3:18 p.m. on Wednesday, May 22, 2019, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Ellen B. Spiegel, Chair
Assemblyman Jason Frierson, Vice Chair
Assemblywoman Maggie Carlton
Assemblyman Skip Daly
Assemblyman Chris Edwards
Assemblywoman Melissa Hardy
Assemblywoman Sandra Jauregui
Assemblyman Al Kramer
Assemblywoman Susie Martinez
Assemblyman William McCurdy II
Assemblywoman Dina Neal
Assemblywoman Jill Tolles
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Joyce Woodhouse, Senate District No. 5

STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
Wil Keane, Committee Counsel
Karen Easton, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

James P. Kemp, Attorney, Kemp & Kemp, Las Vegas, Nevada
Natalie Hernandez, Campaign Manager, Time to Care Nevada
Ann Silver, Chief Executive Officer, Reno Sparks Chamber of Commerce
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association
Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association
Andy Peterson, Vice President, Government Affairs, Retail Association of Nevada
Misty Grimmer, representing Nevada Resort Association
Molly Rose Lewis, Northern Nevada Organizing Coordinator, NARAL Pro-Choice Nevada
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Quentin Savvoir, Political Director, Make It Work Nevada
Deneishia Jacobpito, Private Citizen, Las Vegas, Nevada
Maria-Teresa Liebermann, Deputy Director, Battle Born Progress
Joelle Gutman, Government Affairs Liaison, Washoe County Health District
Marlene Lockard, representing Nevada Women's Lobby
Warren B. Hardy II, representing Nevada Restaurant Association
Shane Piccinini, Government Relations, Food Bank of Northern Nevada; and representing Human Services Network
Alanna L. Fitzgerald, Member, Indivisible Northern Nevada
Jared Busker, Associate Director, Government Affairs Manager, Children's Advocacy Alliance
Michael Hackett, representing Immunize Nevada
Carter Bundy, Political Action Representative, Political Action Department, AFSCME, AFL-CIO
Maria Castillo, Private Citizen, Las Vegas, Nevada
Jean Melby-Mauer, Legislative Representative, Paradise Las Vegas Indivisible
Ariel Guevara, Nevada State Coordinator, Mi Familia Vota
Jose Macias, Lead Organizer, Make the Road Nevada
Sophia Schersi, Private Citizen, Las Vegas, Nevada
Bryan Santamaria, Field Coordinator, Time to Care Nevada
Connie McMullen, representing Personal Care Association of Nevada
Dan Musgrove, representing Darden Restaurants; and Mechanical Contractors Association of Las Vegas
Jonathan P. Leleu, representing NAIOP, Northern Nevada Chapter; and NAIOP, Southern Nevada Chapter
Randi Thompson, Nevada State Director, National Federation of Independent Business

Kerrie Kramer, representing International Market Centers Inc.
Tyre L. Gray, representing Las Vegas Metro Chamber of Commerce
Amber Stidham, Director of Government Affairs, Henderson Chamber of Commerce
Karen Oppenlander, Executive Director, Board of Examiners for Social Workers
Vikki Erickson, President, Board of Examiners for Social Workers
David Boire, Private Citizen, Las Vegas, Nevada
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office

Chair Spiegel:

[Roll was called. Committee rules were explained.] We will start with our work session and then move on to our hearings.

Assembly Bill 77 (1st Reprint): Makes various changes to provisions governing the practice of optometry. (BDR 54-366)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 77 (1st Reprint) makes various changes to provisions governing the practice of optometry and the Nevada State Board of Optometry and revises various circumstances under which a person is exempt from the chapter governing the practice of optometry. Specifically, this bill expands the acts that constitute the practice of optometry to include certain surgical procedures on or around the eye. The bill also revises provisions governing the administering and prescribing of a pharmaceutical agent and controlled substance by an optometrist and authorizes an optometrist's assistant to perform certain activities. Lastly, the bill sets forth the requirements for the issuance of a certificate to own or operate a mobile optometry clinic ([Exhibit C](#)).

The bill makes various changes to the provisions governing the Board of Optometry, including, but not limited to:

- Requirements for duplicating, issuing, renewing, or restoring licenses and certain registrations or certificates to treat persons with glaucoma;
- Complaint and disciplinary actions, as well as certain penalties;
- Fees charged by the Board; and
- Certain powers and duties of the Board.

The Board of Optometry proposes amendments to A.B. 77 (R1) which are attached to the work session document ([Exhibit C](#)). The proposed amendments are as follows:

In section 4.5:

1. Replace subsection 2 with language that an applicant for a certificate by endorsement to treat a person diagnosed with glaucoma must prove satisfactory to the Board that: (a) he or she had no adverse actions reported to the National Practitioner Data Bank within the past five years; and (b) a certificate or other credential specified in subsection 2(a)(1) must have been issued pursuant to a certification or credentialing standard comparable to Nevada's standard for a glaucoma certification;

In Section 10:

2. Remove amended language and retain deleted language in subsection 1(b) of *Nevada Revised Statutes* (NRS) 636.025 that refers to adapting, prescribing, or dispensing any ophthalmic devices;

In Sections 22 and 23:

3. Retain deleted language in NRS 636.150 and NRS 636.155 that refers to NRS sections related to expedited licensure by endorsement;

In Section 42:

4. Delete amended language in subsection 13 of NRS 636.295, which requires a licensee to comply with the provisions of the NRS chapter governing professional entities and associations;

In Section 49:

5. Delete amended language in subsection 2 of NRS 636.350 that an optometrist applying for a certificate of registration to own all or any portion of an optometry practice under an assumed or fictitious name shall meet the requirements of the NRS chapter governing doing business under an assumed or fictitious name;

In Section 57.5:

6. Delete amended language in NRS 636.407 that the Board may issue an injunction without proof of actual damage sustained by a person; and

In Section 58:

7. Retain deleted language in NRS 636.410 that a violation of the NRS chapter governing optometry shall constitute a gross misdemeanor and shall be punishable as such unless a greater penalty is provided.

Chair Spiegel:

Does any Committee member have a question, comment, or discussion on this bill?

Assemblywoman Carlton:

I cannot thank you enough for sending Mr. Keane to my office on a regular basis to discuss A.B. 77 (R1), and I am happy those conversations will no longer happen.

Chair Spiegel:

Do we have a motion to amend and do pass A.B. 77 (R1)?

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 77 (1ST REPRINT).

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Yeager.

Assemblyman Frierson:

I would like to reiterate the comments of my colleague. I hope now we can focus with a lens on moving this matter forward.

Chair Spiegel:

We will now move on to Assembly Bill 456.

Assembly Bill 456: Revises provisions governing the minimum wage required to be paid to employees in private employment in this State. (BDR 53-1104)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 456 requires the Labor Commissioner—in adopting regulations establishing the minimum hourly wage to be paid to an employee in private employment—to ensure the minimum wage is increased by 75 cents each year for 5 years or until the minimum wage: (1) is \$12 or more, if the employer does not offer health insurance for the employee; and (2) is \$11 or more, if the employer offers health insurance. Finally, this bill places in statute the minimum wage language provision of the *Nevada Constitution* regarding an employee's right to bring certain civil action against his or her employer and the employee's entitlements if he or she prevails in such civil action ([Exhibit D](#)).

Assemblyman Frierson proposes to amend A.B. 456 ([Exhibit D](#)). The amendments for the different sections are summarized below:

1. Remove the entire section 1 and add a section 1.5, which removes the requirement for the Labor Commissioner to adopt regulations, and, instead, require each employer to pay to each employee, beginning on July 1, 2020, a minimum wage of

\$9 per hour worked, if the employer does not offer health benefits for the employee; and \$8, if the employer offers health benefits. Every year thereafter until 2024, increase on July 1 the minimum wage by \$0.75 until it reaches \$12, if the employer does not offer health benefits; or \$11, if the employer offers health benefits. This amendment also removes certain exceptions to the minimum wage requirement, which have been held to be unconstitutional by the Nevada Supreme Court. The added sections 1.3, 2.5, and 2.7 make conforming changes.

2. Add section 2.3 to allow the Labor Commissioner to adopt any regulations necessary to administer and enforce the minimum wage laws.
3. In section 3, revise the effective date of the bill from January 1, 2020, to July 1, 2019.

Chair Spiegel:

Does any Committee member have a question or comment?

Assemblyman Kramer:

I have a question as to the relevance of changing the effective date to July 1, 2019, if the bill does not go into effect until July 1, 2020.

Assemblyman Frierson:

The change to July of 2019 was a reflection of the changes over the life of the amendments to this bill. It was designed to provide notice and an opportunity for all parties to get ready—the employers, the Labor Commissioner—so the date they are focusing on is July of the year that every 75 cents accumulates.

Assemblywoman Hardy:

I will be voting no on this bill. As a small business owner, I understand the implications of raising the minimum wage. I believe it will have effects on small employers and businesses such as mine. To make adjustments, we will have to cut hours, eliminate positions, and raise our prices—I know some businesses will ultimately close their doors. This will have an effect on the labor market, particularly those high school students, young people, and those with few skills entering the workforce for the first time. I want to see Nevada continue to foster businesses coming here and having a business-friendly environment that leads to high-quality, high-paying jobs. I will be a no on this bill.

Assemblyman Edwards:

I will be joining my colleague in voting no on this bill. There are parts of my district where there are just too few opportunities for young people to get into the workforce; this kind of a bill is going to make that almost impossible for them. If there was a better business model that would actually make sense; but we are working at a 12 percent cost-of-living adjustment in the first year, and then about 9 percent the second year—businesses just cannot sustain that. I know it will kill a lot of job opportunities for my constituents, especially in the rural parts of my district.

Assemblyman Frierson:

I wanted to make sure I was clear with Assemblyman Kramer's question. The effective date of July 2019 is simply to allow all parties to prepare in anticipation of the increase, but the actual first increase will occur July of 2020.

Assemblywoman Carlton:

I am the executive director of a nonprofit and we have just six employees. I will tell you that all of my employees make much more than this minimum wage. It is not like we have a business where we can just adjust our cost—we actually live off of fundraising, community service, and applying for grants. I will tell you the two ladies who make the operation that I work at really run are being paid approximately \$20 per hour; and that is with a nonprofit. We value our employees, they have health benefits, and we think it is very important that the employees who are giving other people help are not the ones having to show up for help. I understand some of the comments about a small employer, but I just wanted to make sure it was on the record that not all small employers feel that way. I feel that everyone needs to make a living wage so they can take care of their families and not have to ask for help in other ways. We are happy to help people when they show up. If everyone did a little better, maybe it would put an organization like mine out of business—which would be really, really great.

Assemblywoman Tolles:

I just want to thank the speaker and sponsor for the intentions behind this bill. I think they have made my questions and concerns clearer. I just want to acknowledge my constituent, who is here in the room, who informed me how this would impact the senior living and hospice care workers and the overtime provisions that conflict with this that would put them beyond the Medicaid reimbursement. I still have my concerns about how this would impact the cost of goods and services as well as those on a fixed income who would not be getting a raise, but who would be experiencing the downside of those increased costs of services and goods. I will be a no.

Chair Spiegel:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 456.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS, HARDY,
KRAMER, AND TOLLES VOTED NO.)

I will assign the floor statement to Assemblyman McCurdy. We will now open the hearing on Assembly Bill 312 (2nd Reprint).

Senate Bill 312 (2nd Reprint): Requires an employer in private employment to provide paid leave to employees under certain circumstances. (BDR 53-888)

Senator Joyce Woodhouse, Senate District No. 5:

I am here to present Senate Bill 312 (2nd Reprint), which requires an employer to provide paid leave to his or her employees. Paid leave is critical to the economic security of working families. The public increasingly recognizes this necessity, and Americans across the political spectrum have shown strong support for paid leave. Yet, even as states and cities across the country pass laws guaranteeing paid time off, too many families still do not have access to this basic workplace standard. There are some who argue against paid leave, saying it makes it harder for businesses to remain competitive and hire new employees. However, paid leave means that employees no longer have to choose between going to work sick and foregoing pay. Public health improves by keeping sick workers at home, which prevents them from spreading illnesses at work.

A recent survey of food workers showed that nearly 90 percent went to work when they were sick, including more than half who did so "always" or "frequently." Moreover, of those who worked while sick, almost half reported going to work sick because they could not afford to lose pay. Another report by the Centers for Disease Control and Prevention illustrates just how risky working while sick can be: One worker at a sandwich shop in Michigan infected over 100 customers with the norovirus. The lack of paid leave also puts a strain on the health care system and drives up the cost of health care. Those without paid leave are twice as likely as those with paid leave to use hospital emergency rooms or send a sick child to school or day care. According to the United States Department of Labor, workers without paid time off are more likely than their counterparts with paid time off to be injured on the job, especially those employed in health care support occupations, construction, and production. In addition, businesses profit from healthier employees and lower turnover.

The National Conference of State Legislatures reports that eleven states and Washington, D.C., now have laws requiring paid leave benefits for some employees. Connecticut adopted the first such law in 2011 and Michigan became the most recent state to enact a paid sick leave law, approving its legislation in December 2018 that took effect last month. These laws vary in the number of days provided and the characteristics of the employers covered by them. Yet, across the board, policies that give workers paid time off largely have not been job killers.

The Center for Economic and Policy Research released a report in 2014, which examined the experiences of Connecticut employers with the state's paid sick leave law 18 months after the law went into effect. The survey results confirmed the law had a modest impact on businesses in the state—contrary to many of the fears expressed by business interests prior to the passage of the legislation, such as potential abuse and added costs. Few employers reported abuse of the new law, and many noted positive benefits such as improved morale and reductions in the spread of illness in the workplace. Further, of those employers surveyed, about two-thirds of employers reported no increase in cost or an increase of less than 2 percent.

Another 12 percent did not know how much it cost them, indicating that if there was any cost, it was manageable. Finally, more than three-quarters of surveyed employers expressed support for the earned-paid-leave law.

Clearly, Connecticut's experience does not support the gloom and doom scenarios we often hear from opponents of paid leave. With more states adding this benefit each year, it is a trend that has gained acceptance and support at all levels of society.

Madam Chair, with your permission I will review the major components of the bill. First, with regard to leave earned, employees in private employment working for an employer with 50 or more employees would earn at least 0.01923 hours of paid leave for each hour of work performed—that is about two-hundredths of an hour earned for each hour worked. This equates to a total of 40 hours annually for an employee who works 40 hours per week. The bill also addresses the rate of pay at which the employee is compensated at the time leave is taken. The measure sets forth a calculation for non-hourly employees, based on the pay earned during the preceding 90 days. The salary would include any earned bonuses, but it would not include discretionary bonuses, overtime, hazard pay rates, holiday pay, or tips. For hourly employees, they would earn their regular hourly rate when taking leave time. With regard to the accrual of unused time, this would either be earned up front, at the beginning of the year, or it may be accrued by the employee over the course of one year. The bill sets a cap on unused paid leave that may be carried over to the next year at 40 hours, if an employer chooses to allow for leave accrual by employees over the course of the year.

The measure also addresses the limits on the amount of time that may be used. Specifically, employers may limit the amount of paid time an employee uses to 40 hours per year. With regard to compensation for unused time, employers may, but are not required, to pay employees for accrued, unused leave when they discontinue their employment. Senate Bill 312 (2nd Reprint) further clarifies that employees rehired within 90 days must have their unused leave hours reinstated, unless an employee quits voluntarily. With regard to the probationary period waiting time, employees may start using accrued leave after 90 days of employment. An employee is not required to provide a reason for using the paid leave, but S.B. 312 (R2) provides that an employee should give notice as soon as practicable for the use of the leave.

With regard to remedies and enforcement, the employer shall not: (1) deny the use of accrued paid leave; (2) require an employee to find a replacement; or (3) retaliate against an employee for using paid leave. The Labor Commissioner shall enforce these provisions, and such violations are a misdemeanor with a penalty of up to \$5,000. The measure includes provisions relating to the maintenance of leave records, and provides that the employer must maintain records pertaining to the accrual and use of paid leave for one year. With regard to pay-period accounting and notices to employees, S.B. 312 (R2) enables employers to use their current pay system to provide for the accounting of earned and used leave on a monthly basis.

Senate Bill 312 (2nd Reprint) includes a number of exemptions. Specifically, the law would not apply to employers that provide at least the prescribed hours of paid leave under a collective bargaining agreement or arrangement. Other exempted arrangements may include, but are not limited to, savings funds, vacation plans, vacation savings plans, or a similarly named paid leave benefit structure, added onto the base wage of an employee, including those who have been previously converted from such plans. If there are any questions regarding these exemptions, legal counsel is prepared to elaborate. The bill would also not apply to temporary, seasonal, or on-call workers. It is the intent of the bill to include employees of medical facilities who are not regularly scheduled as on-call employees. The bill also exempts any employer who already provides the prescribed hours of paid leave. Finally, S.B. 312 (R2) specifies that new businesses subject to the provisions of the bill are exempt for their first two years of operation.

I would just like to share with you a personal comment regarding this bill. As you all know, I spent many years as a first-grade teacher and a school administrator, both as an assistant principal and principal. I can tell you how important it is for the parents and guardians of our children in our schools, whether they be in pre-kindergarten, kindergarten, or all the way up to twelfth grade; parents must have the opportunity to take their paid leave so they can attend to the needs of their children when they are sick. If a child comes to school with a runny nose and a cough, every one of my 34 students would have gotten that cold over the week—it happens every single time. It is worse when it is the flu or something else.

That concludes my presentation and review of the bill. I urge your support of this critical legislation and would also ask that James Kemp, who is in Las Vegas, come forward. He is with me this afternoon to discuss the technical aspects of the bill and answer any questions. As you all know, I am not an attorney of any sort who can answer some of your technical questions on this bill.

Chair Spiegel:

Did you want Mr. Kemp to speak, or just be available for questions?

Senator Woodhouse:

If he does want to speak that would be great; otherwise if he is ready to take questions that would be perfect.

James P. Kemp, Attorney, Kemp & Kemp, Las Vegas, Nevada:

I am an employment lawyer in Las Vegas and I have been representing Nevada employees for over 20 years. Senate Bill 312 (2nd Reprint) is good public policy for both employees and employers. It will set commonsense rules for providing a basic level of paid leave for Nevada employees who work for employers having 50 or more employees. It is particularly good for older workers who have the need to go to doctor's appointments; injured workers who are working light duty, if they need time off to go to doctor's appointments and physical therapy; and workers with chronic health conditions who need time off when they have flare-ups. For people who need intermittent leave—Family and Medical Leave Act (FMLA)—they would be able to have some of that paid for, where usually FMLA is unpaid leave. It is for

people who have a death in their family; bereavement. There are many people who just do not provide time off for bereavement. Particularly, working parents and other caregivers who need to take care of their children or other loved ones who need time off to do that; they would have some basic level of paid leave.

It is an excellent bill; in terms of the applicability, it is for employers who employ 50 people or more, which is right in line with the FMLA. The enforcement is something that people always ask about—it is enforced by the Labor Commissioner under *Nevada Revised Statutes* (NRS) 608.180 and 608.195. The Labor Commissioner has the power to make regulations and hold hearings, particularly under NRS 607.205 and 607.160, and the ability to enforce the provisions—the enforcement is with the Labor Commissioner, not in the courts.

Assemblywoman Carlton:

Along the lines of Senator Woodhouse, when I first started working in the casino back in 1993 when we opened Treasure Island—anyone who has ever worked in a casino, you will know—the first year I worked in a casino I was constantly sick. Everything you take home your kids will get and/or your husband will get also. Within that year, I was suspended for two days because I had called in sick so many times between the two kids and my husband. I was put in that position of having to go to work and leave a sick husband at home with two sick children; it was not pleasant when I got home. So, I greatly appreciate this bill. I am just trying to make sure that I understand some of the components of it, because since then a number of hotels have negotiated sick leave into their contracts. In section 1, subsection 8(a), it says, "An employer who, pursuant to a contract, policy, collective bargaining agreement or other agreement, provides employees with a policy." A lot of house policies are basically written in pencil and can be erased by the employer at any time and adjusted however the employer would like to adjust it. Those policies are not necessarily agreed upon between the employer and the employee. I am just concerned that this might be a little too soft for some employers who might try to work around this, because we know that there are some who do not want to do it. I am trying to understand the thought process behind "policy." How can we make sure that policy is not contrary to what you are trying to accomplish?

James Kemp:

Where it speaks about policy, this statute would clearly act as a backstop. Any employer whose policy does not meet the minimum requirements of this bill would be subject to the provisions of the bill. They would have to comply or be subject to enforcement action by the Labor Commissioner. Part of the enforcement is that it is a misdemeanor crime. An employer who did try to get around it by having a policy that was soft would run into the provisions of this bill. It does backstop; if an employer has a policy they want exempt, it has to be at least as good as the bill or better.

Assemblywoman Carlton:

I guess I am just confused, because policies are not legally binding. How could you enforce something that is not legally binding?

James Kemp:

The enforcement would be of the statute that would arise out of this bill if the employer's policy was not sufficient to meet the qualifications of the bill. Then you would bring a complaint to the Labor Commissioner and have it enforced under the provisions of this law. If an employer has a policy that is as good, or better, they are going to be exempt from this; if they do not, they will be subject to this provision.

Assemblywoman Carlton:

I do not see a definition of "policy" either. I have worked in too many different places and seen too many iterations of things, where something will come up. An employer can change a policy at the drop of a hat—there is no negotiation, no discussion, it is "thou shalt do it this way." Without an actual definition of what that policy needs to encompass, I am not sure how you could enforce this, or if an employee would understand that he or she could actually go and file a complaint to change this policy. I am a little concerned about that and would want to know they would have some type of backstop on this. You are saying that the statute is going to back it up. How does the employee know when the employer changes that policy and they actually have a right to go and do something about it? They may think, Oh well, the boss changed the rules, here I am and this is what I have. I am just concerned that policies do not have to be signed off by both parties; they can just be changed at any time.

Assemblywoman Neal:

On page 3, section 1, subsection 1(e)(1)(I), regarding the process of how you are going to calculate the rate of pay, it says that the pay is calculated by dividing the total wages paid by the number of hours worked, but commission is not necessarily hours. How does that calculation work?

James Kemp:

Regarding the commission mentioned in the salaries provision, if somebody is being paid a salary and they have a commission or bonuses that are earned, then that would be included in the calculation. You go back 90 days and divide the amount earned, including any commission rate. Employers by law under NRS 608.115 have to keep track of hours, and they have to keep track of the pay that someone has received. You would divide the total amount they made by the number of hours they worked during that time period to arrive at the rate. I do not know how else to answer that; it seems pretty straightforward to me—maybe I do not completely understand the question. It would be based on the total amount of money that someone had made over the 90 days, then you would divide it by the number of hours that they worked.

Assemblywoman Neal:

Thank you. I was thinking about someone who works at Nordstrom who may be working on commission, and their check may be more commission than it is hours. That is why I was seeking clarity. There are those kinds of workers who do not fit into a classic model. On page 4, section 2, subsection 8(a) refers to 0.01923 hours. How many employers fall into that rate? How did you identify that minimum number of hours?

James Kemp:

A person who works 40 hours per week for a full year will work 2,080 hours. If you multiply the 2,080 hours by the 0.01923 hours, you come up with close to 40 hours. The idea is that someone would have 40 hours to use for leave during the course of a year. That is how it was calculated. There are two different ways of doing this: 1) the employer gives the 40 hours at the beginning of the year; or 2) they could have the employee earn it as they go along. They would accrue it at 0.01923 hours [per hour worked] over the course of a year; by the end of the year they would end up with the 40 hours accrued. That accounts for the method in the Senate; some senators were concerned that if you just gave the employee all of it up front, they might use it and quit—we developed this as an alternative that an employer could choose to have a person accrue it over time rather than have it all at once.

Chair Spiegel:

We are going to take a brief detour, and Mr. Keane is going to answer Assemblywoman Carlton's question.

Wil Keane, Committee Counsel:

To expand on what Mr. Kemp said, on page 4, lines 40 to 44 provide an exemption. If an employer falls into that exemption, they do not need to comply with the rest of the provisions. That exemption is their policy. Whatever the terms of the policy are, the policy has to provide for the paid time off at a rate of at least 0.01923 hours per hour worked. If the employer does that, pursuant to an agreement with the employees, then that employer is exempt and does not have to comply with the rest of the section as written. As far as notice to the employees, to the extent there is notice to the employees, it is on page 4, subsection 4, line 16, where the Labor Commissioner is required to prepare a bulletin setting forth these benefits, posted on the Labor Commissioner's website, and require employers to post that at the workplace. So hopefully the employees would receive some kind of notice.

Assemblywoman Carlton:

If they do have a policy that meets the minimum of the statute, then they are exempt. Is that what I am hearing?

Wil Keane:

Yes, if the employer meets the terms of section 1, subsection 8(a), which means they have a policy which provides at least 0.01923 hours of paid time off per hour worked, then the employer does not have to comply with the rest of the section.

Assemblywoman Carlton:

Also in the bill it has a retaliation clause. I am not sure if that is covered for other employees. Having the retaliation clause in the bill, if they already have a policy in place, and/or collective bargaining agreement, this bill does not apply to them. Does the retaliation clause still protect that employee if they are outside of the bill?

Wil Keane:

If the employer falls within this exemption, none of the other provisions apply, including the retaliation provision in this bill. However, to the extent that the Labor Commissioner generally enforces labor laws, the Labor Commissioner may be able to act against an employer who is not following the labor laws in some other way. We would have to look into whether there is some other provision that prohibits retaliation for use of sick time in accordance with a policy that is outside of this statute. You are correct, if an employer is exempt pursuant to subsection 8(a), then they are exempt from this section and all of its provisions.

Assemblywoman Carlton:

I would be interested to request from legal if there are retaliation protections outside of this, and, if not, we would essentially have two classes of employees: those who have protections from retaliation and others who do not. I can tell you from personal experience, I tried to use sick leave once and was told, If you do that, you are going to be at the bottom of the seniority list for the next three weeks—which means my pay would have been cut in half. If we are going to give protections under this statute to employees, I think we need to make sure other employees are protected also. I would like to understand if there is a provision out there that protects those other employees.

Wil Keane:

I would be happy to look into that and get back to you.

Chair Spiegel:

When we are talking about people who work on salary, commission, or piece rate, those people do not normally track their hours because that is part of the difference in pay scheme. Salaried employees do not clock in or clock out; they do not record every time they take a break. It is the same for commissioned salespeople—some may, some may not, depending on their employer. I am wondering, if in the regulations or sometime in the future, how this will work or will it be spelled out—if employees are not otherwise required to track their time. For example, I have been a salaried employee for the past 30 to 35 years. In the past, my boss never said, You need to be here between X and Y, and if you stay late you need to keep track of everything. I have put in considerable hours of overtime that were always covered by my salary. I am wondering how that will work, or if it will be covered in the regulations.

James Kemp:

I believe that will be one of the details for which regulations from the Labor Commissioner may be necessary in order to address exactly how to work that out. For people who are on salary but generally have a set schedule, I do not think it will be as big a concern. There will be people who are on piece rate or other commissioned-type people who do not keep track of their hours for whom it may be a concern. It could be that they begin to keep track in order to be able to use this properly and figure it out. It would be something the Labor Commissioner needs to address through regulations—that might be the only practical way to do it.

Assemblyman Daly:

We call this paid leave, or time off—I know people have referred to it as sick leave and not vacation. Is it intended to be vacation time? Is it only for sick leave? If it is only for sick leave, we should probably say that.

James Kemp:

The bill originally started as more of a sick leave-type of provision, but in speaking with the various stakeholders and the people who were interested, it was determined the best way to handle this would be to have it as paid time off. Under this statute, employees can use it for pretty much any reason they have. The employer is not allowed to demand from them what they are using it for, as long as the employees give reasonable and practical advance notice of using the leave. They can use it for any purpose, whether it be for sick time to care for themselves or for a loved one, to go to doctor's appointments, or bereavement if a family member passes away; they would be able to use it—it is very flexible as paid time off. In terms of it being vacation time, I suppose if a person wanted to take a long weekend, as long as he gave enough advanced notice to his employer, he would be able to use it for that. It was originally conceived as sick time, and that is the most important benefit.

Assemblyman Daly:

When you read the exemption in subsection 8, if the employer has a policy, agreement, or whatever it might be that says they are going to give their employees paid time off of at least 40 hours a year, as long as their policy says they are going to give their employees vacation or sick time at a minimum of 40 hours, then they are exempt from the rest of the bill. If they are not exempt, employees may use the time without providing a reason—so they could use it for a vacation—then as soon as practical, employees need to give notice. Sometimes there is an emergency and employees have to give last-minute notice—I do not know if "as soon as practical" is going to cover it. Then it says [section 1, subsection 3] "an employer shall not" deny. No matter what the employee says or how soon it is said, if it is an emergency and the employee has to go, the employer cannot deny. I am not saying any of that is bad; things do happen. I do know that most policies, if they provide the 40 hours a year and would be exempt, say, Yes, you can use sick leave; Yes, you need to give more than one hour's notice or it is an emergency; My child is sick, I need to go—everyone understands that. But if employees are going to be gone more than three days and have accrued up to their 40 hours, they need to bring a sick note. Those are the types of things that we are talking about that virtually every policy ever seen has, so people cannot take advantage.

James Kemp:

The bill would provide that an employer would not be able to ask those questions or demand a note from a doctor for leave that is used under this. If it is an employer who is exempt, their policy has to be at least as generous as what this is—they may have to amend policies to account for that, to make sure it is tracking and is more generous than this provision. Again, some of these policies are actually incorporated in contracts or collective bargaining agreements, so that is going to have to be reflected. There is no requirement that an employer

can impose for a note from a doctor, because it can be used for any purpose that the employee has as long as they are giving as much notice as is practicable—if there is an emergency, there is little notice.

Assemblyman Daly:

That is not the way I read subsection 8(a). It says the employer, pursuant to contract, policy, et cetera, must provide a policy for paid leave or paid time off to all scheduled employees at the rate of at least 0.01923 hours of paid leave per hour. So as long as I give that, none of the other stuff applies, and I could ask for notes under my policy; that is the way I am reading it. If it does not read that way, all of the other conditions in terms of the policy I have in place for people, where I am employed—we have three weeks of sick leave—would be out the window, and I would have a problem with that. I do not need people using an extra three weeks of "vacation," because I cannot ask them what it is for or deny them using it. That is not the way I read it. If I read it correctly, we are probably closer to being okay than if I read it your way. I was just looking at NRS Chapter 608 and, although it is probably in there, I did not see where the Labor Commissioner can adopt regulations under that chapter. I know the Labor Commissioner has the ability to adopt regulations under NRS Chapter 338 and a variety of other statutes that she oversees. Maybe we should put that in there, because there are several things that need to be defined, including what a temporary, seasonal, or on-call employee actually means. I know under construction and collective bargaining agreements for construction, there is no sick leave and there is no vacation—if you do not work, you do not get paid. It has been that way for a long time. They get paid well, but they have weather days and a variety of things. I do not know if they would fit into that definition or not, as a temporary or seasonal worker.

James Kemp:

It would probably be an improvement to add a specific authorization for the Labor Commissioner to enact regulations, but I do think NRS Chapter 607 actually creates and governs the actions and operations of the Labor Commissioner. I believe NRS 607.205 or 607.160 does provide the power of the Labor Commissioner to not only hold hearings, but also to enact regulations. It could be an improvement in the bill to amend it to provide for the Labor Commissioner to specifically enact regulations. I believe in NRS 607.160 there is authorization generally for anything that the Labor Commissioner enforces.

Assemblyman Edwards:

I think everybody in the room probably has had paid time off and they appreciate the positive impact it has—there are great reasons for it. I would like to think that most every business in Nevada that can do it for their employees is already doing so. My concern is not just this, but all the other bills that we are passing that have an economic impact on the business community. The Committee just passed out a minimum wage, now we want to pass out paid time off, and the amount can be increased in the next session. I am concerned greatly with the impact on the business community and what their breaking point is. Although this may be a 2 percent cost, there are some businesses that are running at a 1 to 3 percent margin; if that is their profit margin, this wipes it out. The minimum wage increase is going to sink the businesses. I do not know if we have really looked at the cumulative effect here, and I do not

think we have done a good job as a state government looking at all the impacts that we are foisting upon the business community. How do we make sure that this does not put them over the brink? Where do we draw the line? It is a great idea and I would love for everybody to have it, but I also want to make sure they have a job to begin with. Because if they do not have a job and the business closes, this really does not matter.

Senator Woodhouse:

I will jump in to what I was going to say at the end of the hearing and I will put it on the record at this point. Because this bill was introduced fairly early in the session, we worked on it for a long time. You will hear from individuals in the audience who were part of the working group across the spectrum—large businesses, small businesses, nonprofits, everyone who would be involved in this. This bill you have before you is the second reprint, a combination of all of the work done. I think when you get to the support testimony, you will have a very good feel for the answer to the economic impact as best as we know it at this time, and the support that all of the organizations have for this bill.

Chair Spiegel:

You had a really good segue. We will move to the next phase of the hearing. I want to give everyone the lay of the land because several Committee members have a Ways and Means meeting at 6 p.m. and we also have another bill to hear after this. We will have testimony for a half hour in support and up to a half hour in opposition. Anyone who does not get to speak but wants to give us comments, I will give you our email address. It is: asmcl@asm.state.nv.us. Any comments you send will be put on the Nevada Electronic Legislative Information System and made a part of the record.

To kick things off, I would like everyone who is here in support of S.B. 312 (R2) to please stand, both here and in Las Vegas, so the Committee can see the overwhelming support that exists for this bill. Thank you. I think everyone sees the support and who is supporting. As we begin the testimony phase, please limit your testimony to two minutes; that would be appreciated. When you hit the two-minute mark you will see me hold up two fingers, and that is the signal to wrap up. Is there anyone to testify in support of S.B. 312 (R2)?

Natalie Hernandez, Campaign Manager, Time to Care Nevada:

[Ms. Hernandez spoke from prepared testimony ([Exhibit E](#)).] I am the campaign manager with Time to Care Nevada. Time to Care Nevada is a statewide coalition made up of organizations with one common goal—to lift up the stories of working families and pass earned, paid sick-day policies at the State Legislature to improve the quality of life for all Nevadans.

We have a robust and diverse coalition made up of over 20 different organizations and supporters from all across Nevada, including national organizations. Many of these organizations and their members are in the room in Las Vegas and here in Carson City, and those that could not be here have submitted testimony online ([Exhibit F](#)). Since the beginning of the session, this coalition has mobilized over 1,000 people from Las Vegas and Reno to

Carson to speak to their legislators on the importance of earned paid sick days. Our coalition represents tens of thousands of vibrant and beautiful working families who desperately need strong legislation that will offer them dignity and the ability to care for their families.

According to a study done by the Institute for Women's Policy Research in 2017 ([Exhibit G](#)), 522,000 people in Nevada do not have access to earned paid sick days, and this legislation as currently written would exclude 192,000 Nevadans from this much-needed benefit. Although this is a very big step in the right direction for Nevadans and working families, we ask that this Committee reduce the number of employees. Our own Senator Catherine Cortez Masto has cosponsored the Healthy Families Act on a federal level to give families the time they need. The Healthy Families Act would apply to all businesses with at least 15 employees. Families should not be forced to make the choice of taking care of themselves or their families to provide for their households.

We look forward to continue working with legislators in making S.B. 312 (R2) the best bill possible for all working Nevadans. Thank you to Senator Woodhouse for sponsoring this important legislation that will strengthen working families in Nevada.

Chair Spiegel:

Our policy and Committee rules say if you are testifying in support, it means you are willing to accept the bill as it is; you are in opposition if you are opposed to any part of it—even if it is something like changing the number of employees. If it is neutral, you are just adding some factual information. Are you okay with the bill as it is, and is it just that you have a dream for it to go further?

Natalie Hernandez:

Yes, we are in support of it.

Ann Silver, Chief Executive Officer, Reno Sparks Chamber of Commerce:

The Reno Sparks Chamber of Commerce represents 1,700 members that employ over 75,000 Nevadans. I am here to support S.B. 312 (R2) as amended. The Chamber would like to thank Senator Woodhouse for working with all of the stakeholders in reaching a fair and reasonable compromise. Seventy-five percent of our Chamber members are small businesses with fewer than 50 employees, so we appreciate your recognition of their sacrifices and our reliance on the goods and services they provide in the communities.

Our Chamber members understand the need for employees to have paid time off, whether it is to care for an ill family member or to have time off to personally recharge. With paid time off replacing sick leave, this bill eliminates the possible invasion of privacy and the need for documentation to excuse time away from work. The bill also provides flexibility for both the employer and the employee to address requests for time off. We also appreciate the two-year start-up period, as this enables new businesses to test their sustainability and operational capabilities. The Reno Sparks Chamber of Commerce thanks this Committee for working with us and our business colleagues to forge public policy that will continue to make Nevada a great place to do business. We urge your support for passage of S.B. 312 (R2).

Paul J. Enos, Chief Executive Officer, Nevada Trucking Association:

We are here to support S.B. 312 (R2). First of all, I would like to thank Senator Woodhouse for working with the business community to really craft a piece of legislation that we can all come up here to support. For us, paid time off is a recruitment issue, it is a retention issue, and a health issue as well. The last thing we want is a sick driver moving 80,000 pounds down the road; we want their focus to be on safety, we do not want their focus in other places. If they have things they are worried about at home, we want them to be able to take care of that. We do pay our people in a multitude of different ways, whether it is salary, hourly, or on piece rate. We do appreciate the differing provisions in the bill that give our people a path to compliance. I just want to say thank you to the sponsor; we really appreciate working with her on this, and we are very happy to be here supporting this bill this legislative session.

Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association:

We come to the table in full support of this measure. I would be remiss if I did not thank Senator Woodhouse for the efforts that she put forth on this to consider all of the concerns from the business community. Like Mr. Enos indicated, we pay our employees in a myriad of different manners and this enables everybody to ultimately get paid time off. I thank the Committee for considering this bill, and, again, thanks to Senator Woodhouse. And I think Mr. Kemp really explained the nuances and intricacies of the bill.

Andy Peterson, Vice President, Government Affairs, Retail Association of Nevada:

I am also here on behalf of the Nevada Manufacturing Association who had to go to another committee. We support this fully and thank Senator Woodhouse for her fine work on this bill.

Misty Grimmer, representing Nevada Resort Association:

For the most part I would say ditto, but I would also like to reiterate our thanks to Senator Woodhouse and the other members of the Senate who worked with us on this bill to contemplate all the different needs of different employers and how we are situated.

Molly Rose Lewis, Northern Nevada Organizing Coordinator, NARAL Pro-Choice Nevada:

We are in support of this bill along with our 45,000 members across the state, several of whom are behind me and have been here for three hours to make sure that you see them. We know that having time off to care for oneself and one's children is crucial for reproductive freedom.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

We believe that by ensuring working Nevadans can afford to stay home when sick we can keep businesses strong, workplaces healthy and productive, and strengthen the economic security of families. Therefore, we urge your support.

Quentin Savwoir, Political Director, Make It Work Nevada:

[Mr. Savwoir spoke from prepared testimony ([Exhibit H](#)).] Thank you for taking up this important piece of legislation. While this is a step in the right direction, we still have a long way to go because we know that all Nevadans stand with all the hard-working families throughout this state.

We at Make It Work Nevada have been fighting for the passage of paid sick day legislation since 2017. We have talked to countless families that continue to struggle with the stress and strain of having to choose between their loved ones, themselves, or their livelihoods. Having to make a choice like this is abhorrent and immoral, yet mothers like Leslie and Tameka are still having to make these types of decisions. Leslie's son was born two months early, he had a hole in his heart, a nerve disorder, and severely clubbed feet. These ailments required him to remain in the neonatal intensive care unit for the first two months of his life. In addition, Leslie had just started working a new job but had not been there long enough to accumulate any paid time off. This meant that every time her new son had a doctor's appointment or a therapy visit, she had to miss out on work and vital income that she needed to take care of herself and her son.

A similar situation is true of Tameka. Tameka's husband became disabled in 2006, making her the primary breadwinner in her family and caregiver for her husband. She recalls the challenges she faced in not having stable employment, because she would frequently have to leave work, without pay, to care for her husband or one of their four children. What should Tameka have done—gone to work and made money while completely forsaking her husband and children? This is not a decision that anyone should have to make.

Senate Bill 312 (2nd Reprint) is a step in the right direction. We are, however, gravely concerned with the 192,000 Nevadans who will be left in the margins because they work for a company that will be exempt from this law. Not to mention the countless other Nevadans whose employers give them at least five days of paid time off, not paid sick days. We stand in support of legislation that will be as broad and directly impact as many Nevadans as possible. Until then, we will continue to advocate for a more all-encompassing policy with our friends, families, and neighbors because we know we can do better.

Chair Spiegel:

Could you clarify, with your concerns are you still in support of the bill?

Quentin Savwoir:

Yes. I would end my testimony to say that strong public policy and a strong economic business community in Nevada are not conflicting interests—we can have both.

Deneishia Jacobpito, Private Citizen, Las Vegas, Nevada:

[Ms. Jacobpito spoke from prepared testimony ([Exhibit I](#)).] I have recently become acquainted with the team at Make it Work Nevada and appreciate them for bringing this opportunity to my attention.

Not having paid sick days took my uterus and my ability to have children. Now, you may consider that harsh and shocking when actually my story is quite common. In my 20s and 30s I progressed up the ladder in my career from working three retail jobs at a time to earning my graduate degree, while also working multiple jobs. None of these jobs offered paid time off or paid sick days, and doctor's offices did not offer appointments during the weekends. I could not afford to take the time off from work. Losing a day's pay in any of those jobs in order to

go to the emergency room to find out what the pain was that I was going through—going to the emergency room obviously entails racking up a huge bill which I could not afford to pay—it was better not to go.

The jobs offered insurance, but they did not offer paid time off. From the age of 21 to the age of 43, I suffered a lot of pain, thinking it was just regular being a woman. This is just what happens—monthly I go through pain. Come to find out, at the age of 43 I received a full-time job that provided paid time off, and I began the journey to find out what the pain was that I was going through. It was endometriosis and fibroid cysts, which were now the size of an eight-month pregnancy. I thought that it was just meant to be that I was not getting pregnant. Doctors told me that had I been able to take care of this in my 20s and 30s, I would have been able to carry and give birth to a healthy child.

We as citizens are required to maintain a work ethic in order to eat, pay rent, and do what we are supposed to do. That price came at the legacy of my family and me not being able to have children or spend time with my mother when she went through her mastectomy. I would just like to apologize to the unborn children for my selfishness in trying to pay rent and eat instead of thinking about their potential lives.

Chair Spiegel:

We are sorry that you went through all of that and we appreciate your coming down and sharing your personal story with us. We know that cannot be easy for you.

Maria-Teresa Liebermann, Deputy Director, Battle Born Progress:

I am here representing the over 20,000 subscribers to our network statewide, because I am someone who has worked without time off and with threats of retaliation. We rise in strong support of S.B. 312 (R2). My story is that for eight years I worked retail, which is not an easy job. I was on the sales floor for eight years doing back-to-back open-and-close shifts too often and worked too many Black Fridays. Whenever the biggest shopping days of the year came along and we would try to say that we were sick or needed some time off just to recharge, we were constantly met with threats of retaliation—we would be fired if we did not comply. These eight years took a toll on my physical and mental health. Now I work at a nonprofit and I have time off—trust me, it helps. If our small nonprofit can do this for our employees, we believe all employers should too.

This bill is an important step in bringing relief to hardworking Nevadans and we strongly support it, but we still have work to do. More employees should be included, and we will continue to fight to limit the exemptions so that more Nevadans have access and a right to the paid time off they deserve. Also, before this bill moves out of Committee, we need to ensure that workers are protected from retaliation. We need to ensure they can use the time off they earn and need without any fears of punishment. We urge the Committee to tighten up the language and enshrine in law a robust prohibition on employee retaliation by employers. I would like to thank Senator Woodhouse for her leadership in spearheading this important effort and strongly urge the Committee to support this important bill.

Joelle Gutman, Government Affairs Liaison, Washoe County Health District:

We are here today in support of this bill. Workers without paid leave are more likely to delay medical care, which can lead to prolonged illness and worsen otherwise minor health issues. Paid sick leave has been shown to aid children's health, shorten hospital stays, and reduce disease transmission. Paid sick leave keeps our homes, offices, schools, and day cares healthier while ensuring a family's economic security.

Marlene Lockard, representing Nevada Women's Lobby:

Last year the Nevada Women's Lobby celebrated their 30th anniversary. When I say this bill has been a long time coming, it has been a long time coming. We appreciate Senator Woodhouse's efforts to finally bring it to fruition.

Warren B. Hardy II, representing Nevada Restaurant Association:

I would just associate myself with the remarks of the other members of the business community with regard to the bill and our support, and also the comments with regard to our appreciation for Senator Woodhouse for working through this important issue. I would just add my appreciation to the other members of the business lobby for the hard work that they did to bring this about as well. We appreciate all the effort that has been expended on this and support the legislation.

Shane Piccinini, Government Relations, Food Bank of Northern Nevada; and representing Human Services Network:

Yes, this bill has been a long time coming and we completely support it, and we also thank Senator Woodhouse for her work.

Alanna L. Fitzgerald, Member, Indivisible Northern Nevada:

[Ms. Fitzgerald spoke from prepared testimony ([Exhibit J](#)).] As a licensed social worker and member of Indivisible Northern Nevada, I support S.B. 312 (R2). In my frontline work as a social worker in northern Nevada, my focus was with families with minor children, particularly families living in poverty and homelessness. Over the years I have met dozens and dozens of families who lived on the edge of disaster because their employers did not offer any support through paid sick days. The adults in these families were hard-working and loyal employees. But with no grace in their employment situation to allow time off to deal with an illness, either for themselves or family members, I saw numerous families tumble into financial ruin when an income earner became ill. They were already living paycheck to paycheck. But to lose a couple of days of pay, or worse to lose a job over taking a day or two off when they were truly sick, was devastating to these families. And I saw it time after time after time. After an illness caused a job loss or significant loss of income, the families would come to my program seeking help to avoid eviction, help to keep their power on, or a host of other challenges. I urge you to pass S.B. 312 (R2), which will provide a small, but necessary, safety net for families like those. Thank you for your time and concern for the hardworking people of Nevada.

Jared Busker, Associate Director, Government Affairs Manager, Children's Advocacy Alliance:

The Children's Advocacy Alliance believes that parents should be able to stay home to take care of their sick children. For these reasons, we are in support.

Michael Hackett, representing Immunize Nevada:

We are a member of the Time to Care Nevada coalition. We do have written comments specific to our support of this bill, but we do want to get on the record publicly in support of this bill.

Carter Bundy, Political Action Representative, Political Action Department, AFSCME, AFL-CIO:

There are very few things that are more central to the well-being of workers and their families than the ability to take time off to take care of themselves and their families. We will not repeat any of the other comments other than to say we thank Senator Woodhouse for bringing this bill and hope you will support S.B. 312 (R2).

Maria Castillo, Private Citizen, Las Vegas, Nevada:

I am an organizer for Time to Care Nevada, but first and foremost I am a mother, a grandmother, and also a daughter. I care for my mother who is suffering from early stages of Alzheimer's. That, in itself, is difficult for me and my family, but nothing like the anxiety of having to choose between making sure my mom is safe or not being reprimanded or even fired from my job, my livelihood. I have had a stranger call me in the middle of a work day telling me my mom was more than 10 miles from my home—she was lost and had no clue where she was. I had to leave work to pick her up. Needless to say, I was fired for doing that. I am so thankful I now work for a progressive organization that cares about these issues, but what about my fellow Nevadans who do not have that luxury? Please pass S.B. 312 (R2).

Jean Melby-Mauer, Legislative Representative, Paradise Las Vegas Indivisible:

I am speaking today on behalf of Paradise Las Vegas Indivisible, a nonpartisan group with over 300 members in the Las Vegas Valley. We are part of the Time to Care coalition and we wholeheartedly support this bill. I have submitted written testimony on our behalf, so I will not go through it ([Exhibit K](#)). On a personal note, I would like to point out that as a former educator, I have experienced the results of the lack of paid sick leave firsthand. Far too often my students were absent from class in order to care for their siblings while their parents went to work sick, potentially endangering the public and to the detriment of their children's education. I was an English language learner specialist at Valley High School, so I did not experience it just from my students, but also from our faculty of 12 teachers. It was an especially huge problem among our Latino and immigrant populations. We all know for the future of our state we need an educated populace, and this is really a boon that we are going to have this personal paid leave. I would hope in the future we would see it extended beyond companies with 50 employees.

Ariel Guevara, Nevada State Coordinator, Mi Familia Vota:

We are in support of this bill. We see it as a great first step to making sure we get as many Nevadans covered with paid sick leave. We are in support of this bill.

Jose Macias, Lead Organizer, Make the Road Nevada:

I have served my community in East Las Vegas as a community activist for the past 10 years. I am also the lead organizer for Make the Road Nevada. I am here to urge you to support S.B. 312 (R2) because I believe that every worker should be healthy to provide the best service they can in any job they work in. I know firsthand what passing S.B. 312 (R2) will mean for so many families. If earned paid sick days existed, I know my mother would still be alive today. My mother was a loyal employee at an event maintenance company for over a decade, earning minimum wage. One of my mother's biggest fears was getting sick, because taking a day off work was never an option for her. One day my mother started feeling sick, and as the day passed it progressed. She had no other choice but to hope it would pass just like every other illness she had. On May 6, 2014, my mother put on her uniform and went off to work. That would be the last time I would hug my mom goodbye. Later that day my mom suffered from a stroke and collapsed during her shift while cleaning toilets at the Sands Expo Convention Center. I know in my heart this could have been prevented if she would have had the choice to prioritize her health over her job. My mother dismissed every pain she had because it meant she would not have enough money to pay for our bills and have food on the table. My dad had been laid off work and she had embodied the strong matriarch support our family desperately needed. My mom could never take time off work to take care of herself, let alone if I was sick. When I was a child it was inevitable to not feel guilty that my mother worked herself to death. During my mom's coma, I visited her daily hoping to hear her voice, even if it was just one last time. Losing my mother who was my rock and my best friend was painful. I know having earned paid sick days will not bring back my mom, but it can prevent another son or daughter from losing their mom for choosing work over health because they cannot afford to be sick. Make earned sick days available to workers in Nevada and pass S.B. 312 (R2). While testifying here at the Grant Sawyer Building, right outside the windows, I can see the Woodlawn Cemetery where my mom is resting. I hope that in her memory you can support S.B. 312 (R2).

Chair Spiegel:

On behalf of the Committee, we are all sorry to hear of your loss.

Sophia Schersi, Private Citizen, Las Vegas, Nevada:

I am the operations manager for Make the Road Nevada. I just wanted to make a comment about paid sick time, or paid leave time, or the abuse of vacation. Currently my one year is about to come up; I have ten paid sick days, I only used two. Usually when Nevadans are given the option to take care of their health, they will not abuse that for vacation time—I am a prime example. When I did not have paid sick time after graduating from college with the highest honor of a bachelor's degree, I had to take more days off and my employer was left with no operations manager. I just wanted that on the record.

Bryan Santamaria, Field Coordinator, Time to Care Nevada:

I wanted to ditto everything that Natalie Hernandez said and I support this bill.

Chair Spiegel:

Is there anyone to testify in opposition to S.B. 312 (R2)?

Connie McMullen, representing Personal Care Association of Nevada:

I am here representing the Personal Care Association of Nevada (PCAN) and more importantly I am here representing Medicare consumers, users, and people who rely on Medicaid. First of all, I would like to thank the bill sponsor. We are not opposed to paid time off, but we are concerned about the impact on consumers who are receiving Medicaid, and the licensed personal care agencies that accept waivers and the Medicaid State Plan, and the reimbursement rate.

As advocates of caregivers, PCAN employees recognize the importance of services that allow low-income consumers to remain in the community to maintain their independence. However, some issues are complex, as recently illustrated in Senate Bill 446 (1st Reprint), a bill brought by Senator Settlemeyer to create a new waiver to assist consumers in a self-directed care model. He had to do so because a disabled constituent could not find a caregiver in a rural community and still is receiving care in a rehab hospital in the rural area. He could not even pay his wife to take care of him, because it is against the rules.

Personal Care Association of Nevada has proposed a conceptual amendment, which was not considered for S.B. 312 (R2), to amend personal care employees who are enrolled in taking people in Medicaid. Personal Care Association of Nevada was proposing that, even if it was temporary, because the reimbursement rate which is required does not meet the true cost of business expenses that are actually providing the service. This was proposed in Assembly Bill 108 of the 79th Session, which requires a four-year periodic review of Medicaid reimbursement rates. Personal Care Association of Nevada believes that additional paid time-off benefits would lead to premature institutionalization because it slows access to services.

At this time there is not sufficient income in the reimbursement rate of companies to cover that expense to operate. They get paid \$17 an hour—there is not enough in the reimbursement to pay people in the company as well. That is why we are opposed, basically we support the amendment. [Additional written testimony was submitted as ([Exhibit L](#)).]

Chair Spiegel:

Is there anyone who wishes to testify in the neutral position to S.B. 312 (R2)?

Dan Musgrove, representing Darden Restaurants; and Mechanical Contractors Association of Las Vegas:

I appreciate the statement made by Senator Woodhouse when she clarified "similarly named paid leave." Our salaried employees receive flextime of 40 hours; so we believe that we would be exempt under this and appreciate that clarification.

We were hoping for something a little more definitive in terms of legislative intent, which is why we are in the neutral category. We have spent a lot of time discussing with the sponsor, Senator Cannizzaro and Ben Mendez [Legislative Assistant]—they worked with us a great deal. We were looking for some better clarification under the exemption for those who are represented under a collective bargaining agreement. We were told that perhaps today there

would be a statement about our issue. We have had a situation where, in previous collective bargaining agreements, we have taken vacation banks or paid leave—in construction these are very highly paid individuals. When the job is over it is over. We put it on their paycheck and they get a direct benefit in an increase in salary to make up for when we got rid of those vacation banks. Because they occurred in previously negotiated agreements, they are not in those agreements today. Because of our discussions with Mr. Mendez in the leadership office, he reached out to Brenda Erdoes [Legislative Counsel, Legislative Counsel Bureau], and her comment was that we were in fact exempt, not only for this agreement but in subsequent agreements in the future. I think we would feel much better if there was either an amendment or a definitive legislative intent. That is why we are in neutral. We appreciate all the work on this and hope that we are exempt.

Jonathan P. Leleu, representing NAIOP, Northern Nevada Chapter; and NAIOP, Southern Nevada Chapter:

I would like to thank the sponsor of the bill for working with the business community on this and just record our neutral position.

Randi Thompson, Nevada State Director, National Federation of Independent Business:

I am going to say it is a big deal that I am here in neutral. I really want to echo what Assemblyman Edwards was saying. There is a cumulative effect to the business community in this session that we have to look at. I greatly want to concur with my colleagues about working with Senator Woodhouse and the business community and I am here because of the exemption for 50 or fewer employees, because I do represent primarily small businesses—we appreciate that exemption. I think we need to look at the big picture—how this is considered with wage increases and not fixing the overtime rule—this does have a very disastrous effect on small business especially.

Kerrie Kramer, representing International Market Centers Inc.:

We, too, are here in the neutral position and would very much like to thank the sponsor of the bill for her hard work and working with us.

Tyre L. Gray, representing Las Vegas Metro Chamber of Commerce:

We would like to thank sponsor and Senator Cannizzaro for working with us to find flexibility in this bill. Quite honestly, this was a product of lots of early mornings and late afternoons, but we were able to come to what we believe is a good compromise. We stand in neutral on this bill.

Amber Stidham, Director of Government Affairs, Henderson Chamber of Commerce:

We just want to thank Senator Cannizzaro for including our organization as part of the dialogue, and we concur with the Las Vegas Metro Chamber of Commerce.

Chair Spiegel:

Before I close the hearing, Mr. Keane would like to make a comment and respond to Mr. Musgrove.

Wil Keane:

In response to Mr. Musgrove, yes. Legislative Counsel Bureau legal has taken the position that if an employer has a separate line on the employee's paycheck for paid time off which is actually paid to the employee and it complies with the minimum amount in the bill, it complies with the bill for the purposes of this exemption.

[([Exhibit M](#)), ([Exhibit N](#)), and ([Exhibit O](#))] were submitted but not discussed and are included as exhibits for the hearing.]

Chair Spiegel:

We will now close the hearing on S.B. 312 (R2). We will open the hearing on Senate Bill 502 (1st Reprint).

Senate Bill 502 (1st Reprint): Revises certain licensing fees for social workers. (BDR 54-1162)

Senator Joyce Woodhouse, Senate District No. 5:

The bill before you is Senate Bill 502 (1st Reprint) which concerns the Board of Examiners for Social Workers. The Board was established in 1987 to protect the public health, safety, and welfare by ensuring that only competent persons practice social work in Nevada. It is responsible for administration, enacting regulations of laws, and developing regulations relating to the practice of social work. The Board regulates social workers, clinical social workers, and independent social workers. The total number of licensees in the state has steadily increased. In 2009, there were 2,311 licensed social workers. In 2017, there were 2,900 licensees. The Board is entirely fee-supported by applicants and licensees, as well as renewal fees. Its budget is based on the fees that are collected annually and does not include State General Fund dollars.

Limits on the fees the Board may charge and collect are set by the Legislature. The Board has not received approval by the Legislature to increase the maximum fees it may charge applicants or licensees since 1995. It has taken the Board 30 years to reach the maximum fees allowed under *Nevada Revised Statutes* (NRS) 641B.300. Historically, the Board has not ever immediately implemented the maximum fee amounts it was authorized to charge applicants or licensees. For instance, changes in 1995 set the maximum fee the Board could charge for restoring an expired license to \$200. In 1998, the Board set this fee at \$150 and did not implement a change in the fee until 2014 to \$200, 19 years after the maximum was set.

During the recent interim period, the Legislative Commission's Sunset Subcommittee conducted a review of the Board. During the hearing, the Board noted that if its statutory application fee and initial licensure fee for licensed clinical social workers were increased, the additional revenue would provide computer programming, improve office efficiencies, and build its reserve funds.

Madam Chair, I would now like to turn the testimony over to members of the Board of Examiners for Social Workers to address the specifics of the bill. After their testimony, we will

be happy to address your questions. I do have to apologize, but at 5 p.m., I have to be downstairs for a meeting with leadership and fiscal staff on the budget. But these two ladies are very well versed as to what they do, and they can share with you the need for this. I just want to reaffirm that the request before you today is not anything extensive; however, it is something that is a long time in coming. This Board has never increased fees in an exorbitant or untimely manner; it has always been very gradual, taking many years to get to the maximum. I do urge your support and I will turn the testimony over to them.

Chair Spiegel:

We understand your obligations and are glad you were able to stay for the introduction.

Karen Oppenlander, Executive Director, Board of Examiners for Social Workers:

On April 2, 2018, I joined the Board of Examiners for Social Workers at a time when the Board was improving and streamlining its processes. In 2018 we began accepting credit card payments in addition to the checks and money orders we had always accepted. Through agreements we negotiated, social workers were able to get all of their continuing education units (CEU) online if they chose to, as well as attend in-person classes. In early 2019 we began to minimize procedural burdens of licensing by implementing a 24/7 online license renewal system with multiple features to assist licensees. At the same time, the public is now able to utilize real-time license verification. To meet current and future expectations, we expect that new fee ceilings will help the Board to continue to serve licensees and the public for many years to come.

We are a regulatory agency that continues to grow. On the back of our information brochure that is in your exhibits ([Exhibit P](#)), there is a trend line for the past ten years, and you can see that growth. During 2018, we continued to grow—we hit a milestone of 3,000 licensees and by the end of the year we were at 3,160. There are many things that go hand in hand with upper trend lines. More potential licensees continue to ask us questions about the application process, we have more renewals every year, additional CEU approvals to give, and additional side approvals for the uptick in clinical social work interns. They need more supervisors who need more specific supervisor training. We issue more exam approval, verify more background checks, do additional public protection queries, and handle allegations. We have additional compliance unit cases, ongoing legislative requests, and more. Due to our need to generate sustainable revenue to serve Nevadans, our Board is here to work with you to update NRS Chapter 641B to raise fee ceilings.

As you know, a fee ceiling is a government-imposed limit on how high a price can be charged for a social work license. Raising fee ceilings is different than raising fees. Fee ceilings are set to protect licensees from conditions that can make licenses prohibitively expensive in years to come. In your exhibits there is a document ([Exhibit Q](#)) named "History of Fee Ceilings." As you can see in the first section, "Fee Ceilings-Legislature (NRS)," the Legislature approved fee ceilings in 1987, 1993, and 1995. It has taken the Board several decades to incrementally utilize legislatively established fee ceilings. As you can see in the middle section, these incremental changes took place before 1994, again in 1998, in 2002, and finally in 2014. Now, as we move to establish new fee ceilings, we wanted to involve as many people as possible to

be part of the conversations and process. We reached out to other groups to come to a joint understanding of the distinctions between fee caps and fee increases, including outreach to other Nevada behavioral boards; other social work boards via the Association of Social Work Boards; meetings with the School of Social Work at the University of Nevada, Reno; conversations with the School of Social Work at the University of Nevada, Las Vegas; meetings with student groups focused on social work policy; communications with licensees in 2018, again in March 2019 and April 2019; response to individual phone calls and emails; and two state associations for social workers. In general there has been a great deal of positive response to the changes and future changes that the Board is moving through. Also, there have been numerous questions and requests to participate in the decision-making process whenever the Board may decide to raise fees in the future.

After this Legislature establishes new fee ceilings, the Board intends to continue to follow the Administrative Rulemaking procedural guide if it determines that it will introduce a discussion of fee increases. To date, while distinguishing the difference between this bill to increase fee ceilings and the potential for future fee increases over the next decade, many ideas have come forth to us and we will be bringing this to our Board for additional discussion. In all cases, we believe that the Board will be able to be inclusive and welcoming to everyone. Nevada's established regulatory process will help the Board and the public to be able to work closely together by being in person together at Board meetings, Board retreats, through a series of public workshops, as well as communications to the Board by letter, email, and any and all mediums so that all voices can be heard and considered. As always, when the Board makes a determination that it must raise license fees using a portion of the cap fee ceiling, the change process will involve soliciting feedback from our licensees several times during the process.

At this time, I want to introduce you to Vikki Erickson, President of the Board of Examiners for Social Workers.

Vikki Erickson, President, Board of Examiners for Social Workers:

We are here today asking for an increase to our fee ceilings, which has not been done in over 24 years. This summer, we were given explicit guidelines and goals by the interim Sunset Subcommittee to complete within two years or face consequences. Our Board reviewed the details, including how we would implement these changes and the initial cost plus continuing expenses, and a fee ceiling increase is the only way we can accomplish these goals. We would like to thank the bill sponsor for her understanding of how important this increase is and also to the other boards, including the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, and the Board of Examiners for Alcohol, Drug and Gambling Counselors ([Exhibit R](#)), who are supporting our endeavors as we continue moving in a positive direction.

Chair Spiegel:

One of the questions people have been asking me, and a concern they have, is about the jump in the ceiling. Obviously it has been 30 years since you had your last ceiling reassessed. Can you detail the process that you go through before actually raising the fees and what the approval process is along the way?

Karen Oppenlander:

We have an established process that is in line with Nevada's Administrative Rulemaking procedural guide. Specifically, we took the guide and made a flowchart of the steps that it would go through. The flowchart reads something like this: the Board would determine regulation changes and draft language; consider the impact of proposed changes on small businesses and draft an impact statement; conduct public workshops to discuss topics covered by the proposed regulations—those workshops would be in the north and south; then submit drafted language to the Division of Public and Behavioral Health. The Board would review feedback from public workshops and make final changes to content and improved language. The improved language, including changes, would be submitted to the Legislative Counsel Bureau (LCB). The LCB would review and make changes to language. The executive director would negotiate with LCB any adjustment to their edits. The Board would conduct a public hearing—another one—and typically after that we would have a regulator board meeting to review the final feedback received from the licensees and the public. The Board would then approve the final language. A final draft would be submitted to LCB for approval; LCB would approve the final language. We would submit it to the interim Legislative Committee on Health Care for final approval, and then the changes would go into effect.

Chair Spiegel:

Does the Legislative Commission vote on it, or just the Legislative Committee on Health Care?

Karen Oppenlander:

I missed the question.

Chair Spiegel:

At the very end, you mentioned the Legislative Committee on Health Care. I was wondering if it also goes to the Legislative Commission for approval, or if the approval is just from the Legislative Committee on Health Care?

Karen Oppenlander:

I was misreading. I will pick it up where the LCB approves the final language—then it is submitted to the interim Legislative Committee on Health Care for final approval, then it is submitted to the interim Legislative Commission for final approval—then the *Nevada Administrative Code* changes go into effect.

Chair Spiegel:

I just want to make sure the record is clear, and also that everyone on the Committee understands what the process is—then we can be answering questions for people who have concerns that it will just jump up to the maximum right away, without legislative oversight. Is there anyone to testify in support of S.B. 502 (R1)? [There was no one.] Is there anyone to testify in opposition to S.B. 502 (R1)?

David Boire, Private Citizen, Las Vegas, Nevada:

I recently graduated with my bachelor's in social work and will subsequently be applying for licensure. This is an issue that affects me and all my fellow social work alumni. Many students who are recent graduates are burdened with college debt and often need to spend even more money to obtain their licensure. For a new applicant, the licensure can easily accumulate to over \$500 in fees. Raising these ceilings only means that these fees are going to increase exponentially in the upcoming years. These fee increases are going to hit the new applicants at the worst possible time. I do not think they are being evenly spread across all the people who are getting relicensure; I think they are being astronomically given to the new applicants.

I have concerns about the amount of the fee increases as well as the rate at which these increases can be administered. In one instance, the Board has already voted to raise the initial application fee from \$40 to \$100. When we are talking about miniscule fee increases, that is not always the case. Social work is a profession that workers enter knowing there will be pay disparity between job performance and importance compared to earned income. These increases will be passed on to the very people who sacrifice so much in order to help others. When the state is requiring more social workers in schools and other occupations than ever before, it is not the time to increase the prices for those answering the calls. This will encourage students to leave the state, making it harder for agencies who employ social workers to fill these roles. Raising licensure fees will only make it harder for the state to fill these positions, as many will forego jobs which require licensures, like the schools that need them the most.

Chair Spiegel:

Thank you for your testimony, and thank you for becoming a social worker because we do need social workers—your points are well taken.

John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

The Clark County Public Defender's Office is also opposed to S.B. 502 (R1). As learned throughout this process, we are one of the few offices, if not the only office, that actually pays our social workers' fees in the state, which leaves the burden of these increased fees on these social workers. The requested proposal significantly raises the fees on an overlooked profession. In some cases, the initial application fee has the ability to be raised over five times. I do understand this is permissive legislation.

Social workers are the unsung heroes of the helping professions. They often work long hours for little pay. The social workers whom I work with—whom I consider the main miracle workers of our office, the people who actually get our clients into treatment—are busy working. That is why they are not here today opposing this measure. A lot of them do jobs we all appreciate, but would not want to do ourselves. When this legislative body makes policy to help children in poverty, families in crisis, and people struggling with mental health and addiction issues, it is the social workers in our state who carry out the policy by wrapping their arms around our citizens and actually getting them the services they need.

For all the good that social workers do, it is still a job that does not pay that well. Moreover, these fees are going to hurt the students coming out of school, right when they are graduating with debt, and then to be hit with these fees. As most social workers have relayed to me, you cannot even get a great job in the social work field without getting your master's degree. This will tack on an increased cost to students who have already racked up a significant debt, who take on a job helping others—which does not even pay that well. These are the reasons we are opposed to this measure. We think if the caps were lower—we did discuss this with the bill sponsor and proponents of this legislation—social workers would not have to worry about responding to the administrative regulation process, which I think is difficult to figure out even if you are a lawyer.

Assemblywoman Tolles:

You brought up an interesting point; your department pays for those fees. I was wondering how many other departments do? That would logically dictate that there should be a fiscal note on this bill, because you have state and county agencies that are paying those fees, and it would be an increase for those agencies.

John Piro:

I know in Clark County we are the only agency that pays for our social worker fees. If there is any other agency that does pay those fees, that is going to be an increased budget line item.

Chair Spiegel:

Is there anyone to testify in neutral to S.B. 502 (R1)? [There was no one.] Ms. Oppenlander and Ms. Erickson, I believe Assemblyman Kramer has a question for you.

Assemblyman Kramer:

My question was partially addressed just now. My feeling is, there has to be a large percentage of social workers who actually work for the government, mostly the state, but I imagine also the county health and human services departments, perhaps some federal. If not for local, state, federal government, then for hospitals. Tell me if I am wrong. If you are looking at 3,000 social workers in Nevada who are licensed, how many are not for hospitals or governments?

Karen Oppenlander:

I do not believe I have that kind of data with me today.

Assemblyman Kramer:

Are there any significant employers of social workers who are not government? Could you name one or two?

Karen Oppenlander:

I think as time has evolved since this Board was formed in 1987, initially we started with what you would think are people who work in community jobs, in a variety of government jobs. As things have evolved, quite a few of our social workers are clinical social workers, and not all of those are in government positions. There are quite a few licensed clinical social workers in the state of Nevada who have private concerns and they provide counseling services for individuals and families under more of a dot-com, small-business model.

In the state of Nevada right now, of the 3,160 licensees at the end of 2018, the number of licensed clinical social workers is 119 coming in from out of state doing tele-help; 316 in the north and rural; and 666 in the south. Of those licensed clinical social workers, I do not have specific details today about how many of those are government versus private business social workers. I would think that is the biggest number. Of the licensed social workers whom I think you are referring to, 1,025 are primarily in government positions and are in the south. There are 147 in the north and rural and 82 coming across state lines in tele-help.

Assemblywoman Tolles:

I know this bill is just laying out the caps. I was wondering, have you already set your expectations for what you think those fee raises will be in the near future?

Karen Oppenlander:

Through this process, I prepared three budgets: one if this does not come about; one if it does come about; and one if the Board was forced to utilize its one remaining cap for licensed social workers. Our Board did not want to use the \$50 cap that it still has available for licensed social workers because it is the lowest paid group within the whole licensing body. What it wanted to do is spread the costs more equitably among four categories. I prepared a budget if that took effect. Quite a few students came and talked to the Board president and me, and I prepared a budget along the lines of what they were talking about. What if it were not so awkward to try to put regulatory language wrapped around our bill. We were advised that trying to put their suggestion regarding 25 percent caps would be awkward; it would be better handled during the normal regulatory process. I built a budget on the 25 percent cap that the students were talking about, and we were able to make ends meet.

I cannot speak for the Board, because they have not had all the public meetings yet. Let us say if they did do the 25 percent, an application would go from \$40 to \$50; a fee that was \$100 would go to \$125. With those incremental changes, we could make ends meet and be able to fulfill the legislative mandates that we have coming to us from the Sunset Subcommittee that we have to be able to respond to in short order. Without fee ceiling increases, there are two avenues. Our Board is obligated to go after the one cap it has remaining or continue not to want to do that and take an entirely different road, and I am not quite sure where that will go.

Chair Spiegel:

Just because you were going down this path, would you mind telling us what your reserves are, where you are standing, what you are looking at in the budget, what you are looking at funding, and what some of the requirements were from the Sunset Subcommittee?

Karen Oppenlander:

Currently, at the end of this fiscal year, June 30, we will have \$25,957 remaining in what you might call reserves—I would just say that it is remaining—what we would be starting out with on July 1, 2019. We will get incoming fees from renewals, application fees, initial license fees, provisional licenses, endorsements, and miscellaneous revenue. Without those fees, we do not operate.

Chair Spiegel:

The budget you have starting July 1, how many months of operation will that last?

Karen Oppenlander:

A month of operating for us is about \$40,000. One of the things we are obligated to do is to be able to create reserves. Our Board, in response to a recommendation from the Sunset Subcommittee, understanding that four to six months of reserves would be prudent, formed a strategic plan, and by 2023 we intend to have five months of reserves on hand. If we are able to get fee increases, among the other things we are mandated to do, we expect to have those reserve goals met by the operating year 2022-23.

Chair Spiegel:

I was under the impression that healthy reserves are between 6 and 12 months. I am wondering if your plan is not ambitious enough. Have you had any discussions with the auditors and Sunset Subcommittee on that?

Karen Oppenlander:

More specifically, we have been working with our internal auditor, the LCB auditor, and the director of internal audits for the Executive Branch to fully understand our current and dire financial situation. During the Sunset Subcommittee, Rocky Cooper came over from the LCB and answered some questions about our Board and said we were definitely in need of fee increases. In reviewing the minutes from that meeting, in his testimony it said that LCB indicates a suggested reserve to be between four and six months. I am only picking up a statement and dropping it into what we are doing with our Board. I realize other boards might choose to have more or less for reserves.

Chair Spiegel:

There can be different ways of calculating things as well. It definitely sounds like you need a fee increase. We will keep looking at this and taking it under advisement. Do you have anything you want to say to wrap up?

Karen Oppenlander:

I want to once again thank Senator Woodhouse for bringing this forward, and I want to thank everyone on the Committee for hearing what we have to say today. Both Vikki Erickson and I are available anytime you might have questions.

[([Exhibit S](#)) was submitted but not discussed and is included as an exhibit for the hearing.]

Chair Spiegel:

We will now close the hearing on S.B. 502 (R1). Is there any public comment? [There was none.] The meeting is adjourned [at 5:31 p.m.].

RESPECTFULLY SUBMITTED:

Karen Easton
Committee Secretary

APPROVED BY:

Assemblywoman Ellen B. Spiegel, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 77 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 456](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is written testimony dated May 22, 2019, in support of [Senate Bill 312 \(2nd Reprint\)](#), presented by Natalie Hernandez, Campaign Manager, Time to Care Nevada.

[Exhibit F](#) is a packet of letters in support of [Senate Bill 312 \(2nd Reprint\)](#), submitted by members of Time to Care Nevada.

[Exhibit G](#) is a report summary of a study by the Institute for Women's Policy Research, dated May 11, 2017, submitted by Julie Kashen, Policy Director, Make it Work Campaign, in support of [Senate Bill 312 \(2nd Reprint\)](#).

[Exhibit H](#) is written testimony in support of [Senate Bill 312 \(2nd Reprint\)](#), presented by Quentin Savwoir, Political Director, Make It Work Nevada.

[Exhibit I](#) is written testimony in support of [Senate Bill 312 \(2nd Reprint\)](#), presented by Deneishia Jacobpito, Private Citizen, Las Vegas, Nevada.

[Exhibit J](#) is written testimony dated May 22, 2019, in support of [Senate Bill 312 \(2nd Reprint\)](#), presented by Alanna L. Fitzgerald, Member, Indivisible Northern Nevada.

[Exhibit K](#) is written testimony in support of [Senate Bill 312 \(2nd Reprint\)](#), submitted by Jean Melby-Mauer, Legislative Representative, Paradise Las Vegas Indivisible.

[Exhibit L](#) is a letter written to Chair Ellen B. Spiegel and the Assembly Committee on Commerce and Labor, dated May 22, 2019, in opposition to [Senate Bill 312 \(2nd Reprint\)](#), submitted by Connie McMullen, representing Personal Care Association of Nevada.

[Exhibit M](#) is a letter written to Chair Spiegel and Members of the Assembly Committee on Commerce and Labor, dated May 22, 2019, in support of [Senate Bill 312 \(2nd Reprint\)](#), submitted by Barry Gold, AARP Nevada.

[Exhibit N](#) is a copy of an article titled "Paid Sick Leave: Items for Discussion," submitted by the Guinn Center, in support of [Senate Bill 312 \(2nd Reprint\)](#).

[Exhibit O](#) is a copy of a document titled "A Step Up: Economic and Financial Security for Nevada's Families," submitted by the Guinn Center, in support of Senate Bill 312 (2nd Reprint).

[Exhibit P](#) is a copy of a brochure from the State of Nevada Board of Social Work, dated 2019, submitted by Karen Oppenlander, Executive Director, Board of Examiners for Social Workers, in support of Senate Bill 502 (1st Reprint).

[Exhibit Q](#) is a copy of a document titled "History of Fee Ceilings," submitted by Karen Oppenlander, Executive Director, Board of Examiners for Social Workers, in support of Senate Bill 502 (1st Reprint).

[Exhibit R](#) is a letter written to Chair Spiegel and Members of the Assembly Committee on Commerce and Labor, dated May 22, 2019, in support of Senate Bill 502 (1st Reprint), submitted by Agata Gawronski, Executive Director, Board of Examiners for Alcohol, Drug and Gambling Counselors.

[Exhibit S](#) is written testimony dated May 21, 2019, in opposition to Senate Bill 502 (1st Reprint), submitted by Alonso Tamayo, Private Citizen.