

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Eightieth Session  
March 11, 2019**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:09 p.m. on Monday, March 11, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator James Ohrenschall, Chair  
Senator Nicole J. Cannizzaro, Vice Chair  
Senator Yvanna D. Cancela  
Senator Heidi Seevers Gansert

**COMMITTEE MEMBERS ABSENT:**

Senator Keith F. Pickard (Excused)

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Janae Johnson, Committee Secretary

**OTHERS PRESENT:**

Shelley Hendren, Administrator, Rehabilitation Division, Department of  
Employment, Training and Rehabilitation  
Tiffany Tyler, Director, Department of Employment, Training and Rehabilitation  
Steven Cohen

CHAIR OHRENSCHALL:

I will open the meeting with Senate Bill (S.B.) 50.

**SENATE BILL 50:** Revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. (BDR 23-230)

SHELLEY HENDREN (Administrator, Rehabilitation Division, Department of Employment, Training and Rehabilitation):

I am the Administrator for the Department of Employment, Training and Rehabilitation (DETR) in the Rehabilitation Division. Senate Bill 50 relates to blind or visually impaired persons certified as individuals with disabilities for qualifications on State job recruitments through the 700-hour program. I have submitted my testimony ([Exhibit C](#)).

TIFFANY TYLER (Director, Department of Employment, Training and Rehabilitation):

The merit or intent of the initial legislation is not in question. The Department of Employment, Training and Rehabilitation has seen great gains from the primary policy, and this is an effort to refine it to ensure that DETR is responding to the needs of each of the stakeholders engaged. Ms. Hendren will discuss the 700-hour program and affirm DETR's commitment to confirm it.

MS. HENDREN:

On page 2 of [Exhibit C](#), the 700-hour program pairs agencies with skilled, qualified employees while increasing diversity within the agencies.

CHAIR OHRENSCHALL:

Since A.B. No. 192 of the 79th Session was passed in 2017, do you know how many people have been hired off the 700-hour list?

MS. HENDREN:

In 2016, there were 14 appointments prior to it being a required step. In 2017, there were 9 appointments after passage of A.B. No. 192 of the 79th Session. In calendar year 2018, there were 75 appointments. Where DETR sees disparity is 28 people were released during that 700-hour period. That is 37 percent, and this is the gap that DETR is trying to address. There are 47 people still employed since 2018.

CHAIR OHRENSCHALL:

On the proposed language in section 1, subsection 1, paragraphs (a) and (b) concerning temporary limited appointment, if that person is hired under those conditions, can the person continue as a permanent employee?

MS. HENDREN:

Yes. The statute deals with temporary limited appointments. That is what the 700 hour program is. Agencies can hire someone for up to 700 hours and if the person is retained into a permanent position, the agency will need to submit to keep the person permanently. Those 700 hours or a portion would be applied to the probationary period.

CHAIR OHRENSCHALL:

The new language from lines 8 through 13 on page 3 of S.B. 50 talks about there not being a conflict of interest if benefits are rescinded from the certified person. Has this been considered a conflict if the person is receiving benefits?

MS. HENDREN:

Yes. It has prevented agencies from using the recruitment list. It has been difficult defining what benefit means. It has been constructed broadly. For example, when someone who is participating in a State agency program like the Division of Welfare and Supportive Services has an employment program under Temporary Assistance for Needy Families (TANF), the Division would not be able to use those recruitment lists. Temporary Assistance for Needy Families has been excluded along with the Bureau of Vocational Rehabilitation. The Department of Employment, Training and Rehabilitation felt the existing language in the law covered the appointing authority to make decisions on a conflict of interest.

CHAIR OHRENSCHALL:

Will S.B. 50 affect any of the entrepreneurs' work in the business enterprises? Does this affect the blind enterprises that work for courthouses?

MS. HENDREN:

This is the Blind Enterprise Program; those individuals are blind entrepreneurs who own those sites. There is a food service in the Legislative Building that is run by a blind individual. These individuals are not considered State employees if they ever left the Blind Enterprise Program. They could apply and be certified on a 700-hour list and move to State employment. The 700-hour list is for individuals with disabilities seeking State employment.

STEVEN COHEN:

I am opposed to S.B. 50. My concern is what happens between the 700 hours and the end of the probationary period. If people with disabilities have been

certified by the Rehab Division, the State agencies know about these individuals and have a choice. How does S.B. 50 seek to increase the eligibility of people in Nevada with disabilities for employment?

CHAIR OHRENSCHALL:

Your concern is with the probationary period after the temporary limit of employment?

MR. COHEN:

I was released a month prior to becoming a full-time employee. I had passed the 700 hours but then did not make it through the entire 2,080 hours.

CHAIR OHRENSCHALL:

If you would like an amendment, please contact me or the Committee Secretary.

MS. HENDREN:

The Department of Employment, Training and Rehabilitation wants to provide a process and a means to give people the ability to promote into State employment on a fast track. It does not negate the fact they have a probationary period the same as all State employees. People with disabilities have the same expectation in the workplace to perform essential job functions.

MS. TYLER:

I confirm DETR's commitment to ensure career pathways for all Nevadans and to ensure that support is provided for individuals with special needs.

Remainder of page intentionally left blank; signature page to follow.

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CHAIR OHRENSCHALL:

I will close the hearing on S.B. 50 and adjourn the meeting at 4:25 p.m.

RESPECTFULLY SUBMITTED:

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Janae Johnson,  
Committee Secretary

APPROVED BY:

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Senator James Ohrenschall, Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	2		Attendance Roster
S.B. 50	C	2	Shelley Hendren / Rehabilitation Division, Department of Employment, Training and Rehabilitation	Testimony