

SENATE BILL NO. 267—SENATOR SPEARMAN

MARCH 17, 2021

Referred to Committee on Judiciary

SUMMARY—Establishes provisions relating to the collection and reporting of information concerning diversity and equality in the workplace. (BDR 19-461)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 6, 7)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to workplace diversity; requiring the Department of Taxation to develop in consultation with the Legislative Commission a survey to collect data and information concerning diversity and equality in the workplace from corporations and state and local governmental agencies in this State; authorizing corporations in this State to use the survey to submit annual reports to the Department of Taxation and to make such reports available on their Internet websites; requiring local governmental agencies to use the survey to submit annual reports to the Department of Taxation; requiring state governmental agencies to use the survey to submit annual reports to the Division of Human Resource Management of the Department of Administration; requiring the Department of Taxation to make the survey, the annual reports submitted to the Department of Taxation and aggregate data relating to such reports available on its Internet website; requiring the Division to make the annual reports submitted to the Division and aggregate data relating to such reports available on its Internet website; requiring the Department of Taxation and the Division to each submit an annual report to the Governor and the Director of the Legislative Counsel Bureau and make such reports available on their Internet websites; authorizing the Department of Taxation and the Division to adopt regulations; and providing other matters properly relating thereto.



* S B 2 6 7 R 1 *

Legislative Counsel's Digest:

Existing law requires the Secretary of State to design and conduct an annual survey of businesses in this State to collect data and information pertaining to issues of gender equality in the workplace, however, the provisions relating to the survey are currently only effective through December 31, 2022. (NRS 75A.400-75A.430; section 7 of chapter 434, Statutes of Nevada 2017, at page 2896) This bill establishes provisions concerning an annual survey of corporations and state and local governmental agencies in this State with regard to issues of diversity and equality in the workplace.

Section 6 of this bill requires the Department of Taxation to develop, in consultation with the Legislative Commission, a survey to be used to collect data and information relating to issues of diversity and equality in the workplace from corporations and state and local governmental agencies in this State. **Section 6** sets forth the information to be provided in the survey and requires the survey to be signed by an officer of the corporation or his or her designee, or the director, executive head or other person who is responsible for the state or local governmental agency or his or her designee, as applicable, who is authorized to complete the survey on behalf of the corporation or state or local governmental agency.

Section 7 of this bill: (1) authorizes corporations to use the survey developed by the Department to submit an annual report to the Department and, if the corporation has an Internet website, to make the annual reports available on the website, with any personally identifiable information redacted; and (2) requires local governmental agencies to use the survey developed by the Department to submit an annual report to the Department.

Section 8 of this bill requires the Department to make available on its Internet website: (1) the survey developed by the Department; (2) the annual reports submitted by corporations and local governmental agencies; and (3) aggregate data relating to the annual reports. **Section 8** requires that any personally identifiable information contained in a report must be redacted before the report or aggregate data relating to the report is posted on the website of the Department. **Section 9** of this bill requires the Department to compile annually the information contained in the reports submitted to the Department into one report and submit the report to the Governor and the Director of the Legislative Counsel Bureau. **Section 10** of this bill authorizes the Department to adopt regulations to carry out the provisions of **sections 6-9** of this bill.

Section 10.2 of this bill requires state governmental agencies to use the survey developed by the Department to submit an annual report to the Division of Human Resource Management of the Department of Administration. **Section 10.4** requires the Division to make available on its Internet website: (1) the annual reports submitted by state governmental agencies; and (2) aggregate data relating to the annual reports. **Section 10.4** requires that any personally identifiable information contained in a report must be redacted before the report or aggregate data relating to the report is posted on the website of the Division. **Section 10.6** of this bill requires the Division to compile annually the information contained in the reports submitted to the Division into one report and submit the report to the Governor and the Director of the Legislative Counsel Bureau. **Section 10.8** of this bill authorizes the Division to adopt regulations to carry out the provisions of **sections 10.2-10.6** of this bill.

Section 13 of this bill makes a conforming change to exclude the information redacted from reports in **sections 8, 9, 10.4 and 10.6** from the provisions of existing law relating to public records.



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

Section 1. Chapter 237 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 5.7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Corporation” means a corporation that maintains a place of business in this State.*

Sec. 4. *“Department” means the Department of Taxation.*

Sec. 4.5. *“Division” means the Division of Human Resource Management of the Department of Administration.*

Sec. 5. (Deleted by amendment.)

Sec. 5.3. *“Local governmental agency” has the meaning ascribed to it in NRS 242.061.*

Sec. 5.7. *“State governmental agency” has the meaning ascribed to “state agency” in NRS 237.350 and includes, without limitation, the Nevada System of Higher Education and all institutions operated by the Nevada System of Higher Education.*

Sec. 6. 1. *The Department shall develop, in consultation with the Legislative Commission, a survey for the purpose of collecting data and information concerning diversity and equality in the workplace, including, without limitation, data and information specifically relating to females and persons from underrepresented communities, from:*

(a) Corporations;

(b) State governmental agencies; and

(c) Local governmental agencies.

2. *The survey developed pursuant to subsection 1 must request the entity completing the survey to provide, without limitation, the following information, as applicable to the entity:*

(a) The name of the entity.

(b) The number of employees of the entity who are:

(I) Located in this State.

(2) Women located in this State.

(3) Women of color located in this State.

(c) The number of people in the entity who are:

(1) If the entity is a corporation:

(I) On the board of directors.

(II) Employed in an executive position.

(III) Women who are employed in an executive position.



(IV) *Women of color who are employed in an executive position.*

(2) *Women.*

(3) *Women of color.*

(d) *The number of:*

(1) *People who are employed in a management position.*

(2) *Women who are employed in a management position.*

(3) *Women of color who are employed in a management position.*

(e) *Whether the entity has employee development initiatives in place for administrative or skilled staff who are interested in advancing their career path, including, without limitation, tuition reimbursement, professional development, payment for conferences, business interest groups or a public commitment to gender inclusion.*

(f) *Whether the entity has undertaken a pay equity analysis and, if so, whether the results indicated that there were any discernable differences in pay.*

(g) *With regard to the 20 highest-paid people in the entity as determined by salary, bonuses and any other incentives, such as stock options, the number of those people who are:*

(1) *Women.*

(2) *Women of color.*

(h) *With regard to the hiring practices of the entity, whether the entity:*

(1) *Participates in diversity job fairs.*

(2) *Has a diverse hiring committee.*

(3) *Assesses the skill sets of candidates without regard to gender.*

(4) *Uses gender-neutral job descriptions.*

(i) *With regard to the issue of anti-harassment, including, without limitation, sexual harassment, whether the entity:*

(1) *Has an anti-harassment policy in place.*

(2) *Offers formal anti-harassment training.*

(j) *With regard to cultural training, whether the entity provides training relating to diversity and inclusion and, if so, whether such training includes specific training regarding:*

(1) *Implicit bias.*

(2) *Unconscious bias.*

(3) *Microaggressions.*

(4) *Fostering an inclusive environment.*

(5) *Improving engagement.*

(k) *With regard to female-friendly workplace policies and benefits:*

(1) *Whether the entity offers:*



(I) Employer-paid family leave and, if so, the number of weeks offered.

(II) Variable work schedules for caregivers.

(III) Options to work from home.

(IV) On-site child care, off-site child care or employer-paid child care subsidies.

(2) Whether there are any policies and benefits the entity is currently pursuing but has not yet implemented and, if so, a list of such policies and benefits.

(l) With regard to health care, whether the entity's policies cover:

(1) Birth control.

(2) Maternity.

(3) In vitro fertilization.

(m) The number and types of positions within the entity that are currently vacant.

(n) The rate of attrition within the entity.

(o) Any additional information that the entity wishes to provide.

3. The survey must include a statement signed by an officer of the corporation or his or her designee, or the director, executive head or other person who is responsible for the state governmental agency or local governmental agency or his or her designee, as applicable, that the person is authorized to complete the survey on behalf of the entity.

4. As used in this section:

(a) "Executive position" means a position in which a person is employed as a vice president, senior vice president or executive vice president or in a role that is superior to such positions.

(b) "Female" or "woman" means a person who self-identifies her gender as a woman, without regard to the person's designated sex at birth.

(c) "Management position" means a position in which a person is employed as a manager or in a role that is superior to a manager.

(d) "Pay equity analysis" means a formal study regarding equity in salaries.

(e) "Person from an underrepresented community" means a person who self-identifies as Black, African-American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian or Alaska Native, or who self-identifies as gay, lesbian, bisexual or transgender.

Sec. 7. On or before January 1, 2022, and on or before January 1 of each year thereafter, using the survey developed by the Department pursuant to section 6 of this act:



1 *1. A corporation:*

2 *(a) May voluntarily submit a report to the Department; and*

3 *(b) If the corporation has an Internet website, may make*
4 *available on its website any reports submitted to the Department*
5 *pursuant to this section, but any personally identifiable*
6 *information contained in a report must be redacted before the*
7 *report is posted on the website.*

8 *2. Each local governmental agency in this State shall submit*
9 *a report to the Department.*

10 **Sec. 8. 1. The Department shall make available on its**
11 **Internet website:**

12 *(a) The survey developed pursuant to section 6 of this act that*
13 *will be used to submit the annual reports authorized or required,*
14 *as applicable, pursuant to section 7 or 10.2 of this act;*

15 *(b) The reports submitted to the Department pursuant to*
16 *section 7 of this act in such a manner that the reports may be*
17 *searched electronically by the name of the corporation or local*
18 *governmental agency that submitted the report; and*

19 *(c) Aggregate data relating to the reports submitted to the*
20 *Department pursuant to section 7 of this act.*

21 *2. Any personally identifiable information contained in a*
22 *report that is submitted to the Department pursuant to section 7 of*
23 *this act must be redacted before the report or aggregate data*
24 *relating to the report is posted on the website of the Department*
25 *pursuant to this section.*

26 **Sec. 9. 1. The Department shall compile annually the**
27 **information contained in the reports submitted to the Department**
28 **from corporations and local governmental agencies pursuant to**
29 **section 7 of this act during the immediately preceding year into**
30 **one report and:**

31 *(a) Submit the report to the Governor and to the Director of*
32 *the Legislative Counsel Bureau for transmittal to the Legislature,*
33 *or if the Legislature is not in session, to the Legislative*
34 *Commission; and*

35 *(b) Make the report available on the Internet website of the*
36 *Department.*

37 *2. The Department shall not include any personally*
38 *identifiable information in a report submitted to the Governor and*
39 *the Director of the Legislative Counsel Bureau pursuant to this*
40 *section.*

41 **Sec. 10. The Department may adopt such regulations as is**
42 **determined to be necessary or advisable to carry out the provisions**
43 **of sections 6 to 9, inclusive of this act.**

44 **Sec. 10.2. On or before January 1, 2022, and on or before**
45 **January 1 of each year thereafter, using the survey developed by**



1 *the Department pursuant to section 6 of this act, each state*
2 *governmental agency in this State shall submit a report to the*
3 *Division.*

4 **Sec. 10.4.** *1. The Division shall make available on its*
5 *Internet website:*

6 *(a) The reports submitted to the Division pursuant to section*
7 *10.2 of this act in such a manner that the reports may be searched*
8 *electronically by the name of the state governmental agency that*
9 *submitted the report; and*

10 *(b) Aggregate data relating to the reports submitted to the*
11 *Division pursuant to section 10.2 of this act.*

12 **2.** *Any personally identifiable information contained in a*
13 *report that is submitted to the Division pursuant to section 10.2 of*
14 *this act must be redacted before the report or aggregate data*
15 *relating to the report is posted on the website of the Division*
16 *pursuant to this section.*

17 **Sec. 10.6.** *1. The Division shall compile annually the*
18 *information contained in the reports submitted to the Division*
19 *from state governmental agencies pursuant to section 10.2 of this*
20 *act during the immediately preceding year into one report and:*

21 *(a) Submit the report to the Governor and to the Director of*
22 *the Legislative Counsel Bureau for transmittal to the Legislature,*
23 *or if the Legislature is not in session, to the Legislative*
24 *Commission; and*

25 *(b) Make the report available on the Internet website of the*
26 *Division.*

27 **2.** *The Division shall not include any personally identifiable*
28 *information in a report submitted to the Governor and the*
29 *Director of the Legislative Counsel Bureau pursuant to this*
30 *section.*

31 **Sec. 10.8.** *The Division may adopt such regulations as it*
32 *determines to be necessary or advisable to carry out the provisions*
33 *of sections 10.2, 10.4 and 10.6 of this act.*

34 **Sec. 11.** (Deleted by amendment.)

35 **Sec. 12.** (Deleted by amendment.)

36 **Sec. 13.** NRS 239.010 is hereby amended to read as follows:

37 239.010 1. Except as otherwise provided in this section and
38 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
39 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
40 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
41 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
42 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
43 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
44 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
45 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,



1 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
2 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
3 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
4 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
5 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
6 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
7 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
8 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
9 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
10 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
11 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
12 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
13 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
14 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
15 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
16 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
17 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
18 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
19 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
20 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
21 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
22 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
23 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
24 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
25 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
26 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
27 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
28 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
29 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
30 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
31 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
32 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
33 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
34 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
35 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
36 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
37 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
38 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
39 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
40 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
41 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
42 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
43 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
44 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
45 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,



1 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
2 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
3 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
4 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
5 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
6 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
7 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
8 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
9 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
10 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
11 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
12 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
13 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
14 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
15 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
16 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
17 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
18 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
19 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
20 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
21 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
22 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
23 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
24 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
25 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
26 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
27 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
28 *sections 8, 9, 10.4 and 10.6 of this act*, sections 35, 38 and 41 of
29 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
30 Statutes of Nevada 2013 and unless otherwise declared by law to be
31 confidential, all public books and public records of a governmental
32 entity must be open at all times during office hours to inspection by
33 any person, and may be fully copied or an abstract or memorandum
34 may be prepared from those public books and public records. Any
35 such copies, abstracts or memoranda may be used to supply the
36 general public with copies, abstracts or memoranda of the records or
37 may be used in any other way to the advantage of the governmental
38 entity or of the general public. This section does not supersede or in
39 any manner affect the federal laws governing copyrights or enlarge,
40 diminish or affect in any other manner the rights of a person in any
41 written book or record which is copyrighted pursuant to federal law.
42 2. A governmental entity may not reject a book or record
43 which is copyrighted solely because it is copyrighted.
44 3. A governmental entity that has legal custody or control of a
45 public book or record shall not deny a request made pursuant to



subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. The Department of Taxation shall develop and make available on its Internet website the survey required by section 6 of this act before October 1, 2021.

Sec. 15.5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations, developing the survey required by section 6 of this act



- 1 and performing any other preparatory administrative tasks that are
- 2 necessary to carry out the provisions of this act; and
- 3 (b) On July 1, 2021, for all other purposes.

