

SENATE BILL NO. 327—SENATORS NEAL AND D. HARRIS

MARCH 22, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to discriminatory practices. (BDR 53-574)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 discrimination; prohibiting certain types of discrimination relating to race in employment and education; revising provisions governing the authority of the Nevada Equal Rights Commission to investigate certain acts of prejudice against a person with regard to employment; revising provisions governing the procedures used by and notices given by the Nevada Equal Rights Commission; establishing certain requirements for testing which is used by a county or city for a decision regarding promotion of an employee; revising provisions governing the subjects that are subject to negotiation for certain collective bargaining agreements; revising provisions governing the policy for all school districts and schools in this State to provide a safe and respectful learning environment; establishing certain requirements for testing which is used by a school district for a decision regarding promotion of an employee; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes that it is the policy of this State to foster the right of all
- 2 persons to reasonably seek, obtain and hold employment without discrimination,
- 3 distinction or restriction because of race, religious creed, color, age, sex, disability,
- 4 sexual orientation, gender identity or expression, national origin or ancestry. (NRS
- 5 233.010) In addition, existing law prohibits certain employers, employment
- 6 agencies, labor organizations, joint labor-management committees or contractors
- 7 from engaging in certain discriminatory employment practices. For example, it is



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an unlawful employment practice to fail to hire or to fire or otherwise discriminate against a person, or to limit or segregate or classify an employee on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin, except in certain circumstances. (NRS 338.125, 613.330, 613.340, 613.350, 613.380) **Sections 1.3, 2, 4, 9 and 14** of this bill define "race" to include traits associated with race, including, without limitation, hair texture and protective hairstyles. Similar protections are provided in other contexts by the following sections. **Section 10** of this bill defines "race" to include traits associated with race for the purpose of prohibiting discrimination on the basis of race within the State Personnel System. (NRS 284.150, 284.385) **Section 12** of this bill revises provisions governing relations with local government employers to prohibit discrimination on the basis of traits associated with race. (NRS 288.270) **Section 15** of this bill revises the restrictions for commercial advertising on a school bus by prohibiting advertising that attacks groups based on traits associated with race. (NRS 386.845) **Section 16** of this bill prohibits a dress code or policy that requires pupils to wear school uniforms to discriminate against a pupil based on race. (NRS 386.855) **Sections 21, 22 and 25** of this bill prohibit discrimination based upon traits associated with race for enrollment in a charter school, a university school for profoundly gifted pupils or the Nevada System of Higher Education. (NRS 388A.453, 388C.010, 396.530) **Section 24** of this bill prohibits a pupil from being disciplined based on his or her race.

Existing law authorizes the Nevada Equal Rights Commission to investigate tensions, practices of discrimination and acts of prejudice against any person with regard to employment based on race, color, creed, sex, age, disability, gender identity or expression, national origin or ancestry. (NRS 233.150) Existing law provides that, if the Commission does not conclude that an unfair employment practice has occurred, the Commission is required to provide certain information to a complainant regarding his or her rights. (NRS 613.420) **Section 3** of this bill requires the Commission to provide the complainant with certain information relating to the filing of a charge alleging an unlawful employment practice with the United States Equal Employment Opportunity Commission and the process by which the Equal Employment Opportunity Commission conducts a review of the Nevada Equal Rights Commission's conclusion. **Section 5** of this bill defines "race" to include traits associated with race for the purpose of serving as the basis upon which the Commission may investigate an allegation of discrimination.

Sections 7, 8 and 23 of this bill set forth certain requirements governing testing that is used by a county, city or school district, respectively, for a decision regarding the promotion of an employee and make it a category E felony to tamper with the score of a test taken by an employee.

Existing law sets forth the subjects that are subject to negotiation with an employee organization for the purposes of a collective bargaining agreement. (NRS 288.150) **Section 11** of this bill provides that the requirements governing testing that is used by a county, city or school district, respectively, for a decision regarding the promotion of an employee are not subject to such negotiation. **Section 13** of this bill makes conforming changes to revise internal references. (NRS 288.500)

Existing law requires the Department of Education to prescribe a policy for all school districts and schools in this State to provide a safe and respectful learning environment that is free of bullying and cyber-bullying, including the provision of training to school personnel and requirements for reporting violations of the policy. (NRS 388.133) **Sections 18 and 19** of this bill define "race" to include traits associated with race for the purposes of those provisions which require safe and respectful learning environments and prohibit bullying and cyber-bullying. **Section 20** of this bill makes a conforming change to indicate the placement of **sections 18 and 19** within the Nevada Revised Statutes.



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

Section 1. Chapter 610 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 1.3. NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. "Agreement" means a written and signed agreement of indenture as an apprentice.

2. "Apprentice" means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. "Council" means the State Apprenticeship Council created by NRS 610.030.

4. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

5. "Executive Director" means the Executive Director of the Office of Workforce Innovation.

6. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

7. "Office of Workforce Innovation" means the Office of Workforce Innovation in the Office of the Governor created by NRS 223.800.

8. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

9. *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

10. *"Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.*

11. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

~~10.~~ 12. "State Apprenticeship Director" means the person appointed pursuant to NRS 610.110.



1 **Sec. 1.7.** Chapter 613 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Notwithstanding the protections in this chapter for hair texture*
4 *and protective hairstyles, an employer may enforce health and*
5 *safety requirements set forth in federal or state law.*

6 **Sec. 2.** NRS 613.310 is hereby amended to read as follows:

7 613.310 As used in NRS 613.310 to 613.4383, inclusive,
8 unless the context otherwise requires:

9 1. "Disability" means, with respect to a person:

10 (a) A physical or mental impairment that substantially limits one
11 or more of the major life activities of the person, including, without
12 limitation, the human immunodeficiency virus;

13 (b) A record of such an impairment; or

14 (c) Being regarded as having such an impairment.

15 2. "Employer" means any person who has 15 or more
16 employees for each working day in each of 20 or more calendar
17 weeks in the current or preceding calendar year, but does not
18 include:

19 (a) The United States or any corporation wholly owned by the
20 United States.

21 (b) Any Indian tribe.

22 (c) Any private membership club exempt from taxation pursuant
23 to 26 U.S.C. § 501(c).

24 3. "Employment agency" means any person regularly
25 undertaking with or without compensation to procure employees for
26 an employer or to procure for employees opportunities to work for
27 an employer, but does not include any agency of the United States.

28 4. "Gender identity or expression" means a gender-related
29 identity, appearance, expression or behavior of a person, regardless
30 of the person's assigned sex at birth.

31 5. "Labor organization" means any organization of any kind, or
32 any agency or employee representation committee or plan, in which
33 employees participate and which exists for the purpose, in whole or
34 in part, of dealing with employers concerning grievances, labor
35 disputes, wages, rates of pay, hours of employment or other
36 conditions of employment.

37 6. "Person" includes the State of Nevada and any of its
38 political subdivisions.

39 7. *"Protective hairstyle" includes, without limitation,*
40 *hairstyles such as natural hairstyles, afros, bantu knots, curls,*
41 *braids, locks and twists.*

42 8. *"Race" includes traits associated with race, including,*
43 *without limitation, hair texture and protective hairstyles.*



9. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 3. NRS 613.420 is hereby amended to read as follows:

613.420 1. If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.4383, inclusive, has occurred, the Commission shall issue:

(a) A letter to the person who filed the complaint pursuant to NRS 613.405 notifying the person of his or her rights pursuant to subsection 2. ~~[-; and]~~

(b) A right-to-sue notice. The right-to-sue notice must indicate that the person may, not later than 90 days after the date of receipt of the right-to-sue notice, bring a civil action in district court against the person named in the complaint.

(c) To the person who filed the complaint pursuant to NRS 613.405, basic information relating to:

(1) Filing a charge alleging an unlawful employment practice with the United States Equal Employment Opportunity Commission; and

(2) The process by which the United States Equal Employment Opportunity Commission conducts a review of the Nevada Equal Rights Commission's conclusion pursuant to 42 U.S.C. § 2000e-5(b).

2. If the Nevada Equal Rights Commission has issued a right-to-sue notice pursuant to this section or NRS 613.412, the person alleging such a practice has occurred may bring a civil action in the district court not later than 90 days after the date of receipt of the right-to-sue notice for any appropriate relief, including, without limitation, an order granting or restoring to that person the rights to which the person is entitled under those sections.

Sec. 3.5. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 4. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and obtain housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry.



2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, national origin, ancestry or gender identity or expression.

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. *As used in this subsection:*

(a) *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

(b) *"Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.*

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 5. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto; and



(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

↪ *As used in this paragraph, "race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles, as defined in paragraph (a) of subsection 3 of NRS 233.010.*

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 245 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, notwithstanding the provisions of any collective bargaining agreement to the contrary, if a board of county commissioners, a county officer or any other person acting on behalf of a county includes testing as a factor in a decision regarding the vertical promotion of an employee:

(a) The testing must be conducted by a third party which is independent from the board of county commissioners, county officer or other person acting on behalf of the county, as applicable.

(b) A third party which conducts a test must send to each employee who takes the test a confidential electronic mail message which contains the employee's test score. The third party must send an employee's test score to the employee and the board of county commissioners, the county officer or other person acting on behalf of a county at the same time.

(c) The board of county commissioners, county officer or other person acting on behalf of the county shall not produce a list of the employees who took the test, ranked in order of their test scores, until after the third party which conducted the test has sent each employee his or her test score pursuant to paragraph (b).

(d) An employee who is aggrieved by his or her test score may appeal the testing process.

2. During the appeal process authorized by paragraph (d) of subsection 1:



(a) *The employee who appeals the testing process is entitled to see:*

(1) *How his or her test was graded; and*

(2) *The questions which the employee answered incorrectly.*

(b) *The board of county commissioners, county officer or other person acting on behalf of the county, as applicable, shall ensure that the employee was ranked properly based on the employee's test score.*

3. *A person who tampers with the score of a test taken by an employee is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

4. *The provisions of this section do not apply to a county department that has less than 200 employees.*

5. *As used in this section, "test" and "testing" includes, without limitation, a written test or oral board.*

Sec. 8. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 4, notwithstanding the provisions of any collective bargaining agreement to the contrary, if the governing body of an incorporated city or a city officer includes testing as a factor in a decision regarding the vertical promotion of an employee:*

(a) *The testing must be conducted by a third party which is independent from the governing body or city officer, as applicable.*

(b) *A third party which conducts a test must send to each employee who takes the test a confidential electronic mail message which contains the employee's test score. The third party must send an employee's test score to the employee and the governing body of an incorporated city or the city officer, as applicable, at the same time.*

(c) *The governing body or city officer, as applicable, shall not produce a list of the employees who took the test, ranked in order of their test scores, until after the third party which conducted the test has sent each employee his or her test score pursuant to paragraph (b).*

(d) *An employee who is aggrieved by his or her test score may appeal the testing process.*

2. *During the appeal process authorized by paragraph (d) of subsection 1:*

(a) *The employee who appeals the testing process is entitled to see:*

(1) *How his or her test was graded; and*

(2) *The questions which the employee answered incorrectly.*



(b) *The governing body of an incorporated city or the city officer, as applicable, shall ensure that the employee was ranked properly based on the employee's test score.*

3. *A person who tampers with the score of a test taken by an employee is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

4. *The provisions of this section do not apply to a city department that has less than 200 employees.*

5. *As used in this section, "test" and "testing" includes, without limitation, a written test or oral board.*

Sec. 8.5. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 9. NRS 281.370 is hereby amended to read as follows:

281.370 1. All personnel actions taken by state, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof must be based solely on merit and fitness.

2. State, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof shall not refuse to hire a person, discharge or bar any person from employment or discriminate against any person in compensation or in other terms or conditions of employment because of the person's race, creed, color, national origin, sex, sexual orientation, gender identity or expression, age, political affiliation or disability, except when based upon a bona fide occupational qualification.

3. As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

(c) *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

(d) *"Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.*

(e) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.



Sec. 9.5. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 10. NRS 284.015 is hereby amended to read as follows:
284.015 As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.
2. "Commission" means the Personnel Commission.
3. "Disability," includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.
4. "Division" means the Division of Human Resource Management of the Department of Administration.
5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

7. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

~~7.1~~ 8. *"Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.*

9. "Veteran" means a person who:

(a) Was regularly enlisted, drafted, inducted or commissioned in the:

(1) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States;

(2) National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years; or

(3) Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States and served in the capacity of a commissioned officer while on active duty in defense of the United States; and

(b) Was separated from such service under conditions other than dishonorable.



~~18.1~~ 10. “Veteran with a service-connected disability” has the meaning ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a service-connected disability pursuant to NRS 417.0187.

Sec. 10.5. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 11. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection ~~5~~ 6 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days’ work required of an employee in a work year.

(i) Except as otherwise provided in subsections ~~7~~ 8 and ~~10.1~~ 11, discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.



(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections ~~[8]~~ 9 and ~~[10]~~,

11, the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection ~~[5]~~ 6 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. *The provisions of sections 7, 8 and 23 of this act are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of section 7, 8 or 23 of this act is unenforceable and void.*

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

~~[5]~~ 6. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:



(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➤ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

~~[6.]~~ 7. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

~~[7.]~~ 8. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

~~[8.]~~ 9. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take



any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

~~9.1~~ 10. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection ~~8.1~~ 9 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection ~~8.1~~ 9 is unenforceable and void.

~~10.1~~ 11. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

~~11.1~~ 12. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~12.1~~ 13. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~13.1~~ 14. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 12. NRS 288.270 is hereby amended to read as follows:

288.270 1. It is a prohibited practice for a local government employer or its designated representative willfully to:

(a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Dominate, interfere or assist in the formation or administration of any employee organization.



(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.

(d) Discharge or otherwise discriminate against any employee because the employee has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because the employee has formed, joined or chosen to be represented by any employee organization.

(e) Refuse to bargain collectively in good faith with the exclusive representative as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(f) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(g) Fail to provide the information required by NRS 288.180.

(h) Fail to comply with the requirements of NRS 281.755.

2. It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(d) Fail to provide the information required by NRS 288.180.

3. As used in this section:

(a) *“Protective hairstyle” includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

(b) *“Race” includes traits associated with race, including, without limitation, hair texture and protective hairstyles.*

Sec. 13. NRS 288.500 is hereby amended to read as follows:

288.500 1. For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:

(a) Organize, form, join and assist labor organizations, engage in collective bargaining and supplemental bargaining through



1 exclusive representatives and engage in other concerted activities;
2 and

3 (b) Refrain from engaging in such activity.

4 2. Collective bargaining and supplemental bargaining entail a
5 mutual obligation of the Executive Department and an exclusive
6 representative to meet at reasonable times and to bargain in good
7 faith with respect to:

8 (a) The subjects of mandatory bargaining set forth in subsection
9 2 of NRS 288.150, except paragraph (f) of that subsection;

10 (b) The negotiation of an agreement;

11 (c) The resolution of any question arising under an agreement;
12 and

13 (d) The execution of a written contract incorporating the
14 provisions of an agreement, if requested by either party.

15 3. The subject matters set forth in subsection 3 of NRS 288.150
16 are not within the scope of mandatory bargaining and are reserved to
17 the Executive Department without negotiation.

18 4. Notwithstanding the provisions of any collective bargaining
19 agreement negotiated pursuant to the provisions of NRS 288.400 to
20 288.630, inclusive, the Executive Department is entitled to take the
21 actions set forth in paragraph (b) of subsection ~~5~~ 6 of NRS
22 288.150. Any action taken under the provisions of this subsection
23 must not be construed as a failure to negotiate in good faith.

24 5. This section does not preclude, but the provisions of NRS
25 288.400 to 288.630, inclusive, do not require, the Executive
26 Department to negotiate subject matters set forth in subsection 3
27 which are outside the scope of mandatory bargaining. The Executive
28 Department shall discuss subject matters outside the scope of
29 mandatory bargaining but it is not required to negotiate those
30 matters.

31 6. The Executive Department shall furnish to an exclusive
32 representative data that is maintained in the ordinary course of
33 business and which is relevant and necessary to the discussion of the
34 subjects of mandatory bargaining described in subsection 2. This
35 subsection shall not be construed to require the Executive
36 Department to furnish to the exclusive representative any advice or
37 training received by representatives of the Executive Department
38 concerning collective bargaining.

39 7. To the greatest extent practicable, any decision issued by the
40 Board before October 1, 2019, relating to the interpretation of, or
41 the performance under, the provisions of NRS 288.150 shall be
42 deemed to apply to any complaint arising out of the interpretation
43 of, or performance under, the provisions of this section.



1 **Sec. 13.5.** Chapter 338 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Notwithstanding the protections in this chapter for hair texture*
4 *and protective hairstyles, an employer may enforce health and*
5 *safety requirements set forth in federal or state law.*

6 **Sec. 14.** NRS 338.125 is hereby amended to read as follows:

7 338.125 1. It is unlawful for any contractor in connection
8 with the performance of work under a contract with a public body,
9 when payment of the contract price, or any part of such payment, is
10 to be made from public money, to refuse to employ or to discharge
11 from employment any person because of his or her race, color,
12 creed, national origin, sex, sexual orientation, gender identity or
13 expression, or age, or to discriminate against a person with respect
14 to hire, tenure, advancement, compensation or other terms,
15 conditions or privileges of employment because of his or her race,
16 creed, color, national origin, sex, sexual orientation, gender identity
17 or expression, or age.

18 2. Contracts between contractors and public bodies must
19 contain the following contractual provisions:

20
21 In connection with the performance of work under this
22 contract, the contractor agrees not to discriminate against any
23 employee or applicant for employment because of race, creed,
24 color, national origin, sex, sexual orientation, gender identity
25 or expression, or age, including, without limitation, with
26 regard to employment, upgrading, demotion or transfer,
27 recruitment or recruitment advertising, layoff or termination,
28 rates of pay or other forms of compensation, and selection for
29 training, including, without limitation, apprenticeship.

30 The contractor further agrees to insert this provision in all
31 subcontracts hereunder, except subcontracts for standard
32 commercial supplies or raw materials.

33
34 3. Any violation of such provision by a contractor constitutes a
35 material breach of contract.

36 4. As used in this section:

37 (a) "Gender identity or expression" means a gender-related
38 identity, appearance, expression or behavior of a person, regardless
39 of the person's assigned sex at birth.

40 (b) *"Protective hairstyle" includes, without limitation,*
41 *hairstyles such as natural hairstyles, afros, bantu knots, curls,*
42 *braids, locks and twists.*

43 (c) *"Race" includes traits associated with race, including,*
44 *without limitation, hair texture and protective hairstyles.*



(d) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 15. NRS 386.845 is hereby amended to read as follows:

386.845 1. A board of trustees of a school district may:

(a) Authorize for commercial advertising the use of buses owned by the school district; and

(b) Establish the fees and other terms and conditions which are applicable to such advertising.

2. Any advertising authorized pursuant to subsection 1:

(a) Must conform with all applicable local ordinances regarding signs; and

(b) Must not:

(1) Promote hostility, disorder or violence;

(2) Attack groups on the basis of their ethnicity, race, religion, sexual orientation, or gender identity or expression;

(3) Invade the rights of others;

(4) Inhibit the functioning of the school;

(5) Override the school's identity;

(6) Promote the use of controlled substances, dangerous drugs, intoxicating liquor, tobacco or firearms;

(7) Promote any religious organization;

(8) Contain political advertising; or

(9) Promote entertainment deemed improper or inappropriate by the board of trustees.

3. The board of trustees of each school district that receives money pursuant to subsection 1 shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the fund must not be commingled with money from other sources. The board of trustees shall disburse the money in the fund to the schools within its district giving preference to the schools within the district that the district has classified as serving a significant proportion of pupils who are economically disadvantaged.

4. A school that receives money pursuant to subsection 3 shall expend the money only to purchase textbooks and laboratory equipment and to pay for field trips.

5. As used in this section:

(a) *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

(b) *"Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.*



Sec. 16. NRS 386.855 is hereby amended to read as follows:

386.855 1. The board of trustees of a school district may, in consultation with the schools within the district, parents and legal guardians of pupils who are enrolled in the district, and associations and organizations representing licensed educational personnel within the district, establish a policy that requires pupils to wear school uniforms.

2. The policy must:

(a) Describe the uniforms;

(b) Designate which pupils must wear the uniforms;

(c) Designate the hours or events during which the uniforms must be worn; and

(d) To the extent practicable, be consistent with the policy adopted pursuant to NRS 392.453.

3. If the board of trustees of a school district establishes a policy that requires pupils to wear school uniforms, the board shall facilitate the acquisition of school uniforms for pupils whose parents or legal guardians request financial assistance to purchase the uniforms.

4. The board of trustees of a school district may establish a dress code enforceable during school hours for the teachers and other personnel employed by the board of trustees.

5. A dress code or a policy that requires pupils to wear school uniforms may not discriminate against a pupil based on race. Race discrimination prohibited by this subsection includes, without limitation, the enforcement of a dress code or policy that requires school uniforms whereby a pupil's hair texture, hairstyle, including, without limitation, a protective hairstyle, or other trait associated with race violates the dress code or the policy.

6. As used in this section:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 17. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

Sec. 19. *"Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.*



Sec. 20. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, *and sections 18 and 19 of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, *and sections 18 and 19 of this act* have the meanings ascribed to them in those sections.

Sec. 21. NRS 388A.453 is hereby amended to read as follows:

388A.453 1. An application for enrollment in a charter school may be submitted annually to the governing body of the charter school by the parent or legal guardian of any child who resides in this State.

2. Except as otherwise provided in subsections 1 to 5, inclusive, NRS 388A.336, subsections 1 and 2 of NRS 388A.456, and any applicable federal law, including, without limitation, 42 U.S.C. §§ 11301 et seq., a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.

3. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.

4. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.

5. Except as otherwise provided in subsections 1 and 2 of NRS 388A.456, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on the basis of a lottery system.

6. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity;
- (e) Disability;



- 1 (f) Sexual orientation; or
2 (g) Gender identity or expression,
3 ➔ of a pupil.

4 7. A lottery held pursuant to subsection 5 must be held not
5 sooner than 45 days after the date on which a charter school begins
6 accepting applications for enrollment unless the sponsor of the
7 charter school determines there is good cause to hold it sooner.

8 8. This section does not preclude the formation of a charter
9 school that is dedicated to provide educational services exclusively
10 to pupils:

11 (a) With disabilities;

12 (b) Who pose such severe disciplinary problems that they
13 warrant a specific educational program, including, without
14 limitation, a charter school specifically designed to serve a single
15 gender that emphasizes personal responsibility and rehabilitation; or

16 (c) Who are at risk or, for a charter school that is eligible to be
17 rated using the alternative performance framework pursuant to
18 subsection 4 of NRS 385A.740, who are described in subparagraphs
19 (1) to (6), inclusive, of paragraph (a) of subsection 3 of
20 NRS 385A.740.

21 ➔ If more eligible pupils apply for enrollment in such a charter
22 school than the number of spaces which are available, the charter
23 school shall determine which applicants to enroll pursuant to this
24 subsection on the basis of a lottery system.

25 **9. As used in this section:**

26 (a) *“Protective hairstyle” includes, without limitation,*
27 *hairstyles such as natural hairstyles, afros, bantu knots, curls,*
28 *braids, locks and twists.*

29 (b) *“Race” includes traits associated with race, including,*
30 *without limitation, hair texture and protective hairstyles.*

31 **Sec. 22.** NRS 388C.010 is hereby amended to read as follows:

32 388C.010 1. The Legislature declares that the primary
33 consideration of the Legislature when enacting legislation regarding
34 the appropriate instruction of profoundly gifted pupils in Nevada is
35 to pursue all suitable means for the promotion of intellectual,
36 literary and scientific improvements to the system of public
37 instruction in a manner that will best serve the interests of all pupils,
38 including profoundly gifted pupils.

39 2. The Legislature further declares that there are pupils
40 enrolled in the public middle schools, junior high schools and high
41 schools in this State who are so profoundly gifted that their
42 educational needs are not being met by the schools in which they are
43 enrolled, and by participating in an accelerated program of
44 education, these pupils may obtain early admission to university
45 studies. These accelerated programs should be designed to address



1 the different and distinct learning styles and needs of these
2 profoundly gifted pupils.

3 3. It is the intent of the Legislature that participation in such
4 accelerated programs of education for profoundly gifted pupils be
5 open to all qualified applicants, regardless of race, culture, ethnicity,
6 economic means, sexual orientation, or gender identity or
7 expression, and that specific criteria for admission into those
8 programs be designed to determine the potential for success of an
9 applicant.

10 4. It is further the intent of the Legislature to support and
11 encourage the ongoing development of innovative educational
12 programs and tools to improve the educational opportunities of
13 profoundly gifted pupils, regardless of race, culture, ethnicity,
14 economic means, sexual orientation, or gender identity or
15 expression and to increase the educational opportunities of pupils
16 who are identified as profoundly gifted, gifted and talented, having
17 special educational needs or being at risk for underachievement.

18 **5. As used in this section:**

19 (a) *“Protective hairstyle” includes, without limitation,*
20 *hairstyles such as natural hairstyles, afros, bantu knots, curls,*
21 *braids, locks and twists.*

22 (b) *“Race” includes traits associated with race, including,*
23 *without limitation, hair texture and protective hairstyles.*

24 **Sec. 23.** Chapter 391 of NRS is hereby amended by adding
25 thereto a new section to read as follows:

26 *1. Except as otherwise provided in subsection 4,*
27 *notwithstanding the provisions of any collective bargaining*
28 *agreement to the contrary, if the superintendent of schools or the*
29 *board of trustees of a school district includes testing as a factor in*
30 *a decision regarding the vertical promotion of an employee:*

31 (a) *The testing must be conducted by a third party which is*
32 *independent from the superintendent or the board of trustees, as*
33 *applicable.*

34 (b) *A third party which conducts a test must send to each*
35 *employee who takes the test a confidential electronic mail message*
36 *which contains the employee’s test score. The third party must*
37 *send an employee’s test score to the employee and the*
38 *superintendent or the board of trustees at the same time.*

39 (c) *The superintendent or the board of trustees, as applicable,*
40 *shall not produce a list of the employees who took the test, ranked*
41 *in order of their test scores, until after the third party which*
42 *conducted the test has sent each employee his or her test score*
43 *pursuant to paragraph (b).*



(d) *An employee who is aggrieved by his or her test score may appeal the testing process.*

2. *During the appeal process authorized by paragraph (d) of subsection 1:*

(a) *The employee who appeals the testing process is entitled to see:*

(1) *How his or her test was graded; and*

(2) *The questions which the employee answered incorrectly.*

(b) *The superintendent or the board of trustees, as applicable, shall ensure that the employee was ranked properly based on the employee's test score.*

3. *A person who tampers with the score of a test taken by an employee is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

4. *The provisions of this section do not apply to a district or school department that has less than 200 employees.*

5. *As used in this section, "test" and "testing" includes, without limitation, a written test, oral board or any other form or format of test of knowledge, skills, achievement or aptitude.*

Sec. 24. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A pupil enrolled in a public school may not be disciplined, including, without limitation, pursuant to subsection 5 of NRS 386.855 or NRS 392.466 or 392.467, based on the race of the pupil.*

2. *As used in this section:*

(a) *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

(b) *"Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.*

Sec. 25. NRS 396.530 is hereby amended to read as follows:

396.530 1. The Board of Regents shall not discriminate in the admission of students on account of national origin, religion, age, physical disability, sex, sexual orientation, gender identity or expression, race or color.

2. *As used in this section:*

(a) *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

(b) *"Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.*

Sec. 26. 1. This section and sections 1 to 6, inclusive, 9 to 22, inclusive, 24 and 25 of this act become effective upon passage and approval.



1 2. Sections 7, 8 and 23 of this act become effective on
2 October 1, 2021.

