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

Eighty-First Session
April 28, 2021

The Committee on Commerce and Labor was called to order by Chair Sandra Jauregui at 12:46 p.m. on Wednesday, April 28, 2021, Online and in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sandra Jauregui, Chair
Assemblywoman Maggie Carlton, Vice Chair
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman Edgar Flores
Assemblyman Jason Frierson
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Susie Martinez
Assemblywoman Elaine Marzola
Assemblyman P.K. O'Neill
Assemblywoman Jill Tolles

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Chris Brooks, Senate District No. 3
Senator Nicole J. Cannizzaro, Senate District No. 6
Senator Dina Neal, Senate District No. 4
Senator Fabian Donate, Senate District No. 10
Senator Dallas Harris, Senate District No. 11

STAFF MEMBERS PRESENT:

Marjorie Paslov-Thomas, Committee Policy Analyst
Sam Quast, Committee Counsel
Terri McBride, Committee Manager
Julie Axelson, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Jessica Ferrato, representing United Food and Commercial Workers International Union
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO
Jim Sullivan, Political Director, Culinary Workers Union Local 226
Michael Gittings, President, United Food and Commercial Workers Union Local 711
Victoria Carreon, Administrator, Division of Industrial Relations, Department of Business and Industry
Tess Opferman, representing Nevada Women's Lobby
Misty Grimmer, representing Nevada Resort Association
William Pregman, Communications Director, Battle Born Progress
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber
Randi Thompson, State Director, National Federation of Independent Business
Mendy Elliott, representing Reno + Sparks Chamber of Commerce
Wendy Greene, Private Citizen, Philadelphia, Pennsylvania
Torri Jacobus, Private Citizen, Albuquerque, New Mexico
Naika Belizaire, Private Citizen, Las Vegas, Nevada
Sonya Watson, representing Las Vegas National Bar Association
Calli Wilsey, Senior Management Analyst, Intergovernmental Relations, City of Reno
Nedra Cooper, Private Citizen, North Las Vegas, Nevada
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Kara Jenkins, Administrator, Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation
Vinson Guthreau, Deputy Director, Nevada Association of Counties

Chair Jauregui:
[Roll was called.] Let us get started with our agenda. I will be taking the items in order, and we will start with Senate Bill 122 (1st Reprint). I will open the hearing on Senate Bill 122 (1st Reprint).

Senate Bill 122 (1st Reprint): Requires certain health and safety training for certain employees of cannabis establishments. (BDR 53-663)

Senator Chris Brooks, Senate District No. 3:
Today, I am here to present Senate Bill 122 (1st Reprint). Senate Bill 122 (1st Reprint) will require a cannabis business have employees complete the 10-hour course from the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor, and supervisors complete the 30-hour OSHA course within one year of employment to ensure that employees and supervisors are familiar with common job-related safety and health standards.

In Nevada, the cannabis industry includes retail workers who handle cannabis products, workers who work in and around heavy machinery in the manufacturing and cultivation of cannabis products, and workers in testing laboratories who are exposed to cannabis byproducts and chemicals. This bill will bring worker protections for those workers up to date with other industries in Nevada. That is why I have introduced this bill. I would like to hand it off to Jessica Ferrato to explain the importance and some of the pieces of the bill.

Jessica Ferrato, representing United Food and Commercial Workers International Union:
As Senator Brooks mentioned, S.B. 122 (R1) will required OSHA-10 and OSHA-30 training for employees of the cannabis industry. The goal of this bill is to familiarize employees and supervisors with common job-related safety and health standards. Hazards within the industry include heat exposure; pesticide exposure; field sanitation issues; carbon monoxide and carbon dioxide exposure; handling of equipment that rotates, cuts, and pinches; and exposure to flammable chemicals. Providing this training will increase workplace safety for the industry as a whole.

I will now take a minute to walk you through the bill. Existing law requires certain employees performing work on construction sites; certain sites related to the entertainment industry; and sites where exhibitions, conventions, or trade shows occur to complete OSHA 10 and OSHA-30 training. This bill enacts similar requirements for employees of cannabis establishments.

Sections 2 through 7 provide necessary definitions of the bill. Section 9 allows the Division of Industrial Relations of the Department of Business and Industry to establish a registry. Section 10 requires the OSHA trainers to display their approved card at the location of the training. Section 11 requires an employee to complete an OSHA-10 class and a supervisory employee to complete an OSHA-30 class within one year of employment. In addition, this section specifies that the costs of the training will be paid by the employer.

Section 12 states that employees who do not complete the course within one year will be suspended or terminated by the employer. Section 13 outlines the fine structure for noncompliance of a cannabis establishment. Section 16 requires cannabis employees hired before July 1, 2021, to complete the course by July 1, 2022. This bill will provide a standard of safety to the cannabis industry and bring worker safety up to date with other industries in the state. I am available to answer any questions.

Chair Jauregui:
Senator Brooks, is there anyone else giving remarks, or can we go to questions?

Senator Brooks:
Please go to questions. It is just us.

Chair Jauregui:
Are there any questions?

Assemblywoman Carlton:
I am curious why the one-year period was picked. I know in the hospitality industry, I need to have my sheriff's card, TAM [Techniques of Alcohol Management] card, my health card, and all of those items. Thank God, I do not need an OSHA card, but we may want to talk about that in the future. How did you pick one year?

Senator Brooks:
I will have Jessica Ferrato answer that.

Jessica Ferrato:
I agree. I think there is a much tighter time frame for other industries. In the Senate, there were some concerns on timing in getting the certification up and running because this is new. We adjusted for a year.

Assemblywoman Carlton:
It is a newer program, so you need time to get the training up and going so you can get folks trained. After that, will they be required to actually get the card in a sooner time frame? Is this transitional, or is the one year going to be the same moving forward?

Senator Brooks:
It would be my intention, as the industry, which is a relatively new industry in and of itself, gets used to the standard of having OSHA-10 and OSHA-30 for their workforce like other industries currently do. If it made sense, we could shorten that time period. For now, we have such a new industry, and this is a new standard, so this will give them the chance to adapt and acclimate to this new standard.

Assemblywoman Carlton:
I never realized all the equipment that is involved. When you start thinking about all of that equipment, there could be some harm if you are not careful in what you are doing.

Assemblywoman Tolles:
I know this includes cannabis establishments, presumably those working with growing as well as retail. On the retail side, I know there were some questions around having the people working behind the counter going through this training. Trying to find an analogy, do we have similar industries that would have that kind of training, such as a grocery store, a liquor store, or even a pharmacy? I am trying to get an idea of it is standard.

Senator Brooks:
I will answer the first part of that, and I will see if Ms. Ferrato has any follow-up. There is a lot of vertical integration in the marijuana and cannabis industry space. We are seeing more and more consolidation as more vertical integration, where you might be working in a cultivation facility or the same worker working in a retail environment. This industry is unique in that way. That is why we feel all the workers in the workplace need to have the training, so they are protecting themselves as they possibly transition from one job to the next.

Jessica Ferrato:
Even in a scenario where it is just the retail establishments, and if they were to just stay in that facility, I can provide a list to the Committee on all of the exposures they are being exposed to in the retail setting. As an example, there is electrical use in these facilities, there are typical fire hazards. We do have health risks within these facilities because medical use of marijuana typically involves chronically ill patients who may have bandages or illnesses they are coming in with. Personal protective equipment is important, so are industrial hygiene, exit routes, and emergency action. We have people loading and unloading docks with materials. In addition, there is equipment safety. Even in recordkeeping, if there is an injury on site, OSHA training will involve recordkeeping, which is important for the retail employees to know as well. I can provide a list to the Committee of all the categories that OSHA covers that also applies to the retail employees.

Assemblywoman Tolles:
Could you include any comparable industries that also have that? That would be helpful.

Chair Jauregui:
Piggybacking off what Assemblywoman Carlton asked about not later than a year after an employee is hired, I am assuming this is going to be retroactive, and all of the current employees will have to obtain their OSHA-10 or OSHA-30 as well, correct? It is not just new hires going forward.

Senator Brooks:
Ms. Ferrato, do you want to answer that?

Jessica Ferrato:
I assume if you are employed at a cannabis establishment, going forward once this bill passes, you will have to get an OSHA certification card.

Chair Jauregui:
They will have a year as well. I know new employees will have a year. If this bill passes with an effective date of July 1, 2021, current employees will have until July 1, 2022, to obtain an OSHA-10 or OSHA-30.

Jessica Ferrato:
Yes.

Assemblywoman Duran:
Safety is very important, especially around this time of year. Are they going to have to be recertified? Will there be an expiration on the OSHA card?

Jessica Ferrato:
The cards for OSHA certification do not expire.

Assemblywoman Kasama:
For some background information, I am curious what brought the bill about. Was there an incident? Was there a group that felt there were a lot of safety issues in this climate?

Jessica Ferrato:
We do have a lot of anecdotal stories about injuries in the workplace. From our standpoint, this is a very new industry coming into the marketplace. Everyone is trained differently, and they are still getting up and running. We are still in the process where all of this is taking place, and they are sort of settling into the marketplace. Because this industry is unique—and I have highlighted a lot of areas where there is risk, including exposure to chemicals, heat, and others—we feel like this industry needs some basic level of training for all employees for protection.

Senator Brooks:
Like Ms. Ferrato said, this is such a new industry. There are a lot of folks getting into this industry, both from operational management and employees who do not have backgrounds in warehouse work, manufacturing, or cultivation facilities. While we have all the other industries that OSHA covers that are well established, and many of the folks have been doing it and been trained to be in that for many years, this is so new that we see a lot of people who do not have much experience with general workplace safety. It is very important, as it comes up off the ground, that we create a culture of safety and provide a safe working environment for those workers.

Assemblyman O'Neill:
Since it is a new industry and there are unique components, would it be better to give the authority to the Cannabis Compliance Board (CCB) to define in regulation training specifically designed for the various areas of the cannabis industry, such as production, growing, and retail? I forgot all of the different parts. You keep saying it is unique. That is why I am wondering if it would be better doing it that way with regulation from CCB.

Senator Brooks:
The Cannabis Compliance Board could come up with entire training modules with their own sets of requirements. OSHA-10 and OSHA-30 are very general to the workplace. You can have specific training that can be for all the different industries that currently have OSHA-10 and OSHA-30 in addition to OSHA-10 and OSHA-30. However, OSHA-10 and OSHA-30 are kind of the foundation. There is nothing to keep the CCB from coming up with even

more specific industry and safety standards, but this is the foundation, and it is something that is accepted across the country. There are robust training materials and capacity out there right now.

Assemblyman O'Neill:
Here is my confusion: if it is not required in an agency, such as a drug store, that deals with a lot of the same materials, including sick individuals, drugs, et cetera, why are we now bringing it to cannabis? Usually, I have seen OSHA training required on construction sites more than in retail.

Senator Brooks:
Like I stated earlier, there is a lot of vertical integration where you have a retail worker who is also exposed to warehouse conditions with forklifts and fall protection who could also work in a cultivation facility. Then there are the manufacturing facilities that are associated with cultivation facilities that have extreme heat, extreme cold, chemical processes, and heavy equipment. It is quite a fascinating industry if you have ever had the opportunity to walk through all the stages of the industry. It is part manufacturing, part warehousing, part agriculture, and the final piece of it, which is the smallest piece, the retail end. You have a tremendous amount of vertical integration in that industry right now.

Assemblywoman Dickman:
Maybe I do not quite fully understand the OSHA card. Once you have this training, if you have gotten it somewhere else, would it apply?

Jessica Ferrato:
Yes.

Senator Brooks:
Currently, all construction workers out there, folks working in the entertainment industry who do stage work, and the workers on the conventions in our state, all have OSHA-10, and their supervisors have OSHA-30 training. They are transferrable.

Chair Jauregui:
Are there any other questions? [There were none.] I will move us to testimony. Is there anyone wishing to testify in support of S.B. 122 (R1)?

Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO:
We are in support of this legislation. We believe it makes sense. The cards are required for other industries, such as the construction industry and the entertainment industry. This industry that we are talking about has dangers in it. It does not take long with a short look on Google to see recent explosions and fires that have occurred as a result of the processing of cannabis and hash oil. Recently, there were 11 firefighters injured in Los Angeles when a factory extracting hash oil blew up. Just last October, two people were injured in a fire in Albuquerque, New Mexico, at a cannabis extraction plant. There are

hazards working with these chemicals and working with the processes to remove the cannabis from the hemp. For those reasons, we are in support of this legislation, and we believe it makes good sense to ensure worker safety.

Jim Sullivan, Political Director, Culinary Workers Union Local 226:
The Culinary Workers Union supports S.B. 122 (R1) because all workers deserve to work in a safe and healthy environment, and proper training is the key to making this happen. Our health and safety training program has reduced injuries and saved lives in the hospitality industry, and we believe it will have the same positive effect in the cannabis industry. In addition, the COVID-19 pandemic has shown that health and safety training is more important than ever for all workers. The Culinary Workers Union urges the Nevada Legislature to support and pass S.B. 122 (R1).

Michael Gittings, President, United Food and Commercial Workers Union Local 711:
On behalf of the 6,800 members of the United Food and Commercial Workers Union Local 711 (UFCW), I am speaking in support of S.B. 122 (R1). This proposal requires employees in the cannabis industry to complete a specified health and safety course one year after being hired. The UFCW members in Nevada work in grocery stores, retail establishments, chemical manufacturing, food processing plants, and the legal cannabis industry. The UFCW members in the legal industry work in growing and cultivating facilities, manufacturing and processing facilities, and in laboratories and dispensaries. Wherever cannabis is legalized, the UFCW is committed to building a successful industry with a thriving, diverse, and skilled workforce.

The UFCW represents tens of thousands of cannabis workers across multiple states. We know workers face many health and safety risks in the cannabis industry, including from exposure to abnormal heat levels and chemicals to repetitive stress injuries and other injuries on the job. Unfortunately, there is not much research or data on what makes a cannabis workplace safe because researchers are still reluctant to study this quasi-legal industry. But the UFCW knows what works in other retail environments and has developed cannabis worker safety training. In 2019, after the passage of California Assembly Bill 2799 in 2018, the UFCW coordinated the first ever OSHA safety training with cannabis workers in California.

Senate Bill 122 (1st Reprint) would establish a work environment that recognizes the value workers bring to this emerging industry while continuing to meet the demand of consumers with a safe and quality product. I urge you to pass S.B. 122 (R1) today.

[A letter was submitted, Exhibit C.]

Chair Jauregui:
Is there anyone else wishing to testify in support? [There was no one.] Is there anyone wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in neutral?

Victoria Carreon, Administrator, Division of Industrial Relations, Department of Business and Industry:
Our office administers the OSHA-10 and OSHA-30-hour training. We are neutral on this bill, but we are available for any questions.

Chair Jauregui:
Are there any questions for Ms. Carreon? [There were none.] Is there anyone else wishing to testify in neutral on S.B. 122 (R1)? [There was no one.] Would you like to give any closing remarks, Senator Brooks?

Senator Brooks:
I want to thank you for the opportunity to present this bill today.

Chair Jauregui:
With that, I will close the hearing on S.B. 122 (R1). I know I mentioned we were going in order of the agenda, but seeing we have Senate Majority Leader Cannizzaro here, I am going to take her bill next. I will open the hearing on Senate Bill 293 (1st Reprint).

Senate Bill 293 (1st Reprint): Revises provisions relating to employment. (BDR 53-907)

Senator Nicole J. Cannizzaro, Senate District No. 6:
I am pleased to be here today to present Senate Bill 293 (1st Reprint) along with my colleague, Senator Dina Neal. This bill seeks to stop the practice of requesting salary history from a potential employee.

I also want to give my thanks to a member of this Committee, Assemblywoman Duran, for her work on this same issue and her agreement to help to cosponsor this bill and bring to light what I believe to be a very important issue.

Last session, we took a monumental step in Nevada by passing equal pay for equal work. However, it is still critical that we recognize that the gender pay gap still exists in this country. I think some of you may have heard me mention this before because I found it shocking, and I have shared this story a few times. My own mom worked as a waitress in many restaurants for many years. She eventually made her way up to be one of the managers, and she received an extra check as a result of her employment. When she inquired as to why the extra check had been given to her, she was advised that another woman who held a similar position had discovered that they were making less than their male counterparts and had asked for that to be addressed by the employer. It eventually was after a lawsuit. This is not a problem that does not exist any longer. This is not a story that I shared about my mom that happened 30 years ago. This is a story that happened just a few short years ago.

For people who say the gender pay gap no longer exists and this is a problem of the past, I would challenge you and argue that is absolutely incorrect. Current estimates mark that women, on average, make just 82 cents for every dollar a man earns. Today, in 2021,

a woman still has to work a year and three months to earn the same amount of money that a male counterpart earns in that same year. A woman just starting her career will earn $406,760 less over a 40-year work life, on average, compared to a man. For women of color, the inequity is even more pronounced. On average, a Black woman will earn $964,400 less over the course of her career than her male counterpart, while a Latina earns, on average, $1.1 million less than her male counterpart.

This imbalance has been further exacerbated in the last year due to the COVID-19 pandemic. In the economic fallout from the pandemic, women have lost the majority of jobs. Many have been forced to drop out of the labor force altogether and are sadly disproportionately represented in the industries that were most devastated by the pandemic.

While the passage of equal pay last session was a monumental step in addressing the gender pay gap, there is still work to be done in creating parity in pay for men and women. Requesting job applicants' salary history has been a common practice for employers. Businesses often use previous salary information to calculate new higher compensation, which is a process that disproportionately has a negative impact on people of color and perpetuates the pay disparity between women and men.

Employers request for an applicant's salary history forces women and people of color to carry lower earnings in pay discrimination with them from job to job. Even if the employer is willing to pay an applicant significantly more than what he or she previously made, the negotiation process itself is likely to be affected by anchoring that applicant at his or her lower earnings.

Even when factors like education, industry, age, race, region, and work experience are considered, the wage gap between men and women remains. Because women systemically are paid less than men, employers who rely on salary history to select job applicants and to set a new hire's pay will tend to perpetuate gender- and race-based disparities in their workforce.

Some employers claim they need to know the salary history of applicants to determine the market value of that particular applicant or the position, but salary is not a neutral or objective factor, and in fact, it often reflects the historical market forces, which value the equal work of one sex over the other. Simply put, relying on salary history leads to depressed wages for women and people of color.

To address these inequities, 19 states and 21 localities have enacted bans on asking for previous salary information. I believe these same provisions should be implemented into Nevada law. With your permission Madam Chair, I would like to turn it over to my colleague and cosponsor, Senator Dina Neal, so she can give remarks and speak to the necessity of S.B. 293 (R1).

Senator Dina Neal, Senate District No. 4:
There have been so many times when I have asked myself when and where do I enter, and when do women of color walk in the door with me. As early as the 1860s, Black women have fought for economic independence. Historically, the context has always been that they had no rights because they were Black, and they additionally had no rights because they were women.

The wealth gap of Black families and their experience can be traced to historic injustices such as slavery, segregation, redlining, and differentiating between areas of the city and town by race. The disparity of wealth spans generations and is perpetuated by unequal pay and diminished opportunities. The decreasing amount of resources that go to Black families have a direct correlation to the wage they are paid. They can devote as much time to education and career advancement and never see a significant gain. I researched the gains and tried to get an understanding of the historical gains that have been going on. When I looked at research done by Paula Giddings, she talked about how Black families with dual income in 1983 made $26,686, and in 1990 they made $39,601. When I looked at the data for 2018, Black families made $41,511. We are talking about 28 years later and we barely see a change.

When I finished looking at that research, I understood that we have serious segregation in wages. I remembered my mom and how she wanted to earn a higher wage; in order to that as a dietician, she chose entrepreneurship. She left working to create her own business just to try to claim a $25-an-hour wage. In 1984, that was significant for an African-American woman to go out and say, well, I cannot get it through a job wage, so I will go ahead and create my own business in order to obtain that. What I thought was interesting when I thought about her history was that in 2002, that is how much I earned. I earned $25 an hour. When you think, that is what she was claiming in 1983 to 1984, and that is what her worth was. Why was I being positioned with the same thing? It made me think about what is going on and what is happening in S.B. 293 (R1).

When we think about occupational segregation, Black women, along with Latinas, are more likely to work in lower-paying service occupations, such as food service, domestic work, health care systems, and any other industry. They are less likely to work in a high-paying engineering position, tech fields, or managerial experience. The assumption is that the pay gap will close with more education of Black women who are pursuing higher-paying jobs.

According to Economic Policy Institute, Black women earn less than white women at every level of education, even when they work in the same occupation. When you consider that backdrop and consider what is going on in the space, you can only think, if you already earn less, what kind of discrimination comes into play when you have to put your prior salary in play to seek a higher wage? I remember more often than not, not wanting to put my prior salary on an application because I wanted to earn more money. I was earning $36,000 and taking care of two kids. Yet I wanted more money, and I was in fear that if they saw my prior wage, they would not give me the $45,000 I was asking for. I think S.B. 293 (R1) matters, and it changes the perspective about what we need to do and how we need to

encounter discrimination because it is one of the footholds that will hold a family back and will hold women back. The employer will see that wage and say, well, if that is how much you earned, then that is probably how much you should continue to earn. I will pay you $2,000 more a year or close to the same.

I wanted to put those comments on the record because I know Assemblywoman Duran had a bill, Assembly Bill 124, and had a hearing in this Committee. I want to thank Senate Majority Leader Cannizzaro for asking me to come in and Assemblywoman Duran for bringing up this issue and trying to make an impact in this wage disparity and try to prevent discrimination. You may have to put existing pay on your application; by preventing an employer from using that against you, we can obtain wealth as women of color.

Chair Jauregui:
Senate Majority Leader Cannizzaro, are there any other copresenters?

Senator Cannizzaro:
No, but if you would like, I would be happy to walk the Committee through the sections of the bill. I do want to take a moment to thank Senator Neal for being here and talking about the historical inequities and the very real-life impact that the bargaining process has on women—especially women of color—and their ability to negotiate higher wages and to help lessen that wage gap.

To talk through some of the pieces of S.B. 293 (R1), I will begin with the more substantive portions. Section 1.3 and sections 9 through 12 prohibit certain private and public employers from:

- Inquiring about an applicant's wage or salary history;
- Relying on the wage or salary history to determine whether to offer employment, or the rate of pay for the applicant; or
- Refusing to interview, hire, promote, or employ an applicant, or discriminating or retaliating against an applicant if the applicant does not provide wage or salary history.

However, employers are required to disclose the salary range or wage rate to an applicant, under certain circumstances.

Section 1.3 makes it an unlawful employment practice if an employer violates any of these provisions. A person who believes he or she has been injured by an unlawful employment practice relating to an employer's inquiry of wage or salary history may file a complaint with the Labor Commissioner of the Department of Business and Industry.

Further, an employer, employment agency, or any agent or representative thereof that is found to have violated the provisions of this bill may be subject to an administrative penalty of not more than $5,000 for each violation. The Labor Commissioner may also recover any costs and attorney's fees incurred in investigating such actions.

In addition, section 1.7 authorizes a person who believes he or she has been discriminated against to request a right-to-sue notice from the Labor Commissioner.

Sections 3 and 5 provide that the prohibitions implemented by this bill do not apply to employment outside of this state, religious organizations, nonprofit organizations, and to certain businesses or enterprises on or near an Indian reservation.

Finally, section 8 authorizes a court to award the person the same legal or equitable relief that may be awarded to a person pursuant to Title VII of the Civil Rights Act of 1964, if the employee is protected under the provisions of Title VII or certain provisions of existing state law.

The one other thing I wanted to highlight for the Committee is that there is some preliminary research that talks about the effects of salary bans in states and municipalities where they have enacted this type of legislation and ordinances. A recent student done by Boston University School of Law found—and what Senator Neal did a good job of highlighting—that when you take into account all of the reasons that pay equity is still a challenge for us, one of the most significant factors is the salary bargaining process. When you take into account other things, that is the most influential factor. When women are tied to their prior salaries, that really does have an effect on their ability to earn more over time, and it prohibits us from really closing that wage gap. With the enactment of legislation like S.B. 293 (R1), they are seeing increases in the amounts that women are earning and also that people of color are earning when we do ban this type of information from anchoring people to their former salaries. I wanted to highlight that there is preliminary research that shows this is actually a piece of legislation that does work and helps us to address that wage gap. With that, I would be happy to answer any questions.

Chair Jauregui:
Are there any questions?

Assemblywoman Kasama:
My question has to do with section 1.3, subsection 2, paragraph (a). It says, "who has completed an interview for a position, the wage or salary range or rate for the position." Let us say I am interviewing five people, and I decide, based on my interviews with those people, that I am going to offer it to applicants one and two. It seems to me that looking at this, even if I decided during the interview this is not something that is going to be a good fit, why do I have to disclose the salary rate? If seems to me that it should be when there is an offer of employment. It seems to me that the wording should be an offer of employment that you have to disclose the salary range.

Senator Cannizzaro:
Section 1.3, subsection 2 seeks to ensure that the employer or employment agency is actually giving the information on their part to the applicant or the interviewee, so we are not put in a position where that becomes something the applicant either feels compels to disclose or is somehow influenced to disclose. That is why it is worded that way. When we are talking

about salaries and wages, the interviewee and prospective employee, in the course of those conversations, is getting that information from the employer rather than the prospective employee or interviewee feeling compelled to give that information. When we talk about a salary ban, you can say, we are not going to allow for an employer to base a salary or wage he or she is going to pay that prospective employee on whatever the employee may have been making in prior employment.

Assemblywoman Kasama:
I understand it is not based on prior employment. It seems to me that whomever I interview, I have to tell them what the salary range is versus the person I offer the job to.

Senator Cannizzaro:
The reason it is phrased like that and you would provide it to anyone who is interviewing or is a potential employee is so that the employee or interviewee information is not being compelled to disclose it. Even though he or she is not being offered the position, in the salary negotiation process, it is less compelling for that individual to feel as if they have to disclose information which could be used by an employer to set that salary or wage range. It is encouraging on the employer's side to come up with that based upon that particular position or what that applicant may bring to the table. On the prospective employee's side, it is prohibiting them to disclose that information. That is why it applies to everyone, even if you are not offering that individual that particular employment.

I guess from my perspective, the harm in disclosing what somebody might make at a job is the same as if you were interviewing someone and talking to him or her about his or her everyday job duties or who he or she might report to, even if the individual does not get that job. It is really about talking to him or her about what that particular position would entail.

Assemblywoman Hardy:
I want to make sure I understand. My family and I have filled out many applications over the years. Some of those applications will ask what your starting wage was at the job, what was it when you left, and those types of things. So, could they not have that type of information on an application?

Senator Cannizzaro:
That is correct. We are trying to prohibit that information from being part of the interviewing and salary or wage negotiation process.

Assemblywoman Hardy:
I think you mentioned this, but I wanted to make sure. That does not prohibit an employer from asking an applicant what they expect to make or would like to make. Would that still be okay?

Senator Cannizzaro:
Yes. Section 1.3, subsection 3, specifically delineates that you may ask and discuss with a potential employee what their expectation is. When we talk about the salary negotiation

process and the inequities that exist there, an applicant coming in and saying, I would expect to make in this particular position x number of dollars or this amount per hour, that is enabling on the applicant's side. You can make that decision if that is reasonable or not based upon credentials and what the position entails; it is not the same type of information as what was made in a previous position.

Assemblywoman Hardy:
I have a scenario that may happen. Let us say, as an employer, I would have someone come in for an interview, and I say, okay, this is what we start people out at, such as $10 an hour. What if an applicant says, well, I worked at a similar business, and I made $11 an hour? What if the interviewee says that? I would not want an employer to get into trouble for discussing it if someone brings up what they made before.

Senator Cannizzaro:
That is actually a great point that has come up in the context of the conversations around this bill. It is hard to define in language that voluntary disclosure of information. This bill does not necessarily address if somebody is offering that in response to, this is how much we pay. We certainly want the salary negotiation process to occur, but what we do not want is for an employer to be asking for that information or to be getting it up front, such that it may influence what the employer would pay that particular applicant. That is not something that would be prohibited by this bill.

Assemblywoman Hardy:
Thank you for that clarification. Like I said, I would not want employers being penalized or having that applicant going to the Labor Commissioner if it was brought up in that situation.

Assemblyman O'Neill:
I think I know the answer, and I am hoping I know the answer, but just for the record, what if I am applying for a federal job or a job out of state where they do require that? I am here in Nevada, but I would still have to submit that information in those two scenarios, correct? I am not exempt.

Senator Cannizzaro:
I would of course defer to legal counsel who is more adept than I, but my estimation would be that if it is a federal job or something out of state, the *Nevada Revised Statutes* as they exist here would not apply because either there is a federal statute that takes precedence, or if it is for a job out of state, we do not have control over what happens out of state.

Assemblyman O'Neill:
That is what I thought. I just wanted to get that clarified because people in Nevada and subject to Nevada statute can misunderstand that.

Chair Jauregui:
Are there any other questions? [There were none.] I just wanted to say thank you to you, Senate Majority Leader, and to Assemblywoman Duran, who brought this bill forward, and

also to Senator Neal, who gave testimony identifying why this is so important. I think most people know, as you mentioned, it takes a woman almost three months into the next year to earn what their male counterparts would earn in one year. For Hispanic women, we will not earn that until October 21, 2021. It will take us ten additional months to earn what our male counterparts earned the year before.

With that, we will move to testimony in support of S.B. 293 (R1). Is there anyone wishing to give testimony in support?

Tess Opferman, representing Nevada Woman's Lobby:
I want to express my personal appreciation to Senator Cannizzaro and Senator Neal for bringing forth such a reasonable and necessary bill. As a woman working to move forward in my career, I do not want my salary history to determine my future salary. It is unfair and continues to contribute to pay inequality for women. My experience, my qualifications, my references, and my interview are all appropriate ways to determine whether I am capable of performing a job and the pay I should receive. Asking what salary I expect or need is another appropriate way to decide my pay rate. Asking about prior salary is not. Asking what my salary history is one of the many ways that the employment system continues to contribute to pay inequality. On behalf of myself, and on behalf of the Nevada Women's Lobby, I urge you to support S.B. 293 (R1) and pass policies that can break systems that maintain inequality.

Misty Grimmer, representing Nevada Resort Association:
We are happy to come before the Committee in support of S.B. 293 (R1). The gaming resort industry enjoys an amazingly diverse workforce, and we know our workers are the key to our guests having the best possible experience. Senate Bill 293 (1st Reprint) is an important bill to help ensure that discrimination workers may have suffered at some point in their careers does not follow them and compound any huge income losses over the course of their careers.

William Pregman, Communications Director, Battle Born Progress:
We are in support of S.B. 293 (R1). This is a big bill for both pay equity and workers' rights. Past employment salaries should not be used as justification to pay anyone less for the same amount of work. It also empowers workers to take action if they feel they have been discriminated against on the basis of their past salary in the hiring process. Data consistently shows that women, particularly women of color, are paid cents on the dollar compared to their white male counterparts. This bill is one way to address the disparity of pay for the same work. Thank you Senator Cannizzaro and Senator Neal for sponsoring this, and we urge the Committee to support it.

[Exhibit D and Exhibit E were submitted but not discussed and will become part of the record.]

Chair Jauregui:
Is there anyone else wishing to testify in support? [There was no one.] We will now move to testimony in opposition of S.B. 293 (R1). Is there anyone wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in neutral on S.B. 293 (R1)?

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:
I would like to thank the Senate Majority Leader for her discussions and meetings with the Vegas Chamber regarding S.B. 293 (R1) and the efforts of Senator Neal and Assemblywoman Duran. In regard to the bill, the Vegas Chamber is neutral on the latest version that was presented to you. The Vegas Chamber supports the principle that there should be equal pay between employees for equal work regardless of gender. We believe S.B. 293 (R1) will codify the Ninth Circuit Court ruling, *Rizo v. Yovino*, 887 F.3d 453 (9th Cir. 2018), as it relates to wage history. Because of that court case, to our understanding, employers would not be able to ask about wage history from prospective employees as part of the application process. Senate Bill 293 (1st Reprint) will align state law with that ruling. This bill is well-balanced for both employees and employers with a clear intent of what it is trying to achieve.

Chair Jauregui:
Is there anyone else wishing to testify in neutral? [There was no one.] Senate Majority Leader, would you like to give any closing remarks? [She did not.] We have a comment from Assemblywoman Duran.

Assemblywoman Duran:
Senator Cannizzaro, I would like to be added as a cosponsor on it.

Chair Jauregui:
With that, I will close the hearing on S.B. 293 (R1). The next item on our agenda is Senate Bill 209 (1st Reprint). I believe we have Senator Donate here to present. I will now open the hearing on Senate Bill 209 (1st Reprint).

Senate Bill 209 (1st Reprint): Revises provisions relating to employment. (BDR 53-953)

Senator Fabian Donate, Senate District No. 10:
[A PowerPoint presentation was submitted, Exhibit F.] I come before you today to speak on Senate Bill 209 (1st Reprint), which would allow employees the opportunity to gain leave for their COVID-19 vaccine. As many of you know, my background stems in the field of public health. When I was early process of what legislative bills I wanted to bring forward, I knew I had to make some sort of change to how this pandemic was being handled.

Today, I want to speak to you about the lessons that we have learned from the COVID-19 pandemic and my strategy to get vaccines mobilized to the communities that need it the most. I will quickly go over some of the background of this legislation and some of the legislation passed before, the limitations we have seen because of this pandemic, and how we can fix this moving forward.

Senate Bill 209 (1st Reprint) is an act that relates to employment, and it requires the employer in the private sector to allow his or her employees to take paid leave for their COVID-19 vaccine [page 3, Exhibit F]. Four hours will be allocated to each employee for this process, which would give him or her about two hours for each segment of paid leave to get the vaccine. Additionally, S.B. 209 (R1) requires an interim Legislative Committee on Health Care to conduct a study regarding the long-term implications of the COVID-19 pandemic.

In past legislation, it has been documented that Nevada workers deserve access to paid leave. Legislators paved the way for this moment back in 2019 by passing Senate Bill 312 of the 80th Session, which would require that private employers with 50 or more employees in Nevada to provide each employee with at least 40 hours of paid leave. This provision changed some of the reporting and documentation requirements for employers, and it allowed private employees with the opportunity to gain five days of paid leave from their responsibilities [page 4].

There was not much differentiation for what this paid leave can be used for, but it moved the needle on the conversation on worker protections. Of course, as we have seen from this pandemic, there is a limitation with the enumeration of paid leave days that is earned by employees and how that impacts workers who live paycheck to paycheck. For instance, the Centers for Disease Control and Prevention requirements established for COVID-19 inform us that patients who test positive for this virus at minimum should quarantine for at least ten days. But if you do not have the means to quarantine or to stop working temporarily, it reduces our strategy to limit disease transmission. When you are living in a situation that forces you to choose between your own health or working endless hours to provide a roof over your head, it is easy to assume why some workers might be inclined to underreport their prevailing symptoms. In this case, not having the means to pay your bills might jeopardize the health and safety of your coworkers simply by the absence of paid leave to prioritize your own well-being.

Some major employers have responded differently to how they approach a worker who has tested positive for COVID-19, and in fact, many of them do provide paid leave for an employee's quarantine absence, but we must recognize that not all employers have the same internal regulations and that differences do occur between some workers and others. This applies the same way for personal protective equipment (PPE) gear and protections that were established and the disparities that came forward with that. We can see this easily between the protections granted to my father, who is a casino worker, and those protections not given to my mother as a grocery store worker. Therefore, this is why in public health we must recognize that vaccine distribution is about racial justice. Communities of color are more likely to work on the frontlines of this pandemic, making them more susceptible to this illness. To help establish the right conversation on getting vaccines to all individuals, we need to recognize that disparities like this exist between occupations that have access to this luxury, and those who do not [page 4].

Since the last time that I presented this bill in the Senate, there have been a few additional updates to this legislation. I want to quickly go over some of the efforts that have been provided by the Biden Administration. Recently, the Biden Administration announced a few guidelines to help provide a tax credit to fully offset the cost for small businesses and nonprofits who provide paid leave for their employees to get vaccinated. This tax credit applies to businesses and nonprofits with fewer than 500 employees, and it covers up to 80 hours of work, which is equivalent to about $511 per day of paid sick leave, and it only applies to leave that is offered between April 1 and September 30, 2021. Additionally, this tax credit is allocated for employees to receive the COVID-19 vaccine and the time needed to recover from any postvaccine symptoms.

When community members ask me about my perception of how this pandemic has played out and how Nevada has responded, I try to maintain my optimism while recognizing that our state has done poorly to invest in this field. Nevada's poor public health system is not a new topic. In fact, my professors and colleagues have attested to this for years. I would even argue that a system collapse was inevitable, and that is exactly what we have seen throughout this pandemic [page 5, Exhibit F].

For me, I have grown up in a state that has done poorly regarding health and education. As a young teenager, I distinctly remember Nevada always ranking last in any study or outcome. Even to this day, Nevada continues to rank lowest among other states in public health policies and regulations [page 6]. When we talk about COVID-19 and how our state has responded, we have to address our weaknesses head on, and that means acknowledging that our state has done a terrible job in prioritizing public health.

There have been some discussions as to how public health professionals around the country responded to the biggest lesson that we have learned from this pandemic so far. These are some of the few: We know the consequences that arise whenever a government system disinvests or takes away funding in public health. A lack of public health infrastructure limits our ability to support an emergency response. Similarly, we have seen the correlation between educational gaps and health literacy to understand directions given to you regarding the health of all individuals. For instance, not wearing a mask over your nose is an example of poor health literacy. Finally, communities of color are the most hard-hit populations across the entire country when it comes to health care outcomes [page 7].

When we talk about COVID-19 distributions, since I know that is something that is fairly interesting to all of us, we know the limitations already exist within our own communities. This is a characteristic count that was provided by the Southern Nevada Health District on April 21, 2021 [page 8]. It is not surprising to me how poorly we have done to reach out to those who are most vulnerable, like our Black and Latinx workers.

Of course, we love color maps [page 9], and in fact, we see this in play easily with the vaccine distribution by ZIP Code, and how areas like Summerlin and Henderson do really well, but areas like the East Las Vegas and North Las Vegas suburbs, where most minority populations reside, are trailing behind.

COVID-19 showed us the limitations and consequences of an underfunded statewide public health system, but it also allowed us to visualize the opportunities that lie ahead for us [page 10, Exhibit F]. To move beyond this pandemic, we must analyze and assess the public health frameworks that have been set in place for an emergency. Whether it is responding to the pandemic or even an event similar to the Route 91 Harvest festival, we need to support public health across all levels and stages. That means supporting epidemiological surveillance to prevent the outbreak of diseases, investing in public health programs, mobilizing marginalized communities to get vaccinated, and passing policies like S.B. 209 (R1) that can prevent this from ever happening again [page 11].

I have worked with stakeholders across the board to get this bill to a good spot, and it accurately reflects the thoughts of everyone to push this bill forward. Many of the additions that we are making today will be temporary with the hope that we can return in 2023 to address some of the public health response mechanisms. Also, I want to mention that there is one small change that is going to be reflected as an additional amendment to this bill [Exhibit G], and that is to delete section 1, subsection 11, which was an error that was made in the Senate with regard to some of the exemptions that were outlined for this policy [page 12, Exhibit F].

If you would like, I can go section by section, but the main thing I wanted to mention is that Nevada has a long way ahead to fix the gaps we have observed, and we can start by making sure that everyone has access to receive the COVID-19 vaccine [page 13]. With that Chair Jauregui, I am ready to answer any of your questions on the bill and proposed amendment.

[Written testimony was submitted, Exhibit H.]

Chair Jauregui:
Are there any questions for Senator Donate? [There were none.] We will move to testimony. Is there anyone wishing to testify in support of S.B. 209 (R1)?

Jim Sullivan, Political Director, Culinary Workers Union Local 226:
The Culinary Workers Union supports S.B. 209 (R1) because they stand with this type of activities and reasons for employees to request paid time off, including time off for vaccinations. Providing workers paid leave to get the COVID-19 vaccine would create safer and healthier workplaces and get more hospitality workers back to work. In addition, requiring the Legislative Committee on Health Care to conduct the study regarding the long-term health implications of COVID-19 for casino and hospitality workers is necessary at a time when the long-term effects of COVID-19 are still unknown. This would even allow the Culinary Workers Union to identify the future health care needs of Culinary Union members and their immediate family members who have contracted COVID-19. The Culinary Workers Union urges the Nevada Legislature to support S.B. 209 (R1).

William Pregman, Communications Director, Battle Born Progress:
Ditto to the previous speaker. We simply add that as part of our recovery, we need to make sure that as many people in Nevada get vaccinated as possible. Workers need paid time off

in general just to care for themselves and their loved ones when they are sick. This bill, at the very least, helps workers get vaccinated so they will have a far lower risk of contracting or spreading COVID-19. The more folks that get vaccinated, the better to protect your most vulnerable communities and the faster Nevada can get back on its feet. We urge your support.

Chair Jauregui:
Is there anyone else in support? [There was no one.] Is there anyone wishing to testify in opposition?

Randi Thompson, State Director, National Federation of Independent Business:
On behalf of over 1,900 small businesses across Nevada, I am speaking in opposition to S.B. 209 (R1). It is not because I do not like the goal of it, but because of the extra burden of 4 additional hours of paid leave on top of the 40 hours that are already mandated by state law. If you think about it as a business, that is a minimum of 200 hours of lost revenue or 200 hours of lost productivity for a business. Nevada has lost almost 30 percent of its small businesses this past year. Although they are open, about 40 percent of them are struggling to stay open, and about 42 percent of businesses that want to expand cannot get people back to work.

We all agree, a healthy business starts with healthy employees. It is one of the most valuable assets to a business owner. Businesses do not operate without employees. Business owners do all they can to ensure their employees are safe and happy, and that often means giving them time off to get a vaccine, care for a sick child or parent, take a pet to a vet, or watch their kid's soccer game.

While I support the goal of the legislation to encourage employees to get vaccinated, I object to the additional four hours of paid leave on top of what is, this session, already seeing several mandates being put on small businesses that will continue to be more of a burden to our struggling businesses.

Chair Jauregui:
Ms. Thompson, we do have a question for you from the Committee.

Assemblywoman Carlton:
I may be misreading this, but this bill seems to apply to employers who have 50 or more employees. Ms. Thompson, are you speaking about those? It seems like small employers are exempt from this.

Randi Thompson:
Yes, this is for businesses with 50 or more employees. I will tell you, about half of National Federation of Independent Business members have 50 or more employees. I can think of three that have already told me the burden has been put, even though they have 70, 85, and 120 employees.

Assemblywoman Carlton:
I think we need to be careful about what we categorize as small employers because you gave the impression you were advocating for small employers, but anything over 50 is technically not a small employer in this state. I wanted to make sure the record was clear.

Chair Jauregui:
Are there any other questions for Ms. Thompson? [There were none.] Is there anyone else wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in neutral on S.B. 209 (R1)?

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:
The Vegas Chamber is neutral on the S.B. 209 (R1) that you see in front of you today. I would like to thank the bill sponsor for meeting with the Vegas Chamber on several occasions about this bill. Those conversations have been very productive in helping clarify the intent of the bill and the logistical components as you see proposed. We believe this bill is a good balance between employers and employees.

As many of you know, the Vegas Chamber and its fellow chambers of commerce and trade associations across the state have worked diligently in supporting statewide and local COVID-19 mitigation efforts over the past year. The Vegas Chamber has distributed tens of thousands of masks to frontline workers and employees. We have given out over 50,000 posters on social distancing for the workplace, and our members have spent millions of dollars on PPE for their employees. We are now aggressively pushing vaccine efforts with employers and employees throughout the state. Employers are educating employees about the benefits of getting the vaccine, debunking vaccine myths, arranging onsite vaccine clinics, and maintaining great flexibility with scheduling for their employees. Again, I would like the thank the bill sponsor for his engagement with the business community.

Mendy Elliott, representing Reno + Sparks Chamber of Commerce:
We would like to thank Senator Donate for working closely with the chambers throughout the state as this bill has been amended. Mr. Moradkhan has already mentioned many of the specifics I was going to testify to. I do not want to belabor the point.

Misty Grimmer, representing Nevada Resort Association:
We are here in neutral on S.B. 209 (R1) this afternoon. On the Senate side, we worked closely with Senator Donate, and he was quite open to our concerns with the original bill. With the changes he was willing to make, we were able to remove our initial concerns.

The gaming resort industry has taken many measures throughout the pandemic to help employees, such as extension of wages [audio was lost] beyond the shutdown, and now through onsite vaccine clinics or time off to go get the vaccine. We are anxious to have our state fully open again and everyone safely back to work in providing the fantastic Nevada experience to our guests. Hopefully, S.B. 209 (R1) can help expedite that happening.

Chair Jauregui:
Is there anyone else wishing to testify in neutral? [There was no one.] Senator Donate, I do have a question for you from Assemblywoman Carlton.

Assemblywoman Carlton:
I want to make sure we get something on the record. There have been a number of bills this session that have been giving guidance to our interim committees to do studies. Studies take money. I think it is really more about the definition of the word "study." Senator Donate can clarify for me, but it is my impression from the way I look at this that this would be part of their current responsibilities, and that no extra funding would be needed. This would be a "study" per se that would be within their normal jurisdiction and would not have an extra financial responsibility.

Senator Donate:
The reason why we tasked the Legislative Committee on Health Care to study this during the interim is for that exact reason. As you know, at the end of the session, that is when the Legislature as a whole comes together to decide what they want to study and look at. Those were a few of the concerns that were brought forward in the Senate. The reason it is written that way is because we did not want to delay when this bill gets enacted. If that is something the leadership wants to move forward with in identifying or separating this as its own standing legislative study or they want to supply funding for that, I am open to that conversation. I just did not want to delay this to where people could benefit from it the most.

Assemblywoman Carlton:
I think what you have in here is going to have a much easier path to success than making any changes. I just wanted to make sure as part of the record that there would be no extra dollars needed for that committee to get it done. The only concern I have is that does apply to employers with only 50 or more people. I understand we take one bite at a time.

Chair Jauregui:
Senator Donate, would you like to give any closing remarks?

Senator Donate:
Thank you, Chair Jauregui, members, and of course those who called in to testify on this bill. To quickly respond, I do not look at this bill as a loss of revenue. I see this as lives that are saved. I think that is something we have to carry with us as we move forward. Public health and business can work hand in hand to address the concerns we have seen with this pandemic, and we can have a profound impact to the future of how this state responds to that.

I have a quick quote from a local Las Vegas resident, Yesenia Rebolledo. She mentioned to me the following: *Como made trabajadora, mi primera prioridad es el bienestrar de mi familia. No puedo permirtirme perder tiempo del trabajo. No puedo arriesgar mi bienestar y el de los que me preocupan, pero no tengo otra opcion. Se que si nos dan esto, podriamos asegurar un primer paso para priorizar mejor la salud de los empleados y la empresa*.

Translated, that says, As a working mother, my first priority is the well-being of my family. I cannot afford to miss time from work. I cannot risk the well-being of myself and those I care for. Yet, I have no other choice. I know if we are given this, we can ensure a first step to prioritize the health of employees and business.

Once again, thank you for having me here, and I urge your support for this bill.

Chair Jauregui:
With that, I will close the hearing on S.B. 209 (R1). Our last bill on the agenda today is Senate Bill 327 (1st Reprint). We have Senator Neal here to present, so I will open the hearing on Senate Bill 327 (1st Reprint).

Senate Bill 327 (1st Reprint): Revises provisions relating to discriminatory practices. (BDR 53-574)

Senator Dina Neal, Senate District No. 4:
I am here to present Senate Bill 327 (1st Reprint), but I have copresenters as you see on Zoom. We have Dr. Wendy Greene, and I also have Ms. Torri Jacobus. I also have a student named Naika Belizaire. She is super important because she is part of the later provisions of the bill.

Senate Bill 327 (1st Reprint) was pretty much created because of the CROWN Act, which has passed in several states. I was asked during the summer if I would carry this legislation, and I said yes. I had particular stories associated with it. For my colleagues who know me, I wore braids in 2011 and 2013. I think I skipped 2015. I wore braids because it snows up here, and I thought it was the best way to keep my hair from being wet every morning and suffering and dying from the cold. I was told that braids were unprofessional, and I should probably not be wearing braids as a legislator. It hurt my feelings because I had been wearing braids for a really long time, and to wear braids in the Legislative building is a pretty bold move, in general. I think at the time, I was pretty much the only Black female in the building on the Assembly side, and I really took it personally.

When I got the opportunity to bring this bill forward, I said, Why not? Dove already has a national campaign around this, and there are legal experts who have been participating in defending the bills, which is why we have Dr. Wendy Greene, who testified on the Senate side.

This bill matters. I do not call it the CROWN Act because there are other provisions in here dealing with the glass ceiling, but overall, the majority of the bill is about hair discrimination and the impact within the work environment and the school environment. I want to turn this over to Dr. Wendy Greene because she is the expert, and she has done research all over this topic.

Wendy Greene, Private Citizen, Philadelphia, Pennsylvania:
As Senator Neal has already mentioned, this is a piece of legislation that is near and dear to my heart but also at the heart of my advocacy scholarship and public engagement. I am a professor of law at Drexler University Thomas R. Kline School of Law, founder of the #FreeTheHair movement, and author of a forthcoming book, *#FreeTheHair: Locking Black Hair to Civil Rights Movements*. As one of the nation's leading scholars specializing in grooming codes discrimination, I serve as a legal expert in civil right cases challenging race-based natural hair discrimination in workplaces and schools. I am also a legal advisor and codrafter of federal, state, and municipal legislation like S.B. 327 (R1), and legislation like the federal CROWN Act of 2020 that Senator Neal mentioned.

I have devoted my professional career to activating legal reforms like this legislation while enhancing public awareness around the harms of unchecked discriminatory grooming policies: for example, policies that denigrate African descendants' natural hairstyles as "distracting," "extreme," "excessive," "unkempt," and "unprofessional," or demeaning directives like a Black woman was subjected to when she was told by her store manager to remove her braids or lose her job because they deemed them too "ghetto," or like an Afro-Latina meteorologist who was told by a news watcher that she needed to change her naturally curly hair similar to the hairstyle Senator Neal is wearing today to something not to "n-word-iggery looking."

Informed by these and other racial stereotypes, grooming policies are often enforced to deprive African descendants' employment, education, housing, and access to public accommodations. African-descended boys and men are required to cut off their hair in order to maintain a job opportunity for which they are qualified, receive a high school diploma they have earned, and even to participate in sporting competitions in which they rightfully advanced. Similarly, when they don natural and protective hair styles, like the one I am wearing today, African-descendant women and girls are deprived employment, education, and extracurricular opportunities along with being subjected to heightened scrutiny, resulting in greater levels of discipline in schools as well as in workplaces.

Notably, when it deals with Black women and girls, natural hair bans require them to either cut off their hair or wear their hair straightened. The latter is usually achieved through toxic chemicals, extreme heat styling, wigs, and weaves, which are expensive and time-consuming to maintain. It is also very common to suffer through chemical burns while chemical relaxants are being applied to our hair and scalp, which are not only excruciatingly painful but also severely damaging. Black women and girls often endure hair breakage, balding, as well as scalp disorders due to chemical relaxers as well as wigs, weaves, and extreme heat being applied to our hair.

Research also indicates potential correlations between hair straightening products that Black women and girls commonly use and their increased chances of developing uterine fibroids, hormone-related infertility, and more aggressive forms of breast and uterine cancer. Therefore, natural hair bans leave African-descendant women and girls in a precarious

catch-22: either don your natural hair at the risk of lawfully being deprived of an employment or educational opportunity, or don straightened hair at the risk of enduring consequential harms to your psychological, physical, and physiological well-being.

This harmful bind that many Black women and girls find themselves is lawful under federal jurisprudence due to a "hair-splitting" legal distinction federal courts have created. Shortly after the Civil Rights Act of 1964 was enacted, federal courts adopted what is known as the "immutability doctrine," which limits the scope of legal protection against racial discrimination to discrimination on the basis of "immutable, racial characteristics," presumably like one's skin complexion. Applying this misguided doctrine, federal courts have repeatedly declared for 40 years that when an employer denies an African descendant a job because she adorns an Afro, the employer engages in unlawful race discrimination. However, the moment she twists, locks, or braids her Afro and suffers adverse treatment on those grounds, the employer's discrimination is magically deemed lawful and is no longer about race.

Senate Bill 327 (1st Reprint) ensures that this unjustifiable gap in federal civil rights protection does not exist under Nevada state law. In doing so, it redresses a pervasive form of racial discrimination that harkens back to the eras of racial slavery in this country, as well as racial apartheid not only in this country but abroad. Just as adorning a hijab is often an essential expression of many Muslim women's religious beliefs, for many African descendants, donning natural hairstyles is a critical feature of our racial identity, or simply how our hair grows. This bill ensures clear protection of everyone's personhood by eliminating a common dilemma: being forced to choose between expressing a defining trait of one's racial identity or being deprived an equal education opportunity or employment for which they are qualified.

I thank Senator Neal as well as Senator Harris for their leadership in advancing this important civil rights legislation that does not afford special treatment but rather equal treatment for all who experience racial discrimination on the basis of characteristics that are associated with racial identity, such as our skin complexion, hair texture, hairstyle, language, or accent. Committee members, I thank you again for the opportunity to present today, and I am happy to answer any questions you have, and I strongly urge your support of S.B. 327 (R1), which provides effective statutory protection when these forms of racial discrimination occur in our workplaces and schools.

Torri Jacobus, Private Citizen, Albuquerque, New Mexico:
I am here to share my heartfelt support of S.B. 327 (R1). I am an attorney and the head of the Office of Civil Rights in Albuquerque, New Mexico. My office works successfully with our city council and passed similar protections in Albuquerque in early January of this year. My office worked with the New Mexico Legislature to pass similar statewide protections during our 2021 legislative session. My office enforces all of our antidiscrimination laws in the city. Our work was initially modeled after the CROWN Act, but we went beyond it to be more expansive and offer more protections to people in our community.

I am also a Black woman and the mother of Black children. Myself and my children have all experienced a type of discrimination regarding our hair, the way it naturally grows, and the styles that we choose. Adding these protections to Nevada law is a large step toward acknowledging and dismantling centuries of lawful discrimination on the basis of race related to the way that Black people's hair grows from their heads.

Radical, unkempt, disheveled, extreme, unattractive, and unacceptable: Those are all words that have used to describe the hair of Black people in the workplace, in schools, and in daily life. These judgments reflect centuries of privileging straighter hair because of its closer association with eurocentrism or whiteness and served to denigrate natural hair textures, styles, curliness, or kinkiness because of its association with African descent or Blackness. As a result of these associations, Black women with textured hair are less likely to get job interviews than Black women with straightened hair or white women with straight or curly hair. Black children are more likely to be disciplined in school for their hairstyles that do not conform to societal norms.

Conforming to this implied hair mandate results in increased financial impacts to Black women. Black women report spending nine times more money on professional styling than white women. Conforming to the implied hair mandate results in physical harm from toxic chemicals to straighten, damaging wigs and weaves, high levels of heat to straighten, and permanent and temporary hair loss due to styling techniques. The last piece of harm I am going to talk about is time. Black women have to undergo additional grooming time and also spend money, time, and energy to repair the harm that I previously stated.

As Professor Greene stated, federal law has not done a great job at clarifying the discrimination based on hair type, texture, and other characteristics closely linked to race are, indeed, race-based discrimination. Accepting S.B. 327 (R1) gives you an opportunity to provide a clarifying definition of race or to guide schools and employers in appropriately and fully describing, preventing, and enforcing against unlawful race discrimination.

I look forward to Nevada joining the other states and municipalities that have provided these protections to their community members. Thank you again for the opportunity to speak with you today.

Naika Belizaire, Private Citizen, Las Vegas, Nevada:
I am testifying in support of Senator Neal's S.B. 327 (R1) as a student in the Clark County School District and on behalf of Code Switch: Restorative Justice for Girls of Color. I was asked to present my story of my experience with hair discrimination in school, and I hope that my testimony will help persuade you all to support this bill.

In the summer before my eighth grade, I took a huge step. After years of listening to society telling me my curly hair was ugly or that it was not professional enough, I felt as if I was not enough. In the summer before my eighth-grade year, I decided to throw away all hair relaxers and straighteners and just go natural. I allowed myself to love my natural curls.

It was only right that I wore an Afro on the first day of eighth grade at Hyde Park Middle School. I strutted through those school hallways proud of my Afro, ready to present it to the world. Unfortunately, not everyone agreed that my hair should be out for the world to see.

My world geography teacher at the time seemed to believe that my hair was a "distraction." On the first day, I sat in the back of the class. Remember this fact, I was in the back of the class. No one was behind me, and I was known for being a good student. I never talked when unnecessary and only answered questions when a teacher asked. I was confused when the teacher called me to her desk and told me that I was being a distraction. When asked what she meant, she stated that it was, in fact, my hair that was being a distraction. My hair was disrupting the classroom environment. Again, I was confused. What did my hair have to do with this? While contemplating what I must have done wrong, my teacher handed me a slip that stated I should be dress coded and suspended for insubordination. I was scared.

As I walked to my principal's office, I thought of the ways this could impact my record. This could make me have lesser chances at a brighter future. When I arrived at the front office and showed the secretary my slip, even she was confused. She asked if I was doing anything wrong with my hair during class. I said no. I was not touching it or playing with it. I was not doing anything. She told me to sit down and wait for the class to end because I did not deserve to have an infraction on my record just because a teacher did not like my hair.

The next day, I knew I could not ignore the teacher, so I went back to class and sat in the back again. I watched as the teacher grew angry as I walked into the classroom. The second that class ended, I saw as she marched to the principal's office. Minutes later, the words, "Naika Belizaire, please come to the principal's office" rang throughout the school.

When I got to the office, the principal told me that fortunately, I was not being suspended, but from that moment on, I was prohibited from wearing an Afro to school because it was too "unprofessional." I was heartbroken. The day before that, I felt on top of the world with my Afro out and proud, but at that moment, I felt insignificant all over again.

I did not know at the time that I was being discriminated against. I was one of the few Black students in the class, and I had never seen any other student get dress coded for their hair. I did not know at the time that I had the right as a human being to wear my hair the way I chose to, just like everyone else.

Although it is saddening that I have to be in front of you all pushing for the right to wear my hair in my school or work without having backlash, I know this is necessary. This is why I support this bill, because something as natural as my hair should not be seen as a distraction or unprofessional. I do not want any other young Black child, Black person, or any person with hair like mine to feel the way I did and have their pride stripped from them and instead be forced to feel insignificant and lesser than just because our hair is a little different. Or have to choose between expressing ourselves and having a clean record. Everyone's hair is beautiful and should be shown to the world loud and proud.

Chair Jauregui:
Thank you, Ms. Belizaire for being such a young advocate and for being brave and sharing your story with us. We appreciate your being here. Senator Neal?

Senator Neal:
That was the extent of my presenters, and we will open ourselves up for questions.

Chair Jauregui:
Are there any questions?

Assemblyman Flores:
I have a quick comment for our youngest copresenter. I want to say thank you for your testimony today. Through your story, you are going to empower a whole bunch of other people, so thank you for being so strong and brave and putting your story out there. You are an inspiration.

Assemblywoman Martinez:
I, too, just have a comment. I would like to say to all the ladies who participated on the panel, thank you for the explanation on some of the issues when you were talking about your hair. It needs to come to light, and we need to know that not everybody is the same. With your explaining this to us, it teaches everybody that sometimes we take for granted how our hair is, and we do not realize that other people have challenges. I really appreciate your coming here and explaining that to us because it educates us and makes us better people.

Chair Jauregui:
Senator Neal, I do have one question. As I read through the bill, I know there are other parts of the bill that have to do with other issue areas. Can you walk us through them? You will see this repeated throughout other sections, but I see it starting in section 7, which has to do with county testing.

Senator Neal:
I do have an amendment on that section [Exhibit I], but what you are seeing right now are the amendments that I made on the Senate side. In sections 7 and 8, what I was attempting to do was go after the glass ceiling that is in place. What I have encountered more often than not are promotion processes where an individual may test and believed he or she scored well, but there is not necessarily transparency in the testing process. The individual is trying to figure out how he or she scored. Let us say there is a listing that comes out that ranks them, and the individual feels he or she should have been higher on the list. The amendment to the bill was to not give the testers the correct answers but the incorrect answers they had, and also allow them to get their answers at the same time. There is no question of whether or not the employer or supervisor got it. The employee is getting the information at the same time so he or she has the opportunity to protest or deal with what he or she feels may be a discrepancy.

I talked to counties and local governments on the Senate side, and the amendments that are represented I believe show up in section 7, subsection 4. The rurals feel this may or may not apply to them, so that provision in section 7, subsection 4, states, "do not apply to a county department that has less than 200 employees." That removed their objections.

I also added language because they were worried that I was going after some of their regular testing practices, and I was only going after vertical promotions. The insertion of the word "vertical" means that I only want the person who is trying to go from maybe assistant to deputy to deputy chief. I wanted them to know and be able to walk through the process.

I talked extensively with employment testing companies to see what was going on in Nevada, specifically in Las Vegas. The average cost of third-party testing is about $10,000 a year. That is nominal for transparency. The max amount would be $25,000, and that is if you have the super menu of all the accoutrements that would go with employment testing. Based on this and trying to get transparency for the levels within the testing process, the average cost is $10,000 a year. I talked specifically to the employment testing agency that had contracts with several of the jurisdictions. Clark County was moving in this way anyway, so they understood my motive, my position, and why I wanted to try to get transparency and a way for a person to challenge if the individual felt he or she had been denied and there was a glass ceiling associated with their promotion forward.

Additionally, I have an amendment [Exhibit I] from the City of Reno because the City of Reno, and their charter in particular, have a provision where the testing or promotion practices are very different for the Civil Service Commission. This amendment should be on the Nevada Electronic Legislative Information System, as I accepted it yesterday. The proposed conceptual amendment [Exhibit I] would amend section 8. The amendment states, "if: 1. The city has a civil service commission which appoints a chief examiner; and 2. The chief examiner: a. Serves at the pleasure of the commission; b. Is not answerable to any officer or body of the city other than the commission; and c. Is not a human resources director," they are excluded from these provisions in the bill. The City of Reno charter is very different in regard to civil service employees. As we know, you can be in civil service in other cities, or you could just be a regular employee, but the ability to move forward and move ahead is sometimes limited.

I was really trying to get at how I can do the most minimal thing, which is provide transparency and provide an ability for an employee to at least find out what his or her score is, rather than being told what the score is, and he or she believes it has been misrepresented. We would like to believe the world is fair and individuals are allowed to promote, but that is not the case. I was looking for the low-hanging fruit to figure out how I can at least get them enough information to question and challenge their score where they believe they were the most qualified, yet they were not allowed to promote. That is what sections 7 and 8 do. That is why I call the bill "hair discrimination" versus the CROWN Act because I was looking for a way to deal with the glass ceiling and also deal with hair discrimination in one bill. That is what those sections do.

Chair Jauregui:
At this time, we can move into testimony in support. Is there anyone wishing to testify in support of S.B. 327 (R1)?

Sonya Watson, representing Las Vegas National Bar Association:
The first thing I want to say is that I feel very strongly about this issue. I have natural hair. I stopped relaxing my hair seven years ago, and it was a huge decision for me. It was not one that I took lightly because I did fear discrimination. I know it does happen. I believe strongly that it is my God-given right to wear my God-given hair the way it grows on my head. Everyone else gets to do that.

What I want to speak about today is protective styling. You may be wondering, protection from what? What is protective styling? Protective styling is when you wear your hair in braids or in locks. The reason that is necessary is because our hair is fragile. If you look at my hair, my hair is kinky-coily. What I say "coily," think of the spring in a pen, and that is how tightly coiled it is. When I say "kinky," think of a chevron pattern and the tightest chevron pattern you can think of. Each bend and each kink has the potential for breakage. We wear our hair in these protective styles so it does not break. There is a misconception that Black women especially cannot grow long hair. Actually, we can, and it just requires protective styling. That is the reason why a lot of us choose to wear our hair in these styles. For us, growing long hair is like the holy grail. It is like the search for a lantern, and it seems almost unattainable, but it can be done if we wear these protective styles. That is why it is so important. It is important for us to be able to express ourselves through our hair. I wanted to get that across.

Thank you very much for your time today. I will not belabor the point or repeat what has been said because it has already been said very well. I urge you to support this bill.

Calli Wilsey, Senior Management Analyst, Intergovernmental Relations, City of Reno:
We are here in support of S.B. 327 (R1) with the conceptual amendment [Exhibit I] presented by the bill sponsor this afternoon. We support the provisions throughout the bill. I specifically wanted to comment on section 8 and the amendment [Exhibit I]. We appreciate Senator Neal working with us to understand the unique operations of the Reno civil service system and working with us on that amendment. The Reno civil service serves as an independent body that is responsible for all phases of selection, appointment, promotion, appeals, and transfer of employees in the civil service system. The Reno City Charter specifically requires that commission to appoint a chief examiner who serves at the pleasure of the commission. The chief examiner has a separate staff to carry out the functions of the civil service. This is separate from other human resources duties.

The rules adopted by that commission establish procedures for notification of exams, review of examination results, post assessment counseling reviews, appeals on examinations, or testing procedures. We appreciate Senator Neal's working with us to ensure this independent body that operates differently than most and meets the goals of the bill sponsor can continue to provide this important service.

Chair Jauregui:
Before we go to our next caller, Senator Harris is here to give testimony in support.

Senator Dallas Harris, Senate District No. 11:
I am here to testify in support of S.B. 327 (R1). I want to tell you a quick story that I mentioned on the Senate side, but I think this highlights the importance of this bill. If you all may remember, during the special session, I had my hair braided. My godmother was kind enough to sit me down in the chair, as I am sure many folks are familiar with, and was willing to braid my hair. When I asked her, Do you mind braiding me up before I go out to session? The very first thing she asked me was, Are you allowed to have your hair like that? If that is not a reason we need the CROWN Act, I do not know what is.

It is a very familiar feeling if you are of a certain hair texture: you feel like in order to be perceived as professional, as good enough, or if you want people to respect you, then you must go through sometimes painstaking hours and hours of hair treatment in order to make what you feel is presentable. That is often based on someone else's standards.

I am sure you will hear, if you have not already, some stories of women who almost around the same age, late 20s or 30s, that they decided that they just cannot sit through and put their hair through the chemical treatment anymore and made the bold decision to go natural. I think the important point here is that it should not be such a bold decision. We want to make sure that here in Nevada, there is no kid who is getting kicked out of school simply because of his or her hair style. There is no woman who feels she needs to straighten her hair for an interview and maybe go back to natural outside of the probation period. These are very real issues, and it is time we do something to address that.

Chair Jauregui:
We will go to our next caller in support.

William Pregman, Communications Director, Battle Born Progress:
We are in full support of ending hair discrimination in Nevada. This is a serious issue for BIPOC [Black, Indigenous and People of Color] Nevadans who face discrimination with dress code at work, school, or elsewhere. This is a good example of how to combat systemic racism. Otherwise, I would "ditto" previous speakers and thank Senator Harris and Senator Neal for their work on bringing this bill forward. I urge your support.

Nedra Cooper, Private Citizen, North Las Vegas, Nevada:
I am in favor of S.B. 327 (R1). I am a lifetime member of the National Association of for the Advancement of Colored People, which is the oldest civil rights organization. I am also a member of the Las Vegas Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and I serve as the social action chair. Delta Sigma Theta is a Greek organization that has been in existence since 1913. It was founded by 22 courageous women who during their time also marched as women suffragettes for the right for women to vote.

We find ourselves again in a time when we are standing together to fight, not only for women to vote, but for all to vote. Now, we are talking about making sure that women who wear their hair culturally or African-American women who wear protective hairstyles are not discriminated against due to their choice of their hair. It is unfortunate when an African-American woman has to be told that she needs to become more Europeanized in order to be selected for a job. Once she has gotten this job, and she has passed the probationary period, then she can be herself, when all others are allowed to start as being themselves.

We also know that 81 percent of African-American women, or women who wear their hair in culturally natural hairstyles, are more likely not to be selected for a job. We also understand that out of that number, we also have 1.5 percent of women who also have issues with employment or being told that they need to look like someone else in order to either maintain their employment or get employment.

I am sure that it probably has been said that it is emotionally damaging to women to be told they cannot express themselves by their cultural or protective hairstyles. It not only affects us financially, but it also affects us emotionally. We want to make a note that there are already eight states that have passed such a bill as this one. I also understand that this bill may be coming to Congress to become a federal law. I am hoping that Nevada jumps ahead and makes this our law before the feds have to tell us to make the law.

It is also very difficult for our children who are going to school and told they cannot participate in sports because of their hairstyles, or they are told they are out of dress code because of their hairstyles—not because they are not wearing their coat and tie but because of the way they look. We know that hair does not make a person, but it is an expression of a person. We should not be judged by our hairstyle but by the content of our character.

With that being said, I urge each and every one of you to support this bill. I appreciate Senator Neal who has courageously brought this before you. I am hoping that we use our title of being Battle Born and stand up for what we have always done, which is fight for the rights.

[Exhibit J and Exhibit K are letters in support that were submitted but not discussed and will become part of the record.]

Chair Jauregui:
Is there anyone else wishing to testify in support? [There was no one.] Is there anyone wishing to testify in opposition?

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:
I am in general support of what this bill is trying to accomplish. I apologize sincerely to Senator Neal because this bill was not on my radar in the Senate, and it did not catch my attention, specifically section 7 of the bill. However, earlier this morning, I was contacted by

our human resources section that had some concerns regarding section 7. We believe that as it is written, if it does apply to our agency, it would eliminate our ability to administer our own promotional exams.

As many of you know, the Las Vegas Metropolitan Police Department is the largest police department in the state and the eleventh-largest police department in the country. We have over 5,000 employees, and we have a very robust human resources section that oversees our promotional process. We follow the guidelines of federal law, in particular uniform guidelines for employee selection and procedures. We have these procedures codified in our civil service rules. We have a very detailed appeal process, and our process for promotions is very transparent.

It is difficult to find outside entities that have subject matter experts in some of the areas related to promotion for law enforcement and public safety. We are concerned that if we had to outsource these to a third party, it would be difficult for us to find subject-matter experts who could meet our needs, and also that it would potentially have a cost impact. I am still looking into this, and I am very happy to work with Senator Neal. I reached out to her a little while ago via email, but I am sure she has not seen my email because she is very busy. I look forward to trying to work with her to address our concerns that I was just made aware of.

Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association:
We are in opposition to sections 7 and 8 of this bill. Ditto to what Director Callaway just said. We were aware there was an amendment coming that would address our concerns, but the one from the City of Reno [Exhibit I] does not cover the concerns of some of our membership, so we remain opposed, and we will work with Senator Neal as she sees fit to see if we can renovate that consensus.

Chair Jauregui:
Is there anyone else wishing to testify in opposition? [There was no one.] We will move to neutral. I see that we have Ms. Kara Jenkins with the Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation, in neutral.

Kara Jenkins, Administrator, Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation:
We are neutral on this bill. We are here to provide answers the Committee may have questions about in enforcement. We are encouraged by this bill.

Chair Jauregui:
Are there any questions for Ms. Jenkins? [There were none.] Is there anyone else wishing to testify in neutral?

Vinson Guthreau, Deputy Director, Nevada Association of Counties:
The Nevada Association of Counties (NACO) wanted to go on record and thank the sponsor for her willingness to work with counties on this bill, specifically on section 7 of this reprint

and the addition of specific provisions regarding testing. We understand the intent and importance of the bill overall, and we thank the sponsor for her willingness to have conversations with us.

Chair Jauregui:
Is there anyone else wishing to testify in neutral? [There was no one.] Senator Neal, would you like to give any closing remarks?

Senator Neal:
I did work with stakeholders. The amendment that was done on March 31, 2021, in my understanding, took care of the Nevada Sheriffs' and Chiefs' Association issues with the NACO amendments I adopted and also with Clark County's amendment. I am surprised because the reprint and work session document actually reflected those changes. I had a phone call that said that they were okay with the bill.

In addition, the issue with Metro that Mr. Callaway brought forward saying that it is a cost burden and the issue with the civil service employees—what I know to be true is that when I researched this bill and thought about this bill, the first thing I did was go to the employment testing agencies that had contracts with the City of Henderson and City of North Las Vegas. They had a smaller contract with the City of North Las Vegas, but the contract with the City of Henderson was much larger and had more menu options. They had started the process. It cost them $10,000 a year to run this third-party testing; $10,000 is actually very nominal for an agency that potentially has a multimillion-dollar budget to be able to provide transparency.

I understand the civil service comment that was made, but what I do know is that just because you are in civil service, it does not mean you are not being discriminated against or not being placed in a position where a glass ceiling is there. If we want, we can check the numbers of Metro, because I have been getting their reports on their demographics probably since I have been in the building since 2011. I am not throwing shade, and I have always worked with Mr. Callaway, but in terms of women who work for Metro, the total number of commissioned officers was 3,097, and the total number of women who were commissioned police officers was 323. They represented 10 percent of the actual makeup of the population, and this was the latest data that I received. I receive quarterly information. When I looked at the numbers in regard to the glass ceiling, and when I was thinking about transparency, I am not asking for a lot. I am asking for a third party to be a part of the process. The third party should already be part of some part of the process. Once you get higher up into ranks, I think there is less opportunity for you to actually make higher rank when you are certain sex or even a certain race.

All I am asking for is to get my incorrect answers and know what I got wrong, so when I study to take the test again, I do not make the same mistake. I am asking to get my score at the same time as my supervisor or employer so there is no discrepancy when a list comes out, and I am not kept in the dark. We all know, equally and at the same time. If there is score tampering, I should have the opportunity to deal with that score tampering because now

I have the ability to find out that what was marked as incorrect are truly correct answers. I should have an opportunity to discuss and debate those issues, rather than being left in the dark and told to try next time, and then not being able to fulfill the need to be able to promote.

I tackled this issue because I know there are many people who tested over and over again and have years of experience, but for some reason they cannot seem to make it past the test. This allows a third party, outside and independent, to review what is happening. I do not see anything wrong with that. At the end of the day, if you have 20 years of experience, and for some reason you cannot seem to make it past a promotion test, something is wrong. It is not that you are lacking skills, experience, or education. Something is preventing you from going further. You can say it is personality conflict, but at the end of the day, I think that having a door to understand what I got wrong with my 20 years of experience and knowledge is very appropriate. Being able to ask a question and have the position to challenge the answer so they are not caught in the cycle of being repressed, trying to figure out why they cannot make it ahead, and why they cannot seem to get counterparts to believe they have the capacity and keep studying but cannot seem to make it over. That is what sections 7 and 8 are for me and what I was attempting to get out.

Even if they say the menu of options is $25,000 a year, $25,000 a year to have transparency in the testing practice, giving incorrect answers, not correct, and to make sure everything is fair, I think this is very nominal. I want to make that statement as my closing remarks because I feel very strongly about glass ceilings, very strongly about transparency, and having an opportunity for people to be able to have information to push back when they feel they have the right to earn more money and go to a higher level within their employment.

Chair Jauregui:
I will now close the hearing on S.B. 327 (R1). The last item on our agenda is public comment. Is there anyone wishing to give public comment? [There was no one.] Are there any comments from the members before we adjourn? [There were none.] With that, our next meeting will be held on Friday, April 30, 2021. Members, as always, please look at the meeting time as we might be starting not at our regularly scheduled time.

We are adjourned [at 3:02 p.m.].

RESPECTFULLY SUBMITTED:

_____
Julie Axelson
Committee Secretary

APPROVED BY:

_____
Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

Exhibit C is a letter dated April 26, 2021, submitted and presented by Michael Gittings, President, United Food and Commercial Workers Local 711, in support of Senate Bill 122 (1st Reprint).

Exhibit D is a letter dated April 28, 2021, submitted by Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada, in support of Senate Bill 293 (1st Reprint).

Exhibit E is written testimony dated April 27, 2021, submitted by Bonnie Barber, Chair, Nevada Coalition for Women's Equity, in support of Senate Bill 293 (1st Reprint).

Exhibit F is a copy of a PowerPoint presentation titled "SB 209: COVID-19 Paid Leave," submitted and presented by Senator Fabian Donate, Senate District No. 10.

Exhibit G is a proposed amendment to Senate Bill 209 (1st Reprint), submitted and presented by Senator Fabian Donate, Senate District No. 10.

Exhibit H is written testimony submitted and presented by Senator Fabian Donate, Senate District No. 10, regarding Senate Bill 209 (1st Reprint).

Exhibit I is a proposed conceptual amendment to Senate Bill 327 (1st Reprint), submitted by Senator Dina Neal, Senate District No. 4.

Exhibit J is a letter submitted by Sandra D. Morgan, President, Las Vegas Chapter, Jack and Jill of America, Inc., in support of Senate Bill 327 (1st Reprint).

Exhibit K is a letter submitted by Berna Rhodes-Ford, President, Theta Theta Omega Chapter, Alpha Kappa Alpha Sorority, Incorporated, in support of Senate Bill 327 (1st Reprint).