

SENATE BILL NO. 271—SENATOR NEAL

MARCH 13, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to discrimination.
(BDR 18-2)

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

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

AN ACT relating to discriminatory practices; establishing certain requirements relating to attorneys and paralegals who provide services to or are employed by the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation; establishing certain requirements relating to a complaint alleging an unlawful discriminatory practice in employment; setting forth certain requirements relating to the final disposition of a complaint alleging an unlawful discriminatory practice; revising certain duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation. (NRS 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodation. (NRS 233.150) **Section 2** of this bill requires: (1) an attorney who works for, contracts with or provides volunteer services to the Commission to review any complaint filed with the Commission alleging an unlawful discriminatory practice and prepare all findings of facts and final dispositions of complaints; (2) a paralegal who is employed by the Commission to annually complete a minimum number of hours established by the Commission of continuing education in certain areas relating to the work of the Commission; and (3) the Commission to establish programs for law students to intern with the Commission and attorneys to volunteer legal services to the Commission.

Section 3 of this bill provides that if a complaint is filed with the Commission alleging an unlawful discriminatory practice in employment: (1) by a governmental agency, the Commission must consider the historical patterns and practices of the agency in determining whether an investigation is warranted and any actions of



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nonfeasance and malfeasance on behalf of the agency or a public officer or public employee of the agency with regard to the complaint; and (2) by a private employer, the Commission must consider any historical data of discriminatory practices on behalf of the private employer.

Sections 4 and 6 of this bill require that if the Commission determines an investigation into a complaint alleging an unlawful discriminatory practice is warranted, the Commission must make a final disposition of the complaint within 18 months after the date the complaint is received, unless the Commission determines it is impracticable to do so. If the Commission determines it is impracticable, **section 4** requires the Commission to send the complainant and person against whom the complaint was filed a statement informing the parties of the reason why it was impracticable to resolve the complaint within 18 months.

Section 4 also prohibits the Commission from closing a complaint without a final disposition, unless the complainant verbally or physically abuses or threatens a member of the Commission.

Section 5 of this bill requires the Commission to prepare and publish on the Internet website of the Commission a summary of the process by which a person may file an appeal of a decision of the Commission with the United States Equal Employment Opportunity Commission.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *An attorney who works for, contracts with or provides volunteer services to the Commission must:*

(a) Review any complaint filed with the Commission which alleges an unlawful discriminatory practice; and

(b) Prepare all findings of fact relating to an investigation and the final disposition of a complaint before the Commission.

2. *Any paralegal that is employed by the Commission must annually complete a minimum number of hours established by the Commission of continuing education in the areas of constitutional law, state law and federal law relating to unlawful discriminatory practices.*

3. *The Commission shall establish:*

(a) An internship program for law students to provide services to the Commission; and

(b) A volunteer program for attorneys to provide legal services to the Commission.

Sec. 3. 1. *If a complaint is filed alleging an unlawful discriminatory practice in employment by a governmental agency or a public officer or public employee thereof, the Commission shall consider:*

(a) The historical patterns and practices of the agency as a factor in determining whether an investigation is warranted.



(b) Any acts of nonfeasance or malfeasance with regard to the complaint on behalf of the agency or a public officer or public employee thereof. Any findings of fact and final disposition of such a complaint alleging an unlawful discriminatory practice in employment must address any allegations of nonfeasance and malfeasance by the agency or a public officer or public employee thereof.

2. If a complaint is filed alleging an unlawful discriminatory practice in employment by a private employer, the Commission shall consider any available data on the historical discriminatory practices of the private employer in determining whether an investigation is warranted.

Sec. 4. 1. If the Commission determines to conduct an investigation of a complaint which alleges an unlawful discriminatory practice in housing, employment or public accommodation in accordance with the regulations adopted pursuant to NRS 233.157, the Commission must make a final disposition of the complaint within 18 months after the date the Commission receives the complaint, unless the Commission determines it is impracticable to do so pursuant to subsection 2.

2. If the Commission determines that it is impracticable to make a final disposition of a complaint which alleges an unlawful discriminatory practice within the period prescribed in subsection 1, the Commission shall send to the complainant and the person against whom the complaint was filed a statement setting forth its reasons for not making a final disposition of the complaint within that period.

3. The Commission may close an investigation of a complaint without a final disposition if the Commission determines that the complainant verbally or physically abuses or threatens a member of the Commission. The Commission may not close an investigation without a final disposition for any other reason.

Sec. 5. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all groups, including, without limitation, those based on race, religion, disability, ethnicity, sexual orientation and gender identity or expression, and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, religion, sex, sexual orientation, gender identity or expression, age, disability or nationality.

3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, creed, sex, sexual orientation, gender identity or



expression, age, disability, national origin or ancestry, and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various groups, including, without limitation, those based on race, religion, sex, sexual orientation, gender identity or expression, age, disability, nationality and ethnicity, veterans' organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.4353 to 613.4383, inclusive.

7. Prepare and publish a written summary on the Internet website of the Commission which describes the process by which a person may file an appeal with the United States Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330, which must include, without limitation, a sample appeal.

Sec. 6. NRS 233.165 is hereby amended to read as follows:

233.165 1. If the Commission determines to conduct an investigation of a complaint which alleges an unlawful discriminatory practice in housing in accordance with the regulations adopted pursuant to NRS 233.157, the Commission must:

(a) Begin an investigation of the complaint within 30 days after it receives the complaint.

(b) Complete its investigation of the complaint within 100 days after it receives the complaint unless it is impracticable to do so.

(c) Make a final disposition of the complaint within ~~14-year~~ **18 months** after the date it receives the complaint unless it is impracticable to do so.

2. If the Commission determines that it is impracticable to complete an investigation or make a final disposition of a complaint which alleges an unlawful discriminatory practice in housing within the period prescribed in subsection 1, the Commission shall send to the complainant and the person against whom the complaint was filed a statement setting forth its reasons for not completing the



1 investigation or making a final disposition of the complaint within
2 that period.

3 **Sec. 7.** 1. This section becomes effective upon passage and
4 approval.

5 2. Sections 1 to 5, inclusive, of this act become effective:

6 (a) Upon passage and approval for the purpose of adopting
7 regulations and performing any other preparatory administrative
8 tasks that are necessary to carry out the provisions of this act; and

9 (b) On January 1, 2024, for all other purposes.

10 3. Section 6 of this act becomes effective on the date that the
11 Governor declares that the Federal Government has determined that
12 certain provisions of NRS provide rights and remedies for alleged
13 discriminatory housing practices substantially equivalent to federal
14 law.

