ASSEMBLY BILL NO. 57–COMMITTEE
ON GOVERNMENT AFFAIRS

ON BEHALF OF THE ATTORNEY GENERAL

PREFILED NOVEMBER 10, 2026

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain state employees. (BDR 23-585)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: May have Fiscal Impact.
Effect on the State Highway Fund: No.

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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 state employees; revising provisions governing certain hearings relating to the dismissal, involuntary demotion or suspension of certain state employees; revising provisions relating to the investigation of certain complaints by the Sex- or Gender-Based Harassment and Discrimination Investigation Unit; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain rights and protections to an employee in the classified service of the Executive Department of the State Government before the person or entity that appointed the employee to state service, known as the appointing authority, is authorized to dismiss, involuntarily demote or suspend such an employee. (NRS 284.385, 284.387, 284.390) Under existing law, an appointing authority is required to complete an internal administrative investigation and make a determination whether to dismiss, involuntarily demote or suspend an employee within 90 days after providing the employee with notice of the allegations, unless the appointing authority obtains certain approval for an extension of time. (NRS 284.387) Existing law requires the Administrator of the Division of Human Resource Management of the Department of Administration to adopt and maintain a policy concerning sex- or gender-based harassment, including a procedure for filing a complaint to report suspected harassment or discrimination based on sex or gender. (NRS 284.4082) Existing law requires that such complaints be investigated by the Sex- or Gender-Based Harassment and Discrimination Investigation Unit created within the Division. After the Unit completes such an investigation, existing law requires: (1) the Unit to transmit the investigation report

to the applicable appointing authority for its review and determination of the appropriate resolution of the complaint; and (2) the appointing authority to review the report and provide written notification to the Unit regarding the resolution of the complaint within 30 days after the resolution. (NRS 284.4086)

Section 3 of this bill requires: (1) the Unit to promptly notify the applicable appointing authority upon the receipt of a complaint by the Unit; (2) the appointing authority, in consultation with the Unit, to prepare a plan to prevent continued harassment or discrimination during the investigation; and (3) the Unit to provide written notice of the allegations in the complaint to the employee who is the subject of the investigation within 30 days after receipt of the complaint. **Section 3** also imposes a deadline for the completion of an investigation by the Unit that is similar to the deadline for an internal administrative investigation. Specifically, **section 3**: (1) requires the Unit to complete its investigation within 90 days after providing the employee with notice of the allegations, unless the Unit obtains certain approval for an extension of time; and (2) if the investigation is not completed within that time period, prohibits the appointing authority of the employee from taking certain disciplinary action against the employee based on the allegations in the complaint. **Sections 1 and 3** of this bill revise the circumstances under which information relating to a complaint may be disclosed. **Section 3** further requires the Human Resources Commission in the Division to adopt certain regulations relating to an investigation by the Unit, and **section 4** of this bill requires that such regulations be adopted on or before January 1, 2028. **Section 5** of this bill provides that the changes to existing law in **section 3** do not apply to an investigation that is pending on the effective date of this bill.

Under existing law, an appointing authority is required to promptly notify the Unit if the appointing authority receives a complaint filed by an employee alleging sex- or gender-based harassment or discrimination. (NRS 284.4084) **Section 2** of this bill removes this notification requirement and instead requires the appointing authority, upon receipt of such a complaint, to inform the employee of the procedure for filing a complaint with the Unit. If, within 5 business days after providing the employee such information, the appointing authority does not receive notification from the Unit pursuant to **section 3** that the Unit received a complaint from the employee, **section 2** requires the appointing authority to file a complaint with the Unit on behalf of the employee.

Under existing law, if an employee is dismissed, involuntarily demoted or suspended, the employee is authorized to request a hearing before a hearing officer appointed by the Commission. (NRS 284.385, 284.390) If the hearing officer determines the dismissal, demotion or suspension was without just cause, existing law requires that the action be set aside and the employee reinstated with full pay for the period of dismissal, demotion or suspension. (NRS 284.390) **Section 1** clarifies the amount of back pay that such a reinstated employee is entitled to receive for the period of dismissal, demotion or suspension, including requiring a reduction, in certain circumstances, if the employee earned compensation and benefits from any other employment during the period of the dismissal, demotion or suspension. **Section 1** also prohibits a hearing officer from awarding any interest on such back pay.

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

Section 1. NRS 284.390 is hereby amended to read as follows:

284.390 1. Within 10 working days after the effective date of an employee's dismissal, demotion or suspension pursuant to

NRS 284.385, the employee who has been dismissed, demoted or suspended may request in writing a hearing before the hearing officer of the Commission to determine the reasonableness of the action. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's dismissal, demotion or suspension.

2. The hearing officer shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee or there is a conflict with the hearing calendar of the hearing officer, in which case the hearing must be scheduled for the earliest possible date after the expiration of the 20 ***working*** days.

3. Upon verification that a request for a hearing has been made pursuant to subsection 1, the appointing authority of ~~[the]~~ ***an*** employee who was the subject of ~~[the]~~ ***an*** internal administrative investigation ***or investigation pursuant to NRS 284.4086 that led to the disciplinary action against the employee pursuant to NRS 284.385*** shall, within 5 days after receiving a request by the employee or his or her representative, produce and allow the employee or his or her representative to inspect or receive a copy of any document concerning the ~~[internal administrative]~~ investigation, including, without limitation, any recordings, notes, transcripts of interviews or other documents or evidence related to the ~~[internal administrative]~~ investigation.

4. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.

5. Technical rules of evidence do not apply at the hearing.

6. After the hearing and consideration of the evidence, the hearing officer shall render a decision in writing, setting forth the reasons therefor.

7. If the hearing officer determines that the dismissal, demotion or suspension was without just cause as provided in NRS 284.385, the action must be set aside and the employee must be reinstated, with ~~[full]~~ ***back*** pay for the period of dismissal, demotion or suspension. ***The hearing officer may not award any interest on such back pay.***

8. The decision of the hearing officer is binding on the parties.

9. Any petition for judicial review of the decision of the hearing officer must be filed in accordance with the provisions of chapter 233B of NRS.

10. As used in this section, "back pay" means the amount that is the difference between:

(a) The compensation and benefits that the employee would have otherwise earned in his or her position in the classified

service during the period of dismissal, demotion or suspension if the employee had not been dismissed, demoted or suspended; and

(b) Any compensation and benefits earned by the employee from any other employment during the period of the dismissal, demotion or suspension, except employment that was authorized by the appointing authority of the employee, in writing, before the period of dismissal, demotion or suspension.

Sec. 2. NRS 284.4084 is hereby amended to read as follows:

284.4084 ~~[Upon receipt of a complaint filed by]~~ ***If*** an employee ~~[alleging]~~ ***informs his or her appointing authority that*** he or she is being harassed or discriminated against based on his or her sex or gender or has witnessed an employee being harassed or discriminated against based on his or her sex or gender, ~~[an]~~ ***the*** appointing authority shall promptly ~~[notify]~~ ***provide the employee with information regarding the procedure for filing a complaint to report suspected harassment or discrimination based on sex or gender established in accordance with NRS 284.4082. If, within 5 business days after providing the employee such information, the appointing authority does not receive notification pursuant to subsection 2 of NRS 284.4086 that the employee filed a complaint with*** the Sex- or Gender-Based Harassment and Discrimination Investigation Unit created by NRS 284.4086 ~~[and:~~

~~1. A person designated by the appointing authority to handle issues relating to sex or gender based harassment and discrimination; or~~

~~2. The deputy attorney general or other counsel designated to act as an attorney for the agency.]~~ ***, the appointing authority shall file a complaint on behalf of the employee pursuant to the procedure established in accordance with NRS 284.4082.***

Sec. 3. NRS 284.4086 is hereby amended to read as follows:

284.4086 1. The Sex- or Gender-Based Harassment and Discrimination Investigation Unit is hereby created within the Division.

2. ~~[The Sex- or Gender-Based Harassment and Discrimination Investigation Unit shall promptly assign]~~ ***Upon receipt of a complaint pursuant to the procedure established in accordance with NRS 284.4082, the Unit shall promptly:***

(a) Notify the appointing authority of the agency in which the complaint arose. Within 5 business days after receipt of such notification, the appointing authority, in consultation with the Unit, shall prepare a plan to prevent continued harassment or discrimination during the conduct of an investigation pursuant to paragraph (b).

(b) Assign or appoint an investigator to investigate ~~[any]~~ ***the*** complaint ***.*** ~~[regarding suspected harassment or discrimination based~~

~~on sex or gender filed by an employee pursuant to the procedure established in accordance with NRS 284.4082 or received pursuant to NRS 284.4084.]~~ An investigator assigned or appointed pursuant to this ~~[section]~~ ***paragraph*** shall inform each person involved in such an investigation of the provisions of subsection ~~[6.]~~ ***7.*** The investigation must be conducted as discreetly and with as minimal disruption to the workplace as possible.

~~[3.]~~ At the conclusion of the investigation, the investigator shall prepare a written report of his or her findings and submit the report to the ~~[Sex or Gender Based Harassment and Discrimination Investigation]~~ Unit ***.*** ~~[for transmission to the appointing authority of the agency in which the complaint arose or a person designated by the appointing authority to handle issues relating to sex or gender based harassment and discrimination and the deputy attorney general or other counsel designated to act as an attorney for the agency.~~

~~4. The Sex or Gender Based Harassment and Discrimination Investigation Unit shall notify a]~~

3. Within 30 days after receipt of the complaint, the Unit shall provide notice, in writing, of the allegations in the complaint to the employee who is the subject of the investigation. The notice must be provided before the employee is questioned regarding the allegations. The employee who is the subject of the investigation must be afforded the right to have a lawyer or other representative of the employee's choosing present with the employee at any time that the employee is questioned regarding those allegations. The employee must be given not less than 2 business days to obtain such representation, unless the employee waives the employee's right to be represented.

4. The conduct of the investigation and submission of the written report by the investigator to the Unit pursuant to subsection 2 must be completed within 90 days after the employee is provided notice of the allegations pursuant to subsection 3. If the Unit cannot complete the investigation within 90 days after the employee is provided notice of the allegations pursuant to subsection 3, the Unit may request an extension from the Administrator of not more than 60 days upon showing good cause for the delay. No further extension may be granted unless approved by the Governor. If the Unit cannot complete the investigation within 90 days after the employee is provided notice of the allegations or within any extended time period approved pursuant to this subsection, the appointing authority shall not take any disciplinary action against the employee pursuant to NRS 284.385 which is based on those allegations.

5. Upon receipt of the written report submitted by the investigator pursuant to subsection 2 within the time period prescribed in subsection 4, the Unit shall promptly:

(a) Transmit the report to the appointing authority of the agency in which the complaint arose.

(b) Notify, in writing, the complainant when ~~[a]~~ ***the*** report has been ~~[completed and forwarded]~~ ***transmitted*** to the appointing authority ~~[for review.~~

~~5. Upon]~~ ***pursuant to paragraph (a).***

6. Within 30 days after receipt of ~~[a]~~ ***the*** written report ~~[prepared]~~ ***transmitted*** pursuant to subsection ~~[3,]~~ ***5,*** the appointing authority shall ~~[review]~~ ***:***

(a) Review the report and determine the appropriate resolution of the complaint ~~[. The appointing authority shall:~~

~~(a) Notify]~~ ***, including, without limitation, disciplinary action pursuant to NRS 284.385.***

(b) Submit to the ~~[Sex or Gender Based Harassment and Discrimination Investigation]~~ Unit ***,*** in writing ***,*** ~~[of]~~ its ~~[determination regarding the]~~ resolution of the complaint ***.*** ~~[within 30 days after the date on which the resolution occurs; and~~

~~(b) Retain a copy of the written report prepared pursuant to subsection 3 and the written notification of the resolution of the complaint described in paragraph (a).~~

~~6.]~~ ***7.*** Except as otherwise provided in subsection ~~[8,]~~ ***9,*** a complaint filed pursuant to ***the procedure established in accordance with*** NRS ~~[284.4084]~~ ***284.4082*** and any information relating to the complaint, including, without limitation, information that is:

(a) Obtained by the investigator in the investigation of a complaint pursuant to subsection 2;

(b) Contained in a written report of a complaint ~~[retained]~~ ***prepared by the investigator*** pursuant to subsection ~~[5;]~~ ***2;*** or

(c) Contained in a written resolution of a complaint ~~[retained]~~ ***submitted by the appointing authority*** pursuant to subsection ~~[5,]~~ ***6,***

➥ is confidential and must not be disclosed unless ***the complaint is required to be disclosed to the employee who is the subject of the investigation pursuant to NRS 284.390 or 289.080 or unless*** so ordered by the Administrator or his or her designee ***, in his or her discretion,*** or a court of competent jurisdiction. Such information that is ***required or*** ordered to be disclosed must not be disclosed until after the conclusion of the investigation.

~~[7.]~~ ***8.*** If the Administrator or his or her designee ***, in his or her discretion,*** decides pursuant to subsection ~~[6]~~ ***7*** to order the disclosure of any information that may be used to identify a person who filed a complaint pursuant to ***the procedure established in***

accordance with NRS ~~[~~284.4084,~~]~~ ***284.4082,*** a person who is the subject of such a complaint or a person who claims to have witnessed an employee being harassed or discriminated against based on his or her sex or gender, the Administrator or his or her designee shall notify the person regarding the decision at least 10 days before ordering the disclosure. A person who receives such notice may, within 10 days after receiving the notice, file a written appeal of the decision with the Commission. If such an appeal is filed, the Commission shall, in a closed hearing, consider the decision of the Administration for which the appeal is taken. If the Commission determines that the information must not be disclosed, the Commission shall keep the information confidential.

~~[~~8.~~]~~ ***9.*** A person or governmental entity identified in a complaint filed pursuant to ***the procedure established in accordance with*** NRS ~~[~~284.4084~~]~~ ***284.4082*** may disclose the identity of any other person or entity identified in the complaint if such disclosure is necessary to file a claim authorized by law that is based on the same facts and circumstances as those identified in the complaint.

~~[~~9.~~]~~ ***10.*** An appointing authority shall take any action necessary to protect a complainant whose identity is disclosed pursuant to subsection ~~[~~6~~]~~ ***7*** or ~~[~~8~~]~~ ***9*** from retaliation for filing the complaint.

~~[~~10.~~]~~ ***11.*** In the event of a conflict between this section and the provisions of a collective bargaining agreement entered into pursuant to NRS 288.400 to 288.630, inclusive, the provisions of this section prevail.

12. The Commission shall adopt regulations necessary to carry out the provisions of this section, including, without limitation, regulations prescribing:

(a) Requirements for the consultation and plan required pursuant to subsection 2;

(b) Requirements for the provision of notice pursuant to this section;

(c) Requirements concerning the use of information disclosed pursuant to this section; and

(d) Procedures for requesting an extension to complete an investigation pursuant to subsection 4.

Sec. 4. On or before January 1, 2028, the Human Resources Commission created by NRS 284.030 shall adopt the regulations required by NRS 284.4086, as amended by section 3 of this act.

Sec. 5. The provisions of NRS 284.4086, as amended by section 3 of this act, do not apply to any investigation conducted by the Sex- or Gender-Based Harassment and Discrimination

Investigation Unit created by NRS 284.4086 that is pending on the effective date of this act.

Sec. 6. This act becomes effective upon passage and approval.

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