

Amendment No. 547

Assembly Amendment to Assembly Bill No. 354	(BDR 53-275)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

ALA/WLK



Date: 4/22/2017

A.B. No. 354—Revises provisions relating to employment practices.
(BDR 53-275)



ASSEMBLY BILL NO. 354—ASSEMBLYWOMAN NEAL

MARCH 20, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to employment practices. (BDR ~~(53-275)~~ 18-275)

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 employment; ~~requiring the Employment Security Division of the Department of Employment, Training and Rehabilitation to request a person filing for unemployment compensation to provide certain demographic information to the Division, requiring the Administrator of the Division to gather and report certain data to the Office of Economic Development and to the Director of the Legislative Counsel Bureau; requiring the Administrator to make such data available to persons who provide certain workforce recruitment, assessment and training programs;~~ requiring the Director of the Department of Employment, Training and Rehabilitation to provide certain reports on the rate of unemployment of residents in this State to the Director of the Legislative Counsel Bureau; requiring the Governor’s Workforce Investment Board to conduct certain activities to reduce the rate of unemployment for certain groups; requiring the Executive Director of the Office of Workforce Innovation to submit each year a report containing certain information; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 ~~Existing law prescribes the procedure for a person to file a claim for benefits with respect to his or her unemployment (NRS 612.450-612.533). Section 2 of this bill requires the Employment Security Division of the Department of Employment, Training and Rehabilitation to request a person who files such a claim to indicate his or her race, gender and any other demographic information required by the Division. Section 3 of this bill requires the Administrator of the Division to gather aggregate unemployment data concerning the demographic groups identified by the form provided pursuant to section 2 and report such data to the Office of Economic Development and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. Section 2 of this bill also requires the Administrator to provide such data to a person who wishes to provide workforce recruitment, assessment and training programs in this State.~~

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12 Existing law requires the Director of the Department of Employment, Training and Rehabilitation to: (1) organize the Department of Employment, Training and Rehabilitation into divisions; (2) provide the Director of the Department of

Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities; (3) direct the divisions of the Department to share information in their records with certain local governments; and (4) provide certain employment and wage information to the Board of Regents of the University of Nevada. (NRS 232.920) Section 5 of this bill requires the Director to provide the Director of the Legislative Counsel Bureau a written report each quarter containing the rate of unemployment of residents of this State by county. Section 5 additionally requires such a report to disaggregate the rate of unemployment by demographic information, which includes age, race and gender, for each county.

Existing law creates the Governor's Workforce Investment Board and requires the Board to conduct certain duties. (NRS 232.935) Section 6 of this bill requires the Board to: (1) receive reports created pursuant to section 5; (2) require all applicable agencies which provide workforce development services to coordinate efforts and resources to reduce, in certain situations, the rate of unemployment for certain groups; and (3) provide a written report each year to the Director and the Director of the Legislative Counsel Bureau describing the efforts to reduce the rate of unemployment for certain groups.

Existing law requires the P-20W Advisory Council to develop and oversee a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State. (NRS 400.040) Section 20 of Senate Bill No. 516 of this session moves the responsibility for the oversight of the State's statewide longitudinal data system from the P-20W Advisory Council to the Executive Director of the Office of Workforce Innovation. Section 6.5 of this bill requires the Executive Director of the Office of Workforce Innovation, on or before January 1 of each year, to submit to the Director of the Legislative Counsel Bureau a written report that includes the most current data and reports produced by the statewide longitudinal data system.

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

1 **Section 1.** ~~[Chapter 612 of NRS is hereby amended by adding thereto the~~
2 ~~provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~

3 **Sec. 2.** ~~[1. The Division shall request from a person filing a claim for~~
4 ~~benefits information concerning the person's race, gender and any other~~
5 ~~demographic information required to be provided by the Division.~~

6 ~~2. Any person filing a claim for benefits may, at the time the person files his~~
7 ~~or her claim, indicate his or her race, gender and any other demographic~~
8 ~~information required by the Division.] (Deleted by amendment.)~~

9 **Sec. 3.** ~~[1. The Administrator shall, for each calendar quarter, gather~~
10 ~~aggregate unemployment data concerning women, racial minorities and any~~
11 ~~other demographic groups for which the Division obtains information pursuant~~
12 ~~to section 2 of this act, including, without limitation, data concerning benefits~~
13 ~~paid to such groups, and report such data to the Office of Economic Development~~
14 ~~and to the Director of the Legislative Counsel Bureau for transmittal to the~~
15 ~~Legislature.~~

16 ~~2. The Administrator shall make any data reported pursuant to subsection 1~~
17 ~~available to a person who wishes to provide a program of workforce recruitment,~~
18 ~~assessment and training pursuant to NRS 231.1467.] (Deleted by amendment.)~~

19 **Sec. 4.** ~~[NRS 612.450 is hereby amended to read as follows:~~
20 ~~612.450 Claims for benefits shall be made in the manner proscribed by or~~
21 ~~authorized by NRS 612.455 to 612.530, inclusive, and section 2 of this act and in~~
22 ~~no other way.] (Deleted by amendment.)~~

23 **Sec. 5.** NRS 232.920 is hereby amended to read as follows:

1 232.920 The Director:

2 1. Shall:

3 (a) Organize the Department into divisions and other operating units as needed
4 to achieve the purposes of the Department;

5 (b) Upon request, provide the Director of the Department of Administration
6 with a list of organizations and agencies in this State whose primary purpose is the
7 training and employment of persons with disabilities;

8 (c) Except as otherwise provided by a specific statute, direct the divisions to
9 share information in their records with agencies of local governments which are
10 responsible for the collection of debts or obligations if the confidentiality of the
11 information is otherwise maintained under the terms and conditions required by
12 law; ~~and~~

13 (d) Provide the employment and wage information to the Board of Regents of
14 the University of Nevada for purposes of the reporting required of the Board of
15 Regents by subsection 4 of NRS 396.531 ~~+~~; and

16 (e) Provide to the Director of the Legislative Counsel Bureau a written report
17 each quarter containing the rate of unemployment of residents of this State by
18 county and, for each county, the rate of unemployment disaggregated by
19 demographic information, including, without limitation, age, race and gender.
20 The Director of the department shall:

21 (1) Post on the Internet website of the Department the report required by
22 this paragraph;

23 (2) Provide the report to the Governor's Workforce Investment Board
24 and all applicable agencies for the purposes of subsection 5 of NRS 232.935; and

25 (3) Post on the Internet website of the Department the written report
26 provided by the Governor's Workforce Investment Board pursuant to subsection
27 5 of NRS 232.935.

28 2. Is responsible for the administration, through the divisions of the
29 Department, of the provisions of NRS 426.010 to 426.720, inclusive, 426.740,
30 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of
31 law relating to the functions of the Department and its divisions, but is not
32 responsible for the professional line activities of the divisions or other operating
33 units except as otherwise provided by specific statute.

34 3. May employ, within the limits of legislative appropriations, such staff as is
35 necessary for the performance of the duties of the Department.

36 **Sec. 6. NRS 232.935 is hereby amended to read as follows:**

37 232.935 1. In appointing members of the Governor's Workforce Investment
38 Board, the Governor shall ensure that the membership as a whole represents:

39 (a) Industry sectors which are essential to this State and which are driven
40 primarily by demand;

41 (b) Communities and areas of economic development which are essential to
42 this State; and

43 (c) The diversity of the workforce of this State, including, without limitation,
44 geographic diversity and the diversity within regions of this State.

45 2. The Governor's Workforce Investment Board shall:

46 (a) Identify:

47 (1) Industry sectors which are essential to this State; and

48 (2) The region or regions of this State where the majority of the operations
49 of each of those industry sectors is conducted.

50 (b) Establish:

51 (1) Regional goals for economic development for each of the industry
52 sectors identified pursuant to paragraph (a); and

53 (2) A council for each industry sector.

1 (c) Consider and develop programs to promote:

2 (1) Strategies to improve labor markets for industries and regions of this
3 State, including, without limitation, improving the availability of relevant
4 information;

5 (2) Coordination of the efforts of relevant public and private agencies and
6 organizations;

7 (3) Strategies for providing funding as needed by various industry sectors;

8 (4) Increased production capacities for various industry sectors;

9 (5) The development of useful measurements of performance and
10 outcomes in various industry sectors;

11 (6) Participation by and assistance from state and local government
12 agencies;

13 (7) Expanded market penetration, including, without limitation, by
14 providing assistance to employers with small numbers of employees;

15 (8) Partnerships between labor and management;

16 (9) Business associations;

17 (10) The development of improved instructional and educational resources
18 for employers and employees; and

19 (11) The development of improved economies of scale, as applicable, in
20 industry sectors.

21 3. Each industry sector council established pursuant to subparagraph (2) of
22 paragraph (b) of subsection 2:

23 (a) Must be composed of representatives from:

24 (1) Employers within that industry;

25 (2) Organized labor within that industry;

26 (3) Universities and community colleges; and

27 (4) Any other relevant group of persons deemed to be appropriate by the
28 Board.

29 (b) Shall, within the parameters set forth in the American Recovery and
30 Reinvestment Act of 2009 or the parameters of any other program for which the
31 federal funding is available, identify job training and education programs which the
32 industry sector council determines to have the greatest likelihood of meeting the
33 regional goals for economic development established for that industry sector
34 pursuant to subparagraph (1) of paragraph (b) of subsection 2.

35 4. The Board shall:

36 (a) Identify and apply for federal funding available for the job training and
37 education programs identified pursuant to paragraph (b) of subsection 3;

38 (b) Consider and approve or disapprove applications for money;

39 (c) Provide and administer grants of money to industry sector councils for the
40 purpose of establishing job training and education programs in industry sectors for
41 which regional goals for economic development have been established pursuant to
42 subparagraph (1) of paragraph (b) of subsection 2; and

43 (d) Adopt regulations establishing:

44 (1) Guidelines for the submission and review of applications to receive
45 grants of money from the Department; and

46 (2) Criteria and standards for the eligibility for and use of any grants made
47 pursuant to paragraph (c).

48 ↪ Except as otherwise required as a condition for federal funding, the regulations
49 required by this subsection must give priority to job training and education
50 programs that are consistent with the State Plan for Economic Development
51 developed by the Executive Director of the Office of Economic Development
52 pursuant to subsection 2 of NRS 231.053.

53 5. The Board shall:

1 (a) Receive reports from the Director pursuant to paragraph (e) of subsection
 2 I of NRS 232.920;

3 (b) Require all applicable agencies which provide workforce development
 4 services to coordinate efforts and resources to reduce the rate of unemployment
 5 for a demographic group contained in the report provided pursuant to paragraph
 6 (e) of subsection I of NRS 232.920 if, for that demographic group, the rate of
 7 unemployment for the group:

8 (1) Is 200 percent or more of the rate of unemployment for the applicable
 9 county as a whole;

10 (2) Is 4 or more percentage points higher than the rate of unemployment
 11 for the applicable county as a whole; or

12 (3) Has been higher than the rate of unemployment for the applicable
 13 county as a whole for 3 or more consecutive years; and

14 (c) Provide a written report each year to the Director of the Department and
 15 the Director of the Legislative Counsel Bureau describing the efforts made by the
 16 Board and all applicable agencies to comply with paragraph (b).

17 6. In carrying out its powers and duties pursuant to this section, the Board
 18 shall consult with the Executive Director of the Office of Economic Development
 19 and shall cooperate with the Executive Director in implementing the State Plan for
 20 Economic Development developed by the Executive Director pursuant to
 21 subsection 2 of NRS 231.053.

22 ~~6+~~ 7. As used in this section, "industry sector" means a group of employers
 23 closely linked by common products or services, workforce needs, similar
 24 technologies, supply chains or other economic links.

25 Sec. 6.5. Section 20 of Senate Bill No. 516 of this session is hereby
 26 amended to read as follows:

27 Sec. 20. The Executive Director of the Office of Workforce
 28 Innovation shall:

29 1. Provide support to the Office of the Governor, the Governor's
 30 Workforce Development Board created by NRS 232.935 and the industry
 31 sector councils established by the Governor's Workforce Development
 32 Board on matters relating to workforce development.

33 2. Work in coordination with the Office of Economic Development to
 34 establish criteria and goals for workforce development and diversification
 35 in this State.

36 3. Collect and systematize and present in biennial reports to the
 37 Governor and the Legislature such statistical details relating to workforce
 38 development in the State as the Executive Director of the Office may
 39 deem essential to further the objectives of the Office of Workforce
 40 Innovation.

41 4. At the direction of the Governor:

42 (a) Identify, recommend and implement policies related to workforce
 43 development.

44 (b) Define career pathways and identify priority career pathways for
 45 secondary and postsecondary education.

46 (c) Discontinue career pathways offered by the State which fail to meet
 47 minimum standards of quality, rigor and cross-education alignment, or
 48 that do not demonstrate a connection to priority industry needs.

49 (d) In consultation with the Governor's Workforce Development
 50 Board, identify industry-recognized credentials, workforce development
 51 programs and education.

52 (e) Maintain and oversee the statewide longitudinal data system that
 53 links data relating to early childhood education programs and K-12 public

1 education with data relating to postsecondary education and the
 2 workforce in this State.

3 (f) Collect accurate educational data in the statewide longitudinal data
 4 system for the purpose of analyzing student performance through
 5 employment to assist in improving the educational system and workforce
 6 training program in this State.

7 (g) On or before January 1 of each year, submit to the Director of the
 8 Legislative Counsel Bureau a written report that includes, without
 9 limitation, the most current data and reports produced by the statewide
 10 longitudinal data system.

11 (h) Apply for and administer grants, including, without limitation,
 12 those that may be available from funding reserved for statewide
 13 workforce investment activities.

14 ~~(i)~~ (i) Review the status and structure of local workforce investment
 15 areas in the State, in coordination with the Governor and the Governor's
 16 Workforce Development Board.

17 ~~(j)~~ (j) Report periodically to the Governor's Workforce Development
 18 Board concerning the administration of the policies and programs of the
 19 Office of Workforce Innovation.

20 ~~(k)~~ (k) On or before March 31 of each year, submit to the Governor a
 21 complete report of the activities, discussions, findings and
 22 recommendations of the Office of Workforce Innovation.

23 ~~(l)~~ (l) Oversee the State Apprenticeship Council and the State
 24 Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive,
 25 and perform such other functions as may be necessary for the fulfillment
 26 of the intent and purposes of chapter 610 of NRS.

27 ~~(m)~~ (m) Suggest improvements regarding the allocation of federal and
 28 state money to align workforce training and related education programs in
 29 the State, including, but not limited to, career and technical education.

30 Sec. 7. 1. For the purposes of paragraph (e) of subsection 1 of NRS
 31 232.920, as amended by section 5 of this act, and paragraph (b) of subsection 5
 32 of NRS 232.935, as amended by section 6 of this act, the Director of the
 33 Department of Employment, Training and Rehabilitation shall, as soon as
 34 practicable after July 1, 2017, provide to the Governor's Workforce
 35 Investment Board the information described in paragraph (e) of subsection 1
 36 of NRS 232.920, as amended by section 5 of this act, for the 3 years preceding
 37 July 1, 2017.

38 2. As soon as practicable after receipt of the information required by
 39 subsection 1, the Governor's Workforce Investment Board shall begin
 40 complying with the provisions of paragraph (b) of subsection 5 of NRS
 41 232.935, as amended by section 6 of this act, for any demographic group
 42 described by subparagraph (3) of paragraph (b) of subsection 5 of NRS
 43 232.935, as amended by section 6 of this act.

44 ~~Sec. 5.~~ Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not
 45 apply to any provision of this act which adds or revises a requirement to submit a
 46 report to the Legislature.

47 ~~Sec. 6.~~ Sec. 9. 1. This ~~act becomes~~ section and sections 1 to 6,
 48 inclusive, 7 and 8 of this act become effective ~~on~~:

49 (a) Upon passage and approval for the purpose of adopting any
 50 regulations or performing any other preparatory administrative tasks
 51 necessary to carry out the provisions of this act; and

52 (b) On July 1, 2017, ~~it~~, for all other purposes.

1 2. Section 6.5 of this act becomes effective on July 1, 2017, if and only if
2 Senate Bill No. 516 of this session is enacted by the Legislature and approved
3 by the Governor.