

SENATE BILL NO. 51—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE DIVISION OF HUMAN
RESOURCE MANAGEMENT OF THE
DEPARTMENT OF ADMINISTRATION)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to sex- or gender-based harassment in the Executive Department of the State Government. (BDR 23-243)

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 state employees; prohibiting an employee of the Executive Department of the State Government from engaging in sex- or gender-based harassment; providing for the adoption and annual review of a policy for such employees concerning sex- or gender-based harassment; prescribing certain duties of an appointing authority relating to sex- or gender-based harassment; creating the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division of Human Resource Management of the Department of Administration; providing for the investigation of a complaint by the Investigation Unit; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) creates the Division of Human Resource Management of the
2 Department of Administration; and (2) requires the Division to administer
3 provisions governing employees of the Executive Department of the State
4 Government. (NRS 284.025) **Section 2** of this bill: (1) declares that it is the policy
5 of this State to ensure that its employees do not engage in sex- or gender-based
6 harassment; and (2) prohibits such employees from engaging in such behavior



7 against another employee, an applicant for employment or any other person in the
8 workplace.

9 **Section 3** of this bill requires the Administrator of the Division to adopt,
10 maintain and annually review and update a policy for employees of the Executive
11 Department concerning sex- or gender-based harassment. **Section 3** also requires an
12 appointing authority to provide each employee with a copy of the policy upon
13 employment and any update of the policy.

14 **Section 5** of this bill creates the Sex- or Gender-Based Harassment and
15 Discrimination Investigation Unit within the Division. **Section 4** of this bill
16 requires an appointing authority to notify the Investigation Unit upon receipt of a
17 complaint filed by an employee concerning sex- or gender-based harassment or
18 discrimination. **Section 4** additionally requires an appointing authority to notify
19 certain other persons responsible for providing legal advice to the agency upon
20 receipt of a complaint.

21 **Section 5** requires the Investigation Unit to appoint an investigator to
22 investigate any complaint regarding suspected harassment or discrimination based
23 on sex or gender filed by an employee. **Section 5** requires an investigator to prepare
24 a written report of his or her findings at the conclusion of an investigation and
25 submit the report to the Investigation Unit for transmission to the appointing
26 authority of the agency in which the complaint arose and certain other persons.
27 **Section 5** requires the appointing authority to: (1) review the report; (2) determine
28 the appropriate resolution of the complaint; (3) notify the Investigation Unit in
29 writing that a complaint has been resolved; and (4) retain a copy of the written
30 report prepared by the investigator and the written notification of the resolution of
31 the complaint. Finally, **section 5** makes any information obtained by the
32 investigator in the investigation of a complaint, a written report of a complaint and
33 a written resolution of a complaint confidential and prohibits its disclosure unless
34 so ordered by the Administrator or a court of competent jurisdiction. **Section 6** of
35 this bill makes a conforming change to indicate the exception of such information
36 from disclosure as a public record.

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

1 **Section 1.** Chapter 284 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1. *It is the policy of this State to ensure that its***
5 ***employees do not engage in sex- or gender-based harassment.***

6 ***2. Sex- or gender-based harassment violates the policy of this***
7 ***State and is a form of unlawful discrimination based on sex or***
8 ***gender under state and federal law. An employee shall not engage***
9 ***in sex- or gender-based harassment against another employee, an***
10 ***applicant for employment or any other person in the workplace.***

11 **Sec. 3. 1. *The Administrator shall adopt and maintain a***
12 ***policy concerning sex- or gender-based harassment. Such a policy***
13 ***must include, without limitation:***

14 ***(a) A definition of behavior that constitutes illegal sex- or***
15 ***gender-based harassment;***



1 *(b) Training requirements for employees concerning sex- or*
2 *gender-based harassment;*

3 *(c) Training requirements for managerial or supervisory*
4 *employees concerning equal employment opportunity; and*

5 *(d) A procedure for filing a complaint to report suspected*
6 *harassment or discrimination based on sex or gender.*

7 *2. At least annually, the Administrator shall review the policy*
8 *adopted pursuant to subsection 1 for compliance with relevant*
9 *state and federal law and make any necessary updates to the*
10 *policy.*

11 *3. An appointing authority shall provide each employee of the*
12 *appointing authority with a copy of the policy adopted pursuant to*
13 *subsection 1 upon commencement of employment and any update*
14 *of the policy.*

15 **Sec. 4.** *Upon receipt of a complaint filed by an employee*
16 *alleging he or she is being harassed or discriminated against*
17 *based on his or her sex or gender or has witnessed an employee*
18 *being harassed or discriminated against based on his or her sex or*
19 *gender, an appointing authority shall promptly notify the Sex- or*
20 *Gender-Based Harassment and Discrimination Investigation Unit*
21 *created by section 5 of this act and:*

22 *1. A person designated by the appointing authority to handle*
23 *issues relating to sex- or gender-based harassment and*
24 *discrimination; or*

25 *2. The deputy attorney general or other counsel designated to*
26 *act as an attorney for the agency.*

27 **Sec. 5.** *1. The Sex- or Gender-Based Harassment and*
28 *Discrimination Investigation Unit is hereby created within the*
29 *Division.*

30 *2. The Sex- or Gender-Based Harassment and*
31 *Discrimination Investigation Unit shall promptly assign or appoint*
32 *an investigator to investigate any complaint regarding suspected*
33 *harassment or discrimination based on sex or gender filed by an*
34 *employee pursuant to the procedure established in accordance*
35 *with section 3 of this act or received pursuant to section 4 of this*
36 *act. An investigator assigned or appointed pursuant to this section*
37 *shall inform each person involved in such an investigation of the*
38 *provisions of subsection 6. The investigation must be conducted as*
39 *discreetly and with as minimal disruption to the workplace as*
40 *possible.*

41 *3. At the conclusion of the investigation, the investigator*
42 *shall prepare a written report of his or her findings and submit the*
43 *report to the Sex- or Gender-Based Harassment and*
44 *Discrimination Investigation Unit for transmission to the*
45 *appointing authority of the agency in which the complaint arose*



1 *or a person designated by the appointing authority to handle*
2 *issues relating to sex- or gender-based harassment and*
3 *discrimination and the deputy attorney general or other counsel*
4 *designated to act as an attorney for the agency.*

5 *4. The Sex- or Gender-Based Harassment and*
6 *Discrimination Investigation Unit shall notify a complainant when*
7 *a report has been completed and forwarded to the appointing*
8 *authority for review.*

9 *5. Upon receipt of a written report prepared pursuant to*
10 *subsection 3, the appointing authority shall review the report and*
11 *determine the appropriate resolution of the complaint. The*
12 *appointing authority shall:*

13 *(a) Notify the Sex- or Gender-Based Harassment and*
14 *Discrimination Investigation Unit in writing of its determination*
15 *regarding the resolution of the complaint within 30 days after the*
16 *date on which the resolution occurs; and*

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

20 *6. Any information obtained by the investigator in the*
21 *investigation of a complaint pursuant to subsection 2, a written*
22 *report of a complaint retained pursuant to subsection 5 and a*
23 *written resolution of a complaint retained pursuant to subsection 5*
24 *are confidential and must not be disclosed unless so ordered by the*
25 *Administrator or a court of competent jurisdiction.*

26 **Sec. 6.** NRS 239.010 is hereby amended to read as follows:

27 239.010 1. Except as otherwise provided in this section and
28 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
29 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
30 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
31 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
32 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
33 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
34 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
35 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
36 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
37 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
38 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
39 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
40 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
41 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
42 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
43 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
44 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
45 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,



1 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
2 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
3 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
4 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
5 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
6 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
7 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
8 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
9 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
10 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
11 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
12 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
13 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
14 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
15 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
16 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
17 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
18 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
19 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
20 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
21 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
22 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
23 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
24 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
25 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
26 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
27 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
28 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
29 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
30 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
31 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
32 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
33 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
34 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
35 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
36 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
37 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
38 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
39 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
40 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
41 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
42 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
43 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
44 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
45 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,



1 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
2 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
3 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
4 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
5 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
6 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
7 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
8 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
9 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
10 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
11 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
12 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
13 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
14 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
15 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
16 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
17 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
18 *section 5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes
19 of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada
20 2013 and unless otherwise declared by law to be confidential, all
21 public books and public records of a governmental entity must be
22 open at all times during office hours to inspection by any person,
23 and may be fully copied or an abstract or memorandum may be
24 prepared from those public books and public records. Any such
25 copies, abstracts or memoranda may be used to supply the general
26 public with copies, abstracts or memoranda of the records or may be
27 used in any other way to the advantage of the governmental entity or
28 of the general public. This section does not supersede or in any
29 manner affect the federal laws governing copyrights or enlarge,
30 diminish or affect in any other manner the rights of a person in any
31 written book or record which is copyrighted pursuant to federal law.
32 2. A governmental entity may not reject a book or record
33 which is copyrighted solely because it is copyrighted.
34 3. A governmental entity that has legal custody or control of a
35 public book or record shall not deny a request made pursuant to
36 subsection 1 to inspect or copy or receive a copy of a public book or
37 record on the basis that the requested public book or record contains
38 information that is confidential if the governmental entity can
39 redact, delete, conceal or separate, including, without limitation,
40 electronically, the confidential information from the information
41 included in the public book or record that is not otherwise
42 confidential.
43 4. If requested, a governmental entity shall provide a copy of a
44 public record in an electronic format by means of an electronic
45 medium. Nothing in this subsection requires a governmental entity



1 to provide a copy of a public record in an electronic format or by
2 means of an electronic medium if:

3 (a) The public record:

4 (1) Was not created or prepared in an electronic format; and

5 (2) Is not available in an electronic format; or

6 (b) Providing the public record in an electronic format or by
7 means of an electronic medium would:

8 (1) Give access to proprietary software; or

9 (2) Require the production of information that is confidential
10 and that cannot be redacted, deleted, concealed or separated from
11 information that is not otherwise confidential.

12 5. An officer, employee or agent of a governmental entity who
13 has legal custody or control of a public record:

14 (a) Shall not refuse to provide a copy of that public record in the
15 medium that is requested because the officer, employee or agent has
16 already prepared or would prefer to provide the copy in a different
17 medium.

18 (b) Except as otherwise provided in NRS 239.030, shall, upon
19 request, prepare the copy of the public record and shall not require
20 the person who has requested the copy to prepare the copy himself
21 or herself.

22 **Sec. 7.** This act becomes effective upon passage and approval.

