

ASSEMBLY BILL NO. 354—ASSEMBLYWOMAN NEAL

MARCH 20, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to employment practices. (BDR 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 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 requires the Director of the Department of Employment, Training  
2 and Rehabilitation to: (1) organize the Department of Employment, Training and  
3 Rehabilitation into divisions; (2) provide the Director of the Department of  
4 Administration with a list of organizations and agencies in this State whose primary  
5 purpose is the training and employment of persons with disabilities; (3) direct the  
6 divisions of the Department to share information in their records with certain local  
7 governments; and (4) provide certain employment and wage information to the  
8 Board of Regents of the University of Nevada. (NRS 232.920) **Section 5** of this bill  
9 requires the Director to provide the Director of the Legislative Counsel Bureau a  
10 written report each quarter containing the rate of unemployment of residents of this  
11 State regarding whom the Department has information, organized by county.  
12 **Section 5** additionally requires such a report to disaggregate the rate of  
13 unemployment by demographic information, which includes age, race and gender,  
14 for each county.

15 Existing law creates the Governor’s Workforce Investment Board and requires  
16 the Board to conduct certain duties. (NRS 232.935) **Section 6** of this bill requires  
17 the Board to: (1) receive reports created pursuant to **section 5**; (2) require all



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18 applicable agencies which provide workforce development services to coordinate  
19 efforts and resources to reduce, in certain situations, the rate of unemployment for  
20 certain groups; and (3) provide a written report each year to the Director and the  
21 Director of the Legislative Counsel Bureau describing the efforts to reduce the rate  
22 of unemployment for certain groups.

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

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

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

6 232.920 The Director:

7 1. Shall:

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

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

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

19 (d) Provide the employment and wage information to the Board  
20 of Regents of the University of Nevada for purposes of the reporting  
21 required of the Board of Regents by subsection 4 of NRS 396.531  
22 ~~+~~; and

23 (e) *Provide to the Director of the Legislative Counsel Bureau a*  
24 *written report each quarter containing the rate of unemployment*  
25 *of residents of this State regarding whom the Department has*  
26 *information, organized by county and, for each county, the rate of*  
27 *unemployment disaggregated by demographic information,*



1 *including, without limitation, age, race and gender. The Director*  
2 *of the Department shall:*

3 *(1) Post on the Internet website of the Department the*  
4 *report required by this paragraph;*

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

8 *(3) Post on the Internet website of the Department the*  
9 *written report provided by the Governor's Workforce Investment*  
10 *Board pursuant to subsection 5 of NRS 232.935.*

11 2. Is responsible for the administration, through the divisions  
12 of the Department, of the provisions of NRS 426.010 to 426.720,  
13 inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615  
14 of NRS, and all other provisions of law relating to the functions of  
15 the Department and its divisions, but is not responsible for the  
16 professional line activities of the divisions or other operating units  
17 except as otherwise provided by specific statute.

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

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

22 232.935 1. In appointing members of the Governor's  
23 Workforce Investment Board, the Governor shall ensure that the  
24 membership as a whole represents:

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

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

29 (c) The diversity of the workforce of this State, including,  
30 without limitation, geographic diversity and the diversity within  
31 regions of this State.

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

33 (a) Identify:

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

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

37 (b) Establish:

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

40 (2) A council for each industry sector.

41 (c) Consider and develop programs to promote:

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



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

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

5 (4) Increased production capacities for various industry  
6 sectors;

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

9 (6) Participation by and assistance from state and local  
10 government agencies;

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

14 (8) Partnerships between labor and management;

15 (9) Business associations;

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

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

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

22 (a) Must be composed of representatives from:

23 (1) Employers within that industry;

24 (2) Organized labor within that industry;

25 (3) Universities and community colleges; and

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

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

36 4. The Board shall:

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

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

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



1 (d) Adopt regulations establishing:

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

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

6 ➤ Except as otherwise required as a condition for federal funding,  
7 the regulations required by this subsection must give priority to job  
8 training and education programs that are consistent with the State  
9 Plan for Economic Development developed by the Executive  
10 Director of the Office of Economic Development pursuant to  
11 subsection 2 of NRS 231.053.

12 5. *The Board shall:*

13 (a) *Receive reports from the Director pursuant to paragraph*  
14 *(e) of subsection 1 of NRS 232.920;*

15 (b) *Require all applicable agencies which provide workforce*  
16 *development services to coordinate efforts and resources to reduce*  
17 *the rate of unemployment for a demographic group contained in*  
18 *the report provided pursuant to paragraph (e) of subsection 1 of*  
19 *NRS 232.920 if, for that demographic group, the rate of*  
20 *unemployment for the group:*

21 (1) *Is 200 percent or more of the rate of unemployment for*  
22 *the applicable county as a whole;*

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

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

27 (c) *Provide a written report each year to the Director of the*  
28 *Department and the Director of the Legislative Counsel Bureau*  
29 *describing the efforts made by the Board and all applicable*  
30 *agencies to comply with paragraph (b).*

31 6. In carrying out its powers and duties pursuant to this section,  
32 the Board shall consult with the Executive Director of the Office of  
33 Economic Development and shall cooperate with the Executive  
34 Director in implementing the State Plan for Economic Development  
35 developed by the Executive Director pursuant to subsection 2 of  
36 NRS 231.053.

37 ~~6.1~~ 7. As used in this section, "industry sector" means a group  
38 of employers closely linked by common products or services,  
39 workforce needs, similar technologies, supply chains or other  
40 economic links.

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

43 Sec. 20. The Executive Director of the Office of  
44 Workforce Innovation shall:



1           1. Provide support to the Office of the Governor, the  
2 Governor's Workforce Development Board created by  
3 NRS 232.935 and the industry sector councils established by  
4 the Governor's Workforce Development Board on matters  
5 relating to workforce development.

6           2. Work in coordination with the Office of Economic  
7 Development to establish criteria and goals for workforce  
8 development and diversification in this State.

9           3. Collect and systematize and present in biennial  
10 reports to the Governor and the Legislature such statistical  
11 details relating to workforce development in the State as the  
12 Executive Director of the Office may deem essential to  
13 further the objectives of the Office of Workforce Innovation.

14           4. At the direction of the Governor:

15           (a) Identify, recommend and implement policies related to  
16 workforce development.

17           (b) Define career pathways and identify priority career  
18 pathways for secondary and postsecondary education.

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

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

26           (e) Maintain and oversee the statewide longitudinal data  
27 system that links data relating to early childhood education  
28 programs and K-12 public education with data relating to  
29 postsecondary education and the workforce in this State.

30           (f) Collect accurate educational data in the statewide  
31 longitudinal data system for the purpose of analyzing student  
32 performance through employment to assist in improving the  
33 educational system and workforce training program in this  
34 State.

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

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

42           †† (i) Review the status and structure of local workforce  
43 investment areas in the State, in coordination with the  
44 Governor and the Governor's Workforce Development  
45 Board.



1           ⚡ (j) Report periodically to the Governor's Workforce  
2 Development Board concerning the administration of the  
3 policies and programs of the Office of Workforce Innovation.

4           ⚡ (k) On or before March 31 of each year, submit to the  
5 Governor a complete report of the activities, discussions,  
6 findings and recommendations of the Office of Workforce  
7 Innovation.

8           ⚡ (l) Oversee the State Apprenticeship Council and the  
9 State Apprenticeship Director pursuant to NRS 610.110 to  
10 610.185, inclusive, and perform such other functions as may  
11 be necessary for the fulfillment of the intent and purposes of  
12 chapter 610 of NRS.

13           ⚡ (m) Suggest improvements regarding the allocation of  
14 federal and state money to align workforce training and  
15 related education programs in the State, including, but not  
16 limited to, career and technical education.

17       **Sec. 7.** 1. For the purposes of paragraph (e) of subsection 1  
18 of NRS 232.920, as amended by section 5 of this act, and paragraph  
19 (b) of subsection 5 of NRS 232.935, as amended by section 6 of this  
20 act, the Director of the Department of Employment, Training and  
21 Rehabilitation shall, as soon as practicable after July 1, 2017,  
22 provide to the Governor's Workforce Investment Board the  
23 information described in paragraph (e) of subsection 1 of NRS  
24 232.920, as amended by section 5 of this act, for the 3 years  
25 preceding July 1, 2017.

26       2. As soon as practicable after receipt of the information  
27 required by subsection 1, the Governor's Workforce Investment  
28 Board shall begin complying with the provisions of paragraph (b) of  
29 subsection 5 of NRS 232.935, as amended by section 6 of this act,  
30 for any demographic group described by subparagraph (3) of  
31 paragraph (b) of subsection 5 of NRS 232.935, as amended by  
32 section 6 of this act.

33       **Sec. 8.** The provisions of subsection 1 of NRS 218D.380 do  
34 not apply to any provision of this act which adds or revises a  
35 requirement to submit a report to the Legislature.

36       **Sec. 9.** 1. This section and sections 1 to 6, inclusive, 7 and 8  
37 of this act become effective:

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

41       (b) On July 1, 2017, for all other purposes.



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

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