

Assembly Bill No. 13–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to governmental administration; revising provisions governing the protections against reprisal or retaliatory action provided for a state officer or employee who discloses certain governmental action; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law encourages state officers and employees to disclose improper action and protects the rights of a state officer or employee who makes such a disclosure, commonly known as a whistleblower. (NRS 281.611, 281.621, 281.631, 281.641, 281.651, 281.661, 281.671) Existing law further: (1) requires a state officer or employee to use his or her official authority or influence to remedy any reprisal or retaliatory action of which the officer or employee becomes aware; and (2) prohibits a state officer or employee from using or attempting to use his or her official authority or influence to intimidate, threaten, coerce, command or influence another state officer or employee in an effort to interfere with or prevent the disclosure of information concerning improper governmental action. (NRS 281.631) If any violation of these requirements or prohibitions occur or any alleged reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper action within 2 years after the information is disclosed, existing law authorizes the state officer or employee to file a written appeal with a hearing officer of the Personnel Commission of the Division of Human Resource Management of the Department of Administration. (NRS 281.641) This bill requires that any such written appeal be filed not later than 60 working days after the date on which the alleged violation or reprisal or retaliatory action occurred.

Existing law authorizes a hearing officer who hears an appeal relating to alleged reprisal or retaliatory action against a state officer or employee for disclosing improper governmental action, upon determining that certain violations occurred or an action taken was a reprisal or retaliatory action to: (1) issue an order directing the proper person to desist and refrain from engaging in such a violation or action; or (2) terminate the employment of the proper person. (NRS 281.641) This bill eliminates the authority of a hearing officer to order the termination of employment of the proper person.

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

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

Section 1. NRS 281.641 is hereby amended to read as follows:

281.641 1. If any alleged violation of NRS 281.631 occurs or any alleged reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper governmental action within 2 years after the information is



disclosed, the state officer or employee may file a written appeal , *not later than 60 working days after the date on which the alleged violation or reprisal or retaliatory action occurred*, with a hearing officer of the Personnel Commission for a determination of whether a violation of NRS 281.631 occurred or the action taken was a reprisal or retaliatory action, as applicable. The written appeal must be accompanied by a statement that sets forth with particularity, as applicable:

(a) The facts and circumstances relating to the alleged violation of NRS 281.631; or

(b) The facts and circumstances under which the disclosure of improper governmental action was made and the reprisal or retaliatory action that is alleged to have been taken against the state officer or employee.

➔ The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive, and the procedures adopted by the Personnel Commission pursuant to subsection 5.

2. If the hearing officer determines that a violation of NRS 281.631 occurred or the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing ~~;~~

~~—(a) The~~ *the* proper person to desist and refrain from engaging in such a violation or action . ~~;~~ ~~or~~

~~—(b) The termination of the employment of the proper person.]~~

3. The hearing officer shall file a copy of the decision with the Governor or any other elected state officer who is responsible for the actions of that person.

4. The hearing officer may not rule against the state officer or employee based on the person or persons to whom the improper governmental action was disclosed.

5. The Personnel Commission may adopt rules of procedure for conducting a hearing pursuant to this section that are not inconsistent with the procedures set forth in NRS 284.390 to 284.405, inclusive.

6. As used in this section, “Personnel Commission” means the Personnel Commission created by NRS 284.030.

Sec. 2. This act becomes effective on July 1, 2023.

