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RAN Retail Association of Nevada

NEVADA NEWS

THE END OF EVERY LEGISLATIVE SESSION COMES WITH ITS OWN SENSE OF RELIEF

By Mary Lau, RAN CEO

SOMETIMES, IT'S JUST THAT IT'S OVER, OTHER TIMES THERE'S ELATION

and others just numb exhaustion.

The 2021 Legislative Session was probably a mixture of all these emotions. This session followed two special legislative sessions and each had its own drama. The difficulties manifested due to the COVID-19 lockdowns and the inability of the public to really participate in the process.

The Democrat majority leadership did work with the Legislative Council Bureau to come up with a "plan". This plan made use of the existing internet viewing of the various meetings, added phone call in for testimony and also included Zoom capabilities for committee meetings and floor sessions.

The proverbial fly in the ointment was that many



Mary Lau

committee chairs did not allocate enough time for fully vetting bills, limiting certain testimony to as little as two-minutes. This style of session continued throughout the two special sessions as well as the regular session.

Many newbie legislators have never worked with trade association advocates, hired lobbyists or even members of the public enough to fully understand complex issues. But then again, many seasoned legislators also

used this as an opportunity to avoid fully vetting the bills too.

Improper vetting, slamming and jamming and partisanship always results in "unintended consequences" some of which end up in court.

A good example of the was the recent violation of

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FATHER'S DAY SALES IN NEVADA: \$319 MILLION

RAN

FATHER'S DAY OFFERED A TIME TO REFLECT AND appreciate all of the sacrifices the dads in our lives make. In Nevada, consumers across the state were projected to spend a record \$319.4 million on tools, electronics, clothes and other gifts, according to the Retail Association of Nevada (RAN).

Shopping across the United States for this Father's Day was expected to reach \$20.1 billion, with 75.0 percent of Americans celebrating and spending an average of \$174.10, according to a recent survey by the National Retail Federation (NRF).

"We're excited to see growing consumer confidence as all social distancing restrictions have now ended in the Silver State," said Bryan Wachter, Senior Vice President of RAN. "Father's Day is continuing the trend of strong consumer spending that we expect to continue into the summer months and, hopefully, into the holiday season. The biggest challenge Nevada's retailers are now facing is finding employees to help accommodate this surge in

demand." According to the NRF, the most popular gifts this Father's Day were greeting cards (59.0 percent), clothing (46.0 percent), a special outing (46.0 percent), gift cards (45.0 percent) and personal care (28.0 percent).

Other gifts on shopping lists include books or CDs (26.0 percent), consumer electronics (25.0 percent), home improvement supplies (24.0 percent), tools or appliances (24.0 percent), sporting goods or leisure items (22.0 percent), automotive accessories (22.0 percent) and miscellaneous goods (22.0 percent).

Spending on special outings, such as a dinner with the family, was expected to reach \$53.0 million in Nevada, making it the top-grossing gift category, according to NRF estimates.

Shoppers in the Silver State also spent \$47.5 million on clothing, \$39.6 million on gift cards and \$37.3 million on consumer electronics such as laptops.

Home improvement



supplies (\$23.7 million), personal care items (\$22.1 million), tools and appliances (\$21.2 million), sporting goods (\$18.6 million) and automotive accessories (\$16.7 million) were also expected to be popular purchases.

Greeting cards (\$14.0 million), books or CDs (\$12.4 million) and miscellaneous items (\$8.4 million) round out the top categories in terms of spending.

Shoppers searching for the right gift this Father's Day visited a variety of retailers. Online stores (40.0 percent) were the most popular shopping destination for 2021. Department stores came in second with 33.0 percent of shoppers, while specialty stores were expected to see 22.0

percent of shoppers as well.

Every customer has a different idea of what is important when it comes to picking out gifts for their loved ones. When it comes to Father's Day gifts, 45.0 percent of consumers noted it was important to find a gift that is unique and different.

Other popular responses included finding a gift that creates a special memory (35.0 percent), finding a gift that is convenient for me (26.0 percent), finding a gift that is cheaper or most cost effective (18.0 percent) and other (9.0 percent). ■

See Father's Day Spending Graphic on next page.



RETAIL SALES TO EXCEED \$4.44 TRILLION IN 2021

NRF

RETAIL SALES REMAINED AT ELEVATED LEVELS

in May despite month-to-month fluctuations that masked near-record performance according to the National Retail Federation.

“While May retail sales were down slightly, largely due to supply chain constraints, the more accurate indicator remains in the year-over-year data which, as the NRF calculates, showed growth of over 17 percent,” NRF President and CEO

Matthew Shay said. “For the first five months of this year, retail sales are already tracking 17.6 percent above the same five months of 2020, giving us further confidence in our newly revised sales forecast of growth between 10.5 percent

and 13.5 percent to more than \$4.44 trillion for 2021. While there are downside risks related to labor shortages, supply chain bottlenecks, tax increases and over-regulation, overall, households are healthier, and consumers
Continued on page 4

Average Spending on Father’s Day





RETAIL SALES *Continued from page 3*

are demonstrating their ability and willingness to spend. We are confident.”

“Month-over-month comparisons and percentages of change simply don’t tell the story,” NRF Chief Economist Jack Kleinhenz said.

“We are at a highly elevated level of spending, with dollar amounts in recent months some of the highest we’ve ever seen.

“Long-term trends in the number of dollars spent tell much more about the continuing economic recovery than whether

sales were up or down from month to month. Retail sales as calculated by NRF were the second highest on record in May, topped only by holiday spending in December.

“Demand has continued to be strong even as the concentrated impact from government stimulus has faded. There is still pent-up demand for retail goods and consumers are likely to remain on a growth path into the summer.”

The U.S. Census Bureau said overall retail sales in May were down

1.3 percent seasonally adjusted from April but up 28.1 percent year-over-year.

That compares with increases of 0.9 percent month-over-month and 53.4 percent year-over-year in April.

The year-over-year increases for both April and May were unusually high because most stores were closed by the pandemic during those

a year-over-year increase of 30.9 percent in April. NRF’s numbers were up 22.3 percent unadjusted year-over-year on a three-month moving average.

Unadjusted May sales as calculated by NRF totaled \$388.6 billion, the second-highest level of spending on record, outpaced only by \$414.7 billion in December.

May sales declined month-over-month in

two-thirds of retail categories but were up year-over-year in every category except grocery stores, led by usually large

increases at retailers like clothing, electronics and furniture stores that were ordered to close last spring. Specifics from key retail sectors include:

● **Clothing and clothing accessory stores** were up 3 percent month-over-month seasonally adjusted and up 198.7 percent unadjusted year-over-year.

● **Electronics and appliance stores** were down 3.4 percent month-over-month seasonally adjusted but up 90.8 percent unadjusted year-over-year.

● **Furniture and home furnishings stores** were down 2.1 percent month-over-month seasonally adjusted but up 64.7 percent unadjusted year-over-year.

● **Sporting goods stores** were down 0.8 percent month-over-month seasonally adjusted but up 40.9 percent unadjusted year-over-year.

● **Health and personal care stores** were up 1.8 percent month-over-month seasonally adjusted and up 25.8 percent unadjusted year-over-year.

● **Building materials and garden supply stores** were down 5.9 percent month-over-month seasonally adjusted but up 10.1 percent unadjusted year-over-year.

● **General merchandise stores** were down 3.3 percent month-over-month seasonally adjusted but up 9.3 percent unadjusted year-over-year.

● **Online and other non-store** sales were down 0.8 percent month-over-month seasonally adjusted but up 8.2 percent unadjusted year-over-year.

● **Grocery and beverage stores** were up one percent month-over-month seasonally adjusted but down 0.2 percent unadjusted year-over-year. ■



months last year. Despite occasional month-over-month declines, sales have grown year-over-year every month since June 2020, according to Census data.

NRF’s calculation of retail sales – which excludes automobile dealers, gasoline stations and restaurants to focus on core retail – showed May was down 1.2 percent seasonally adjusted from April but up 17.3 percent unadjusted year-over-year.

That compared with a month-over-month decline of 0.6 percent and



NEW LAWS FROM THE 81ST LEGISLATIVE SESSION

By Liz MacMenamin

THE 81ST LEGISLATIVE SESSION IS OVER AND

now RAN will be following these new laws through the regulatory process.

This process will involve the rule making for implementation of the laws. The following healthcare bills are the ones that we followed through the legislature and now we will be present for the next step.

Assembly Bill 177 requires a pharmacy to provide directions for dosage in languages other than English. This new law will need to go through the Board of Pharmacy for regulatory guidance for the pharmacist and pharmacies to understand the intent of this bill.

This will ultimately be a large undertaking for the pharmacies as it will require a change in the computer systems and to enlist third party vendors to do the translations for the different languages, all at a great expense to the business. This bill was modeled originally after the Oregon law which has not even been able to be implemented almost three years later after becoming law in that state.

Fortunately, a pharmacist

who follows the new rules will not be held responsible for these third-party translations and will not be required to verify the translation.

This bill will not become law until July 2022, giving pharmacies time to hire these vendors and change the computer programs in their system.

Assembly Bill 178 simply codifies the emergency directives in place during the COVID pandemic requiring the insurances to pay for multiple refills during times of emergency.

With this law in place, the Board of Pharmacy will now allow this practice if the governor executes a state of emergency in Nevada.

The board will also be writing regulations for this new law, and we will be following this as it moves forward.

Senate Bill 190 authorizes a pharmacist to dispense self-administered hormonal contraceptives without a prescription.

The State Board of Pharmacy will be drafting the protocols for this law. It also requires Medicaid and health insurers to provide benefits to the



Liz MacMenamin

patient and the pharmacy for the dispensing of this medication.

Nevada legislators now are seeing the value the pharmacist brings to patients in our state.

Senate Bill 229 is a new law that will allow a pharmacist to work with a physician to collaboratively treat patients to help manage conditions like asthma, chronic obstructive pulmonary disease, hypertension, hyperlipidemia, diabetes, congestive heart failure and other healthcare conditions.

This law will also be subject to regulations from the State Board of Pharmacy. This bill was signed into law by Governor Sisolak on June 2, 2021, for rulemaking.

This will allow the board to work on regulations as the effective date is October 1, 2021.

Senate Bill 325 expands a pharmacist's ability to provide enhanced access for essential medicines and clinical care for HIV patients in Nevada.

They will now be able to provide expanded, timely, and convenient access to HIV testing and prevention through increasing access to and use of Pre-Exposure Prophylaxis (PrEP) and Post-Exposure Prophylaxis (PEP).

The bill also requires health insurance providers to compensate the pharmacy, as a healthcare provider, for these services. This bill was signed into law by Governor Sisolak on June 6, 2021.

This will also go before the State Board of Pharmacy for rulemaking and is effective October 1, 2021.

This is just a short summary of the healthcare bills for the 81st session. RAN will be attending all the regulatory meetings as the rule making moves forward. We will also be sending information to members for feedback during this process. If members have any questions or concerns regarding these regulations, they may always contact me at lizm@rannv.org or on my cell phone at **775-720-2528**. ■



THE END OF EVERY LEGISLATIVE SESSION *Continued from page 1*

the constitution by the Democrat leadership in order to avoid the two-thirds constitutional requirement for tax increases.

They lost in court and are having to restore the money that was taken unlawfully; which should have taught them something, but guess again. Now they are trying another end run around the constitution with a creative law and interpretation regarding initiative petitions.

This destruction of the constitution has happened before, and, as a result, unlawful laws stand unless someone sues in court.

As you know, RAN signed on to Senator Settlemeyer's suit along with the Senate Republicans, NTA, NFADA and a private business. However, having prevailed in protecting the constitution several of the Senate minority voted on a mining tax this session which included a "deal" that may change the public's right to petition their government – another hole in the constitution.

A glaring inequity has become the norm when it comes to elected

officials. The lamentations about sessions being anti-business are becoming more and more concrete as social agendas, national policies and re-elections become more important as the public that votes them into office.

You always hear it is for the children, or my constituents want this, but rarely do you get to the point where the true social costs and economic damage gets considered.

It's easy to take a shot at someone's perceived wealth due to the fact that they have a business. And, setting the records straight, yes there are tech companies, big box stores, multi-state and multi-national interests and that is across the spectrum from retail, manufacturing, trucking, gaming, pharma companies and pharmacies to name a few.

I have to admit that my business classes that included case studies regarding the forming of McDonalds, among others, was fascinating.

No one can really fault a Jeff Bezos for the wealth that came out of his garage book-selling business, Jobs same story, as with Gates. Sam Walton was fired by JC

Penney's because he didn't understand retail – oops – thus came Walmart. Sy Redd created this little company called Sircoma later to be known as IGT.

I see no reason to vilify success and I do resent the opinion that businesses as a whole are somehow bad or take advantage of employees.. RAN's membership includes thousands of other locations, many of which are mom-and-pop businesses that started at their kitchen table, garage or back of a napkin planning as engaged by SWA.

What is inaccurate and even ignorant is the idea that anyone in business is somehow wrong.

There's plenty of lip-service from elected officials but how many truly listen? How many have sat down and jelled an idea into a thoughtful concept? Taken that same concept to the written business plan phase? Used personal credit cards to form, or even keep a business alive? Borrowed from friends, family, neighbors, home equity loans ---- you get the picture.

How many elected officials made

appointments with SCORE volunteers to see how to keep the wheels connected while they form, sustain or grow a business? Answer – so very few that it is concerning.

The business of governing needs help. It used to be that once people had grown and stabilized their business then they could consider running for office to actually give back and serve their constituents. Now, it's people with little or no real-life experience and theories of how business should be governed.

We need more business savvy legislators. Specifically we need owners themselves, or knowledgeable business friendly employees to run for public office..

We also need critical thinkers that don't just show up at a caucus meeting to find out if they are free to vote for or against a particular piece of legislation. State (or elected policies) should not be on a punish/reward and/or popularity contest. It should be based on the highest and best good for the public. Period!

Think about it! ■



National Notes

RETAIL SALES DOWN 1.3% IN MAY

Retail sales were down 1.3% in May. This according to a report from the Census Bureau. Retail sales reached \$620.2 billion in May. By comparison, sales were \$628.7 billion in April.

However, on a year-over-year basis, retail sales were up 28.1% for the month. Additionally, total sales from March 2021 to May 2021 were up 36.2% from the same period in 2020. The downward blip is expected to disappear in the coming months.

Retail Leader

HOME DEPOT TAKES ON SUPPLY CHAIN FRUSTRATIONS

Consumers are waiting for goods – that is no secret to anyone who has tried to buy appliances, or other durable consumer goods.

Home Depot, who has relied upon traditional consumer supply chains, has addressed this frustration by contracting its own ship to import supplies and products consumers want. The contracted ship will begin running next month, though the home improvement retailer has

taken other unusual steps to bring in supplies during the last year.

For example, Home Depot has flown in power tools, faucets, electrical components, fasteners and other “smaller, higher value items” by air freight, while also purchasing items on the spot market despite higher rates according to CNBC.

Home improvement products saw a huge surge in demand during the height of the pandemic. With lockdown measures in place, consumers took time to do home projects that may have been on the back-burner to accommodate a lifestyle with more time spent at home. *Retail Leader*

AMAZON SAYS JUST WALK OUT...

Amazon is about to disrupt the American grocery landscape again. Amazon will open a new Marketplace store in Bellevue, Wash., which will feature checklessoutless technology.

The store will offer consumers all of the departments of a traditional grocer, including produce, meat, seafood, prepared foods, and bakery, with

the option to skip the checkout line. This is the first time that Amazon’s Just Walk Out technology will be available in a full-size grocery store. No other company has launched similar technology in a full-size supermarket.

Progressive Grocer

PAY BILLS IN CASH AT WALMART

Walmart is expanding its growing portfolio of financial services. The retail giant is teaming up with a payments platform and financial technology company to let customers make cash bill payments to utility companies and other billers at select Walmart stores.

Effective August 2021, users of the PayNearMe mobile payments app will be able to complete bill payment transactions using cash at the participating Walmart locations.

To use the service, Walmart customers will show an associate at the store’s money services or customer service desk a scannable code on their smartphone, pay with cash, and collect a receipt that confirms the payment is completed. Funds will then transfer to the biller

electronically through a single consolidated settlement.

Seemingly, almost a quarter of the U.S. population pays its bills with cash for various reasons. *Chain Store Age*

THANKSGIVING DAY CLOSURES ANNOUNCED

Target, Walmart, and Best Buy will close on Thanksgiving Day. This in contrast to the closings last year when the pandemic made decisions for stores.

This year stores seemly are closing due to allowing employees to enjoy the day with family and friends.

No worries, all the stores will still hold Black Friday and have ways for consumers to fulfill their holiday gift lists.

Chain Store Age

AMAZON MAY OVERTAKE WALMART AS BIGGEST U.S. RETAILER IN 2022

Amazon is set to overtake Walmart as the largest retailer in the United States in 2022, according to JP Morgan research.

Between 2014 and 2020, Amazon’s U.S. gross merchandise volume, or

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NEVADA'S NEW EMPLOYMENT LAWS: HOW DO THE LATEST LEGAL AMENDMENTS AFFECT RETAIL EMPLOYERS?

By Dan Aquino



THE 2021 NEVADA LEGISLATIVE SESSION

produced several legal amendments impacting retail employers on key issues, including paid leave, an employee's timeline for filing certain claims against their employers, and an employer's obligations regarding an applicant's salary history.

SICK LEAVE FOR THE WHOLE (IMMEDIATE) FAMILY – AB 190

Beginning on October 1, 2021, employers that provide paid or unpaid sick leave must allow employees to use such leave to assist an immediate family member with a medical need.

Businesses are prohibited from applying differing standards when an employee seeks to use their leave for a family member's care. The statute requires that such leave be allowed to the same

extent and under the same conditions that apply to the employee when taking leave.

PAID LEAVE EXPANDED, INCLUDING FOR VACCINATIONS – SB 209

As many readers are aware, Nevada's paid leave law went into effect on January 1, 2020 and requires employers with 50 or more employees to provide paid leave to employees in accordance with NRS 608.0197. SB 209, effective immediately, expands NRS 608.0197 and requires employers to allow employees to use their paid leave for any reason, including treatment or diagnosis of a health condition, preventative care, or any other personal needs related to the health of the employee.

SB 209 also requires employers to provide paid leave to employees for the purpose of receiving a COVID-19 vaccination. If



Dan Aquino

the employee receives a one-dose vaccination, two consecutive hours of paid leave must be provided. If the employee receives a two-dose vaccination, two separate blocks of two hours each must be provided.

Employees must provide at least 12 hours of notice to the employer before using such paid leave. Businesses should be prepared quickly adjust work schedules within that time frame, as an employee cannot be required to find a replacement worker as a

condition of using the paid leave.

STATE AND FEDERAL FILING DEADLINES – AB 222

AB 222, effective immediately, brings consistency to state and federal laws regarding an employee's deadlines to assert claims for unlawful discrimination against their employer.

Under existing law, an employee subjected to an unfair employment practice under Nevada state law (NRS 613.420) must file a lawsuit within 180 days of the act constituting the unfair employment practice occurred, or more than 90 days after the Nevada Equal Rights Commission ("NERC") authorizes the employee to file a lawsuit, whichever is later. These filing periods are tolled during NERC's investigation of the claim.

AB 222 clarifies that

Continued on page 11



WALMART PARTNERS WITH SCHOOLS TO ADMINISTER PFIZER COVID-19 VACCINES TO ADOLESCENTS

Walmart Newsroom

WALMART AND SAM'S CLUB PHARMACIES ARE TEAMING

up with school districts to give adolescents their shot against COVID-19, just in time for summer.

With the recent authorization of the Pfizer COVID-19 vaccine for kids aged 12-15, we're proud to partner with school districts to bring vaccine clinics to families in communities we serve around the country.

The clinics provide



a familiar setting for adolescents to get vaccinated at their school, as well as a convenient location for parents.

The clinics are staffed with the same trusted, trained pharmacy staff who support our store pharmacies. It's a win-

win for both families and communities as we work to provide access to the vaccine and end the pandemic.

So far, we've worked with local school districts to coordinate vaccine clinics in dozens of communities throughout Georgia, Michigan, New Hampshire, New Jersey, New York, Texas and Pennsylvania.

We've administered thousands of vaccines to date through these efforts and are planning to partner with additional educators to bring our clinics to even more students and families in the coming weeks.

Setting up a vaccine clinic in a school requires some complex logistics navigation, and I am so proud of our Walmart team who has risen to the challenges before them as they administer vaccines in many venues, including pharmacies and through

community events.

From bringing cold storage units onsite to safely transport the vaccines, to implementing a system to collect parental consent, to training our pharmacists to address vaccine hesitancy, we are working hard to make it safe, convenient and easy for people to get protected against COVID-19.

But don't just take my word for it. Here's what we heard from Kimberly Minor, the superintendent for Exeter Township School District in Reading, Pennsylvania, who partnered with our team on a recent vaccine clinic:

"From the moment the clinic opened, I was thrilled with its execution ... everyone who came into the clinic was not only treated with courtesy and competence but with genuine kindness and respect. I received numerous compliments on the team's professionalism and how they went above and beyond to make each client feel at ease. I saw them work with clients with significant physical, intellectual and

emotional challenges, and in each case, they took the time and showed the compassion and patience needed to successfully vaccinate each one."

We're so proud of the team who worked to administer the thousands of vaccines in the Exeter Township community, and we look forward to supporting clinics with additional schools across the country. With every vaccine administered, we get one step closer to our schools, communities and the country fully reopening — and that's a shot worth taking.

To make an appointment at one of our more than 5,100 pharmacies administering the vaccine, our digital appointment scheduler (walmart.com/COVIDvaccine or samsclub.com/covid) is available, or people are welcome to just walk into any Walmart or Sam's Club pharmacy to get their shot. Currently, only the Pfizer vaccine has been authorized for those under age 18. ■



Important Information for SIG Members

NRS requires all existing members of a self-insured group to be notified of all new members.
NRNSIG new members are listed below.

- Carson Home Furnishings**
- Excel Property Maintenance**
- High Desert Small Animal Feed**
- JK Unlimited dba Current Events**
- Pro Fleet Repair LLC**
- We Devour Dirt Inc dba Carpet Shark**

Fun Facts About July

July 1 is Canada Day, a Canadian federal holiday that celebrates the creation of the Dominion of Canada in 1867.

July 4 is Independence Day (U.S.).

On the fourth of July, we celebrate the adoption of the Declaration of Independence in 1776. Don't forget to raise the flag! (See American Flag Rules.)

July 14 is Bastille Day, which commemorates the storming of the Bastille and the start of the French Revolution.

NRNSIG members who wish to register a negative vote on a new group member, please write NRNSIG at 575 S. Saliman Road, Carson City, NV 89701, indicating which member and the reason(s) for the negative vote.




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NATIONAL NOTES *Continued from page 6*

GMV — a closely watched industry metric used to measure the total value of goods sold over a certain time period — has grown “significantly faster” than both U.S. adjusted retail sales and U.S. e-commerce according to the Morgan analysts.

Amazon’s U.S. retail business is the “fastest growing at scale,” according to the company’s analysts.

CSA

COVID FADES BUT IS UNLIKELY TO VANISH

The U.S. is entering a

new phase of the Covid-19 pandemic as people settle back into normal life, this is mainly due to vaccines, but public-health authorities are preparing for Americans to live with it for some time.

Many health professionals believe reaching herd immunity to be a distant goal, due to varied vaccination rates in the U.S. and uncertainty about just how much Covid-19 must be suppressed to effectively stop its spread. Covid-19 has been suppressed, not

vanquished.

Epidemiologists are concerned its continued spread globally may spawn dangerous mutations.

Low-vaccination areas in the U.S. could create pockets with elevated Covid-19 infection rates for months or years, while highly vaccinated areas may achieve a sort of local herd immunity. *WSJ*

WALMART PROVIDES SECURE DIGITAL RECORD FOR COVID-19 VACCINATIONS

Walmart is providing a

free, secure digital wallet for customers to use and share their health data – starting with COVID-19 vaccine information. Select Walmart and Sam’s Club locations are enabling customers to securely store their COVID-19 vaccine record in their pharmacy account on Walmart.com or Samsclub.com. The vaccine record can be printed, saved on a device, or shared at the discretion of the consumer.

CSN

NEVADA’S NEW EMPLOYMENT LAWS *Continued from page 8*

these requirements apply equally to unfair employment practices under federal law (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §§ 2000e et seq.) and authorizations to file a lawsuit issued by the federal Equal Employment Opportunity Commission.

THE SALARY HISTORY QUESTION IS HISTORY – SB 293

Beginning on October 1, 2021, employers will be prohibited from seeking a job applicant’s wage or salary history. Further, a prospective employer is prohibited from relying on an applicant’s wage or salary history in deciding whether to hire the appli-

cant or setting compensation.

Employers should rely on external research regarding market rates, or simply ask the applicant to provide their salary “expectation” for the position, which is explicitly permitted by the statute.

SB 293 requires employers, following completion of an external applicant’s interview, to affirmatively provide the applicant the wage, salary range, or rate for the position. Further, internal applicants seeking a promotion or transfer must be provided the wage, salary range, or rate for a position if the employee has (1) applied for the promotion or transfer,

(2) completed an interview for the position or been offered the position; and (3) requested the wage, salary range, or rate for the position.

While SB 293 does not take effect until October 1, 2021, employers should be prepared to revise recruitment materials (including written questionnaires and interview outlines) accordingly. Likewise, when seeking candidates for any position, businesses should ensure wage information is readily available for external and internal applicants when required.

The provisions of SB 293 regarding employers apply equally to employment staffing agencies. Thus, a

business that relies on a staffing agency should ensure the agency complies with these guidelines, to avoid inadvertently learning of any applicant’s salary history.

As the legal landscape for Nevada’s employers rapidly evolves, it is more important than ever that retail employers keep their leave policies and hiring practices (both external and internal) up to date. ■

Daniel Aquino is an Of Counsel attorney in McDonald Carano’s Las Vegas office. He practices commercial and complex litigation with a focus on employment and labor law.



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AMAZON COMMITS \$300 MILLION TO AFFORDABLE HOUSING

CSN

Amazon is funding the creation of 3,000 new affordable homes near public transit in three metro areas. The company is following up on its \$2 billion Housing Equity Fund by pledging more than \$300 million to create an estimated 3,000 new affordable housing units on land owned by transit agencies or



privately-owned land in close proximity to public transit. Amazon will work closely with public transit agencies to fund development on either surplus land owned by the agencies or privately-owned land near active transit corridors to create new, affordable, and move-in ready homes by as early as 2025. ■