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Retail Association of Nevada

May 2021

LOOKING OUT FOR BUSINESS

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NEVADA NEWS

# THE END IS NEAR — FOR THE 81ST LEGISLATIVE SESSION THAT IS

By Mary Lau, RAN CEO

**A** S MANY OF RAN'S MEMBERS ALREADY KNOW, THE

legislative building opened mid-April. To be more accurate I should say sort of opened. The rules were complicated and vaccine requirements existed along with COVID 19 testing prior to entry.

The complexities of the Johnson and Johnson vaccine made it even more concerning, even fully vaccinated people that hadn't passed the "timeline" also were tested before entering the building.

Even then social distancing and occupancy rates kept lobbyists and public to a minimum due to the number of legislators and staff.

During the remaining part of April, following the Governors relaxation of restrictions announced for May, there remained options to speak with legislators depending on their appetite



Mary Lau

for appointments.

Testimony continued to be multi-faceted with limited in-person, Zoom (by arrangement) and call in. The session remained more difficult and fully vetted bills with detailed information, by either side, were almost impossible.

RAN has had some good bills acknowledged and passed; however, some of the most important consumer protection bills died by edict – not for lack of votes. See Bryan Wachter's article on page 4.

May has provided a

slightly better opportunity for input and monitoring. One glaring problem, it was late to address the unheeded initial concerns as bills had already been "heard" in the house of origin.

Many bills get last minute amendments when the sponsor can be approached in the building and a problem pointed out. That didn't happen and minds were made up.

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# THE SIGNAL AND THE NOISE

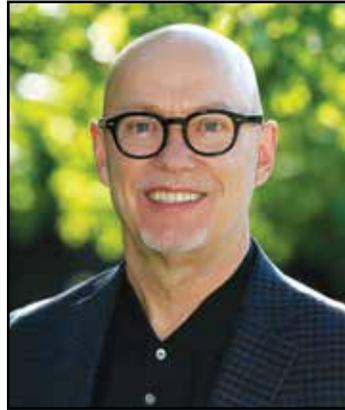
By Andy Peterson

## PANDEMICS AND WARS CHANGE EVERYTHING.

Sometimes those changes eventually work out for the better. Sometimes not. What many people, however, are likely wondering is what will become of our economy once the pandemic has receded to the point that things seem similar to February 2020. Currently, many economists – employed by retailers, banks, governments, and

NGOs – are working to predict what our near-term economic future might be. This isn't an aberration. Economists have long been employed as seers to the future. Sometimes their suppositions are dead on, and at other times they wildly miss the mark.

Academics have long studied the "science" of prediction and have concluded those who predict the weather to be more accurate than many



Andy Peterson

others prognosticators, including those who model economics, at predicting what might come next. This is due, in large part, to the advancement of science.

We now have a

good grasp of things like humidity, weather patterns, and so forth. These types of things accompanied by the advancement of radar have led weather forecasters to be amongst the most accurate predictors of things to come.

Yet, as the Economist Magazine recently pointed out, many governments recognize they need to get better at prediction for reasons of national security.

*Continued on next page*

## THE END IS NEAR *Continued from page 1*

The RAN Matrix for this session will be interesting. We should probably consider more columns for business unfriendly bill introductions and committee assistance points will be slim to none.

The complexity of the 81st Legislative Session resulted in a lot of confusion, back-logs, amendment difficulties and some moved

timelines. COVID19 wreaked havoc on the LCB staff too. As a result, the major policy decisions were not even available for public viewing until after the 1st legislative deadline for bills to move from the house of introduction to the second house. Legislators will have less time to discuss, vet or even understand the complex

policy issues because of these decisions and drafting interruptions. We've never had major policy issues introduced this late, not to mention multiple issues. How does this make for good public policy and avoid the unintended consequences of hasty work?

What we do know is that Nevada's Carson

City residents will, more than likely, be host to two additional special sessions. One to consider how to spend the "Biden Bucks" and one in the fall to consider reapportionment. The suggested October session cannot be held earlier than that as we are waiting for the US Census count. ■



# THE SIGNAL AND THE NOISE *Continued from previous page*

Many have formed clubs which allow participants to compete in predicting economics, pandemics, and any number of things which might have an impact on stability. Participants in these clubs are learning to separate the signal (a real item that influences events), from the noise (a false positive which skews the prediction). Governments have learned much as a result of these clubs. As a result, it is hoped they can better predict future events.

When thinking about the current pandemic,

we may be facing economically.

Fortunately for all of us, the National Bureau of Economic Research has already been studying the similarities of pandemic of 1918 to the one in which we have lived through, and, in a working paper, has identified some similarities and conclusions.

Aside from the newly developed vaccine, quarantine, social distancing and face coverings were the main weapons to slow or stop a deadly virus in both pandemics. This included

of the country had better compliance and suffered less disease and death.

Of most interest, however, was the economic impacts to business. Unfortunately, the authors could only identify similarities due to different world events which included the first world war.

That said, some parts of the U.S. did better than others due to the transmission of the virus, while others flourished due to a lessened threat from the virus and the economic demands of supplying the war.

young men had been sent to war. The most hopeful similarity identified in 1918 and in 2021 was the underlying pent-up demand of consumers who wanted to get back to living their lives as they had prior to the emergence of the pandemic.

If March's retail numbers are any indications (see Retail Sales Posted Double-Digit Gains and Dunnhumby Study: Consumer Confidence Rebounding articles in National Notes for more information), we are likely in for an extended period of consumer spending.

Even if we might not separate the signal from the noise, its fairly easy to understand retail is likely to have a banner year as consumers emerge from pandemic self-isolation.

People are tired of staying home, most have money to spend, we want to see our friends and family, and shopping is on the agenda. Stock the shelves, get ready, it's going to be good. ■



it is helpful to look back at a similar pandemics which may provide an idea to what might

shuttering of schools, businesses, and banning large gatherings.

Similarly, some areas

Further complicating the differences included a demand for human resources as many



# SENATE BILL 314

By Bryan Wachter

## NEVADA LEGISLATORS HAD AN OPPORTUNITY

to pass legislation which would have protected Nevada consumers from the counterfeit, knockoff and downright dangerous products that are flooding online markets.

Senate Bill 314—which provided consumer protections—had bipartisan support and it should have had no problem receiving the majority votes needed to pass through the senate and move on to the Assembly.

Ultimately, the bill met its fate in Senate Majority Leader Nicole Cannizzaro's desk drawer as she chose to play politics instead of letting a widely supported policy come to a vote on the senate floor.

Senate Bill 314 would have addressed the growing problem of organized retail crime that is taking place in Nevada and across the country. Organized retail crime is not petty shoplifting; it is two or more people illegally obtaining substantial quantities of products through theft and fraud as part of an unlawful commercial

enterprise.

Counterfeit goods cost the United States economy an estimated \$509 billion dollars each year, according to the FBI, and 97% of retailers have experienced organized retail crime in the past year.

The real victims of this organized crime are the consumers. In addition to the rising cost of goods to offset these losses, counterfeit products are a significant concern for consumers.

The issue of counterfeit goods is prevalent, one in five parents have reported their child receiving a counterfeit toy as a gift.

- Counterfeit lithium-ion laptop batteries pose significant risk of extreme heat, self-igniting, and exploding.

- Counterfeit prescription drugs may not contain the active ingredient or could lead to



Bryan Wachter

accidental overdose.

- Counterfeit cosmetics can cause severe skin reactions.

Online retailers, or marketplaces, which opposed this legislation resorted to completely inaccurate descriptions of the problem and the solutions in the bill.

They say individual Etsy sellers will have to make their personal contact information public. That is completely untrue.

This legislation would require bulk sellers to

make business information public, and no personal information would be disclosed.

This contact information is critical for several reasons. First, for the small, local artist who had their ideas and intellectual property stolen, they would have an address to send a cease-and-desist letter.

The government departments tasked with keeping unsafe products off the market would be able to track down the bad actors. Consumers could have peace of mind by being able to check on the reputation of the vendors they are purchasing from online.

This is a common-sense solution to a growing problem. Las Vegas is ranked in the top ten areas with the highest amounts of organized retail crime.

This problem is not going away, and the longer legislators wait to take action, the more consumers may be harmed both financially and physically by this unregulated market. Senator Cannizzaro, that is on you. ■





# MOTHER'S DAY SPENDING TO TOTAL \$28.1 BILLION

NRF

## MOTHER'S DAY SPENDING IS EXPECTED TO TOTAL A

record \$28.1 billion this year, up \$1.4 billion from 2020, according to the annual survey released by the National Retail Federation. Approximately 83 percent of U.S. adults are expected to celebrate the annual holiday.

"There is a lot of consumer optimism around Mother's Day this year as more people are getting vaccinated and stimulus checks are being distributed," NRF President and CEO Matthew Shay said.

"For many, this is a chance to make up for last year's Mother's Day when we were under lockdown.

With safety guidelines at top of mind, consumers are planning to be with family, are making travel plans and organizing a special brunch or outing.

All of these activities will be reflected through their purchasing decisions."

This year consumers plan to spend an average of \$220.48 on Mother's Day items. This figure is \$16 more than they planned to spend last year and the highest in the survey's history.

Record spending on gifts of jewelry

to the increase in Mother's Day spending. These shoppers plan to spend \$367.08 on average or \$99 more than last year.

These shoppers are also the most likely to be planning gifts of higher dollar items like jewelry or electronics. In addition to buying gifts for their own moms, these shoppers are more likely to be buying

for spouses and other recipients like grandmothers or friends.

This year, nearly half (49 percent) say they are planning a special Mother's Day outing such as a brunch

or other activity. While this is up slightly from last year, it is still below pre-pandemic levels.

"Even though consumers have indicated a growing comfort with pre-pandemic activities such as travel or dining out, there is still a lot of uncertainty," Prosper Vice President of Strategy

Phil Rist said.

"As we've seen with other holiday events, a large majority (82 percent) say that as a result of the pandemic, celebrating Mother's Day this year is important to them."

NRF's 2020 Mother's Day consumer survey occurred during the height of the government-mandated shutdowns. This year over one-third (34 percent) plan to purchase their Mother's Day gifts online, down from 2020 when shoppers were dealing with mandated shutdowns, but still above pre-pandemic levels.

In addition to ordering items online this year, consumers also plan to shop at department stores (28 percent), specialty stores like florists or jewelers (26 percent) and small businesses (23 percent).

The 2021 survey of 7,818 U.S. adults 18 and older was conducted April 1-9 and has a margin of error of plus or minus 1. percentage points. ■



and electronics are the primary drivers of the increase. Jewelry accounts for over half (59 percent) of the \$1.4 billion increase in spending while electronics accounts for over one-quarter (28 percent).

Consumers ages 25-34 are also contributing



# Nevada Notes

## SPENDING VOLUMES AT EASTER SEE A REBOUND IN 2021

### Retail Association of Nevada Says Spending Approached \$349 Million

Consumers in the Silver State kicked off spring by heading to stores and shopping online for the annual Easter celebration.

According to estimates from the Retail Association of Nevada (RAN), Nevadans were expected to spend \$347.3 million celebrating Easter this year.

The spending estimates are based on a recent survey by the National Retail Federation (NRF), which found that 79.0 percent of consumers nationwide planned to celebrate the holiday this year.

According to the NRF, celebrants would spend an average of \$179.70 on holiday items, up 18.8 percent from \$151.25 in 2019.

New household stimulus checks included

in the recently passed American Rescue Plan coupled with increased vaccinations and falling infection rates have increased consumer confidence, resulting in a positive outlook for spending on events like Easter. Total Easter spending nationwide is expected to reach \$21.6 billion.

“The ongoing vaccination effort has many more Nevadans feeling comfortable getting together with family and friends in person once again,” said Bryan Wachter, Senior Vice President of RAN. “Easter spending volumes are expected to reach new highs after many celebrants missed out on traditional celebrations last year.”

Food was the most

popular spending category this year, with 88.0 percent of survey respondents planning to spend a total \$101.5 million in Nevada, according to the NRF.

Candy came in a close second in popularity (86.0 percent), with over \$48.7 million expected to be spent.

Other popular categories included gifts (64.0 percent), greeting cards (49.0 percent) and decorations (48.0 percent), with consumers statewide expected to have spent \$60.0 million, \$17.0 million and \$23.0 million on these items, respectively.

Clothing (47.0 percent), flowers (43.0 percent) and miscellaneous items (26.0 percent) made up the other major purchase categories.

The most popular Easter activity for 2021

was cooking a holiday meal, with 59.0 percent of celebrants, while 43.0 percent of celebrants planned to visit family or friends in person.

Many celebrants also planned an Easter egg hunt (31.0 percent), followed by other activities such as attending church in person (28.0 percent), browsing the web (25.0 percent), opening gifts (19.0 percent), shopping online (17.0 percent) and shopping in stores (13.0 percent).

With the COVID-19 pandemic still ongoing, many celebrants celebrated Easter virtually, with 24.0 percent of respondents indicating they would visit family or friends virtually and 22.0 percent noting that they would attend an online church service.

### Historical Average Easter Spending





# National Notes

## RETAIL SALES POSTED DOUBLE-DIGIT GAINS IN MARCH

U.S. retail sales grew by double-digits in March. According to Mastercard SpendingPulse, which measures in-store and online retail sales across all forms of payment, U.S. retail sales excluding automotive and gasoline increased 26.3% year-over-year in March, and online sales grew 56.8% compared to 2020. Interestingly, the first half of the month had a slow start but in the last half retail sales rose 46.9% year-over-year making March a blockbuster.

MMR

## DUNNHUMBY STUDY: CONSUMER CONFIDENCE REBOUNDING

Americans, for the first time since the pandemic began, are feeling more comfortable regarding personal finances and are now prioritizing value over speed when they shop.

That's according to the seventh wave of the Dunnhumby Pulse Survey, a year-long worldwide study of the impact of COVID-19 on customer attitudes and behavior across 22 countries.

Specifically, 58% of U.S. consumers reported that the U.S. economy to be improving, as compared to

last March when 75% said the economy was weak.

In addition, 39% of consumers reported that their finances were poor, as compared to November when 54% reported their finances were poor.

Americans are now at the lowest level of worry about the virus (23%) since the crisis began and have dropped nine percentage points since November on the Dunnhumby Worry Index.

All and still, consumers are still concerned with the cost of food, many purport they pay more than they did prior to the pandemic. This may be reflected in consumers' focus upon value.

Among the key findings from the study:

- Value-seeking consumers (70%) far outstrip quality-seeking consumers (13%) in the U.S.

- Consumers are utilizing multiple shopping tactics to seek value in the face of rising prices. Many shop at stores perceived to offer value.

- Online is now a fully adopted behavior.

- The number of online shopping trips is also increasing.

- Consumer satisfaction with shopping online has been ahead of, or equal to shopping in-store.

- The pandemic-

driven changes in shopping behavior are stabilizing

- Walmart continues to dominate all stores when it comes to value followed by Kroger and Amazon.

For this study, Dunnhumby surveyed 48,449 respondents online in 22 countries across Asia, Europe, Latin America, and the U.S.

MMR

## CONSUMER CONFIDENCE JUMPS TO HIGHEST LEVEL IN A YEAR

Consumer confidence surged in March as Americans grew more optimistic about the economy and labor market.

The Conference Board's Consumer Confidence Index rose in March to its highest reading in a year, after a modest increase in February. The Index now stands at 109.7, up from 90.4 in February.

The Present Situation Index—based on consumers' assessment of current business and labor market conditions—climbed from 89.6 to 110.0.

The Expectations Index—based on consumers' short-term outlook for income, business, and labor market conditions—also improved, from 90.9 last month to 109.6 in March.

Chain Store Age

## PRICES: GOING UP

Consumer prices rose 0.6% in March, according to the Labor Department — the sharpest increase in nearly nine years. Higher gasoline prices account for nearly half the increase, but prices for other commodities, and services were also higher.

Over the last 12 months, the department's consumer price index has risen 2.6%. Excluding volatile food and energy prices, inflation was 0.3% in March and 1.6% over the last year.

The March price increase is somewhat exaggerated by the point of comparison. Prices fell a year ago, when the pandemic first took hold in the United States, dropping 0.4% in March 2020 and another 0.8% in April.

The jump in prices is coming at a time when businesses are still struggling to keep pace with unexpectedly strong demand.

Shoppers are likely spending more freely as pandemic restrictions ease, helped by \$1,400 relief payments passed by Congress last month, as well as accumulated savings from a year of reduced travel and entertainment.

NPR News



# EMPLOYMENT BILLS OF CONCERN TO BUSINESSES

By McDonald Carano



Government Affairs & Advocacy Group

**AB 47 - Revises provisions relating to employment. Status: Passed 27-15 in Assembly**

Pursuant to current federal law, the Hart-Scott-Rodino Act requires certain business transactions to be reported to the FTC and Department of Justice to keep watch over antitrust violations and ensure a competitive business market. These reporting requirements only kick in when certain thresholds are met. An amended version of AB 47 adds language to NRS 598A which requires anyone who is filing pursuant to reporting requirements of the Hart-Scott Rodino Act to simultaneously file with the Nevada Attorney General as well.

**AB 60 - Makes certain provisions of contract or settlement agreement void and unenforceable.**

**Status: Passed 42-0 in Assembly**

Voids certain contract provisions. If a contract or settlement agreement contains a provision that attempts to restrict a witness's ability to testify against the contracting parties' commission of criminal conduct or sexual harassment, the provision will be void and

unenforceable. This will not apply to contracts entered because of a settlement or mediation with the Nevada Equal Rights Commission. The amendment will only apply to contracts or settlement agreements entered on or after the effective date of the bill.

**AB 61 - Revises provisions relating to trade practices. Status: EXEMPT. No vote.**

Adds to violations contained in Nevada's Deceptive Trade Practices Act. Under AB 61 it is a deceptive trade to engage in price gouging during a state of emergency or declaration of disaster. It is also a deceptive trade practice to use an "unconscionable practice" in a transaction. Any violations of the federal Pallone-Thune Robocall Abuse Criminal Enforcement and Deterrence Act will be a deceptive trade practice under Nevada law. Lastly, internet providers and other entities that handle personal, non-public information are held to certain requirements to ensure privacy. Any violation of those requirements will be considered a deceptive trade practice. This bill also extends certain powers to the Attorney General to prosecute these

actions and alters civil and criminal penalties. Finally, the bill changes existing law which sets forth a time in which actions are to commence. This bill will eliminate these limitations and instead provide that there is no limitation on the time in which such civil action or criminal prosecution is required to be commenced.

**AB 124 - Revises provisions relating to employment. Status: DEAD**

Under current Nevada Law, NRS 608.017 prohibits employers from discriminating against employees on the basis of sex by paying lower wages for equal work performed. AB 124 proposes to further prohibit employers from discriminating in the following ways: (1) assigning or directing an employee into a less favorable position or career track based on the sex of the employee; (2) failing to provide certain information relating to promotions or advancement based on the sex of the employee; or (3) limiting or depriving an employee of an employment opportunity that would otherwise be available if not for the sex of the employee. The bill also prohibits an

employer from seeking out or relying on the wage history of a prospective employee determine what the employee will be paid. Additionally, it requires employers to disclose upon request of a prospective employee after their interview, the minimum wage rate for the position the employee applied for. The bill authorizes the Labor Commissioner to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer.

**AB 152 - Revises provisions relating to the collection of certain debts. Status: DEAD**

AB 152 revises existing law related to debt collection services. Section 1 of the bill redefines who is considered a "creditor debt collector." It imposes certain procedural requirements on debt collectors who are attempting to collect a debt by phone or mail, including special rules for hospital creditors. Assemblywoman Krasner and the NV Justice Association proposed an amendment that would place the above provisions into a new chapter

Continued on next page



# EMPLOYMENT BILLS *Continued from previous page*

under Nevada’s Deceptive Trade Practices Act. The amendment would expand prohibitions on debt collection agencies. It would require debt collectors to obtain verification of the debt before attempting to collect. The amendment also imposes certain restrictions for consumers applying for credit. Finally, it provides for cumulative remedies that would be available for violations under this section.

### **AB 190 - Provides certain employees with the right to use sick leave to assist certain family members with medical needs.**

**Status: Passed 30-12 in Assembly**

AB 190 mandates employers who provide paid or unpaid sick to their employees, to allow employees to use their sick leave to assist an immediate family member to the same extent that would apply to the employee taking the leave. The bill allows employers to limit this type of sick leave to not less than the amount that the employee has accrued during a 6-month period. The bill directs the Labor Commissioner to prepare a bulletin explaining these requirements, and the bulletin must be posted by employers who provide sick leave. The Labor Commissioner will have the authority to enforce the provisions of this bill.

### **AB 222 - Revises provisions governing employment practices.**

**Status: Passed 26-16**

AB 222 provides additional whistleblower protections. Whistleblowers who report in good faith to appropriate authorities, whether internal or external to the employer, will be protected under the law. These protections extend to employees who request correction or refuse to engage in the at issue conduct. This bill also provides that where an employee makes prima facie showing in a civil action that the discharge was made in retaliation, the burden shifts to the employer to demonstrate that the employee engaged in other conduct that resulted in the employee’s discharge. Lastly, the bill revises provisions relating to the statute of limitations and tolling periods.

### **AB 289 - Revises provisions relating to deceptive trade practices.**

**Status: DEAD**

This bill makes it a deceptive trade practice for an interactive computer service that represents itself as content-neutral or viewpoint-neutral from restricting or removing the content or expression of a user or restricting or removing the user from the interactive computer service. It provides an exemption if the act was performed in good faith.

### **AB 291 - Revises provisions governing noncompetition covenants.**

**Status: DEAD**

This bill extends noncompete protections to independent contractors. Therefore, if the noncompete is not supported by valuable consideration, imposes a restraint on trade greater than necessary, imposes a hardship on the employee, or imposes restrictions that are not appropriate in relation to the consideration the noncompete will be unenforceable against independent contractors. The same applies if the termination is due to a reduction in force or reorganization— independent contractors’ noncompete contract will only be enforceable the during the time the employer is paying the contractors salary.

### **AB 303 - Removes certain exceptions relating to certain requirements for paid leave.**

**Status: DEAD**

Existing law requires employers to provide a specified amount of paid leave and exempts employees who are governed by collective bargaining agreements, other contracts, policies or agreements, This bill maintains the exception for collective bargaining agreements, but removes the exemption for other contracts, policies or agreements thereby, requiring employers to comply with paid leave provisions for these types of employees.

### **SB 107 - Makes various changes relating to the statute of limitations for certain causes of action.**

**Status: Passed 16-5 in Senate**

Extending the statute of limitations for a wrongful termination action. Currently, there is no codified statute of limitations for wrongful termination actions, but the Nevada Supreme Court has previously interpreted wrongful termination to be analogous to a personal injury action and has therefore applied a two (2) year statute of limitation. If enacted, SB 107 would extend the statute of limitation to four (4) years for wrongful termination actions. Additionally, Section 2 of SB 107 provides a default four (4) year statute of limitations to all actions not specified by law, regardless of whether the action is analogous to another cause of action listed in NRS Chapter 11. Finally, the bill will not be retroactive, which means the latest provisions will only apply to actions filed on or after the effective date of this bill.

### **SB 199 - Prohibits certain types of racial discrimination in employment and education.**

**Status: DEAD**

SB 199 amends existing law to provide additional protections against discrimination relating to race. The bill redefines race to include “ancestry, color, ethnic group identification,

*Continued on page 11*



## 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.

- 4K Artistic Metals LLC**
- Christopher Homes LLC**
- Desert Squad Pest & Wildlife Inc.**
- Green Thumb Lawn Service**
- Maximed Healthcare**
- Natalie Malik Inc dba Talle Jane Interiors**
- NV Occupational Health Care**

## Fun Facts about May

It is the third and last month of the season of spring.

The birthstone of May, the emerald, symbolizes success and love.

May in the Northern Hemisphere is similar to November in the Southern Hemisphere.

May was once considered a bad luck month to get married.

**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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# EMPLOYMENT BILLS *Continued from page 9*

ethnic background and traits historically associated with race, including, without limitation, hair texture and protective hairstyles." Protective hairstyles include without limitation "braids, locks and twists." These new definitions will be applied to employers who are already prohibited from discriminating in their employment practices on the basis of race, and school busses that are prohibited from advertising attacks on group based on characteristics associated with race. Existing law which prohibits cyber bullying will incorporate the new definition of race to provide for safe learning environments for children. Charter schools and certain universities which are prohibited from engaging in discriminatory practices related to race will adopt this new definition. Finally, the bill prohibits a dress code policy that requires students to wear uniforms that discriminate on the basis of race as redefined by the bill.

**SB 209 – Revises provisions relating to employment.**  
**Status: Passed 19-2 in Senate**  
SB 209 specifies circumstances under which employees may take paid leave. Currently, the law allows employees to take paid leave without providing a reason to their employer. This bill does not change existing law, but instead provides

additional reasons employees may take paid leave. Under this bill, private employers must allow employees to use their paid leave for the treatment of a mental or physical illness, injury, treatment of a mental or physical illness, injury or health condition, receiving medical diagnosis or care, receiving preventative care, receiving a vaccination—including a vaccination for Covid-19, participating in caregiving, or addressing other personal needs related to the health of that employee.

**SB 245 - Makes changes regarding employment.**  
**Status: Passed 21-0 in Senate**  
Existing law gives employees certain remedies when an employer fails to pay wages within a set amount of time after the employees' termination or resignation. This bill revises the definition of "wages" to include amounts due to certain former employees that employers failed to pay on time prior. It allows the employee to file a claim with the Labor Commission and requires the Labor Commissioner to take certain actions regarding lost wages.

**SB 293 – Revises provisions relating to employment.**  
**Status: Passed 17-4 in Senate**  
Adds to Nevada's unlawful trade practices by prohibiting

certain employers from seeking wage or salary history from an applicant for employment, relying on wage or salary history to determine the rate of pay for an applicant, refusing to interview, hire or promote an applicant based on their refusal to provide salary history. However, if the disclosure is voluntary the employer can use that information to determine the applicants pay rate. Violations will result in administrative penalties, and Complaints will be filed with the Nevada Equal Rights Commissioner.

**SB 386 – Revises provisions relating to certain businesses.**  
**Status: EXEMPT**  
Employers of certain employees who do not have collective bargaining agreements and who were discharged, laid off or furloughed under certain conditions may be required to offer job positions to those employees. This will allow employees in specific circumstances to have the opportunity to return to their jobs. The bill lays out procedural requirements for employers of employees who meet the circumstances outlined under the bill. The majority of employees who fall into this category are within the hospitality industry.

**SB 399 – Establishes provisions relating to employment.**  
**Status: DEAD**  
Requires corporations with over 500 or more employees to submit a report to the Secretary of State that indicates the number of people who serve on its board of directors and the number of those board members who are female. The bill mandates that this information be made available on the Office of the Secretary of State website. It requires qualified employers to complete an annual report containing the same information and submit that report to the Governor and Director of the Legislative Counsel Bureau.

This bill also requires the Employment Security Division of the Department of Employment, Training and Rehabilitation to submit annually to the Nevada Equal Rights Commission each employer who had one or more employees receive unemployment benefits during the previous calendar year along with other information related to those benefits. The bill then requires the Commission to review the information to see if employers are engaging in unlawful employment practices with regard to wages or termination of employees.



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*Newsletter Design & Layout*

# RETAIL IMPORT SURGE EXPECTED THROUGH SUMMER

## THE UNPRECEDENTED SURGE

of imports at retail container ports that began last summer is expected to continue at least through the end of this summer as retailers work to meet increased consumer demand, according to the monthly Global Port Tracker report released by the National Retail

Federation and Hackett Associates.

“We’ve never seen imports at this high a level for such an extended period of time,” NRF Vice President for Supply Chain and Customs Policy Jonathan Gold said. “Records have been broken multiple times and near-record numbers are happening almost every month. Between federal stimulus checks and money

saved by staying home for the better part of a year, consumers have money in their pockets and they’re spending it with retailers as fast as retailers can stock their shelves.”

Imports hit their lowest point in four years last March – 1.37 million Twenty-Foot Equivalent Units – as the economic effects of the coronavirus pandemic began to take hold. But

cargo rebounded and hit a then-record 2.1 million TEU in August as the economy reopened, eventually peaking at 2.21 million TEU in October. Under the current forecast, volume is expected to remain at or above the 2 million TEU mark for 11 out of 13 months by this August.

Before 2020, monthly imports had reached 2 million TEU only once, in October 2018. ■