

Home Care Employment Standards Board: Legal Authority and Obligations

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DECEMBER 2021 TRAINING

Road Map

- Statutory Authority
- Statutory Duties
- Overview of Open Meeting Law & Ethics in Government Provisions

HCESB: The Origin Story

The 81st Legislative Session (2021) passed Senate Bill (SB) 340, which authorizes the Director of the Nevada Department of Health and Human Services to establish a home care employment standards board, for the purpose of reviewing the investigation of and making recommendations for the improvement of working conditions in the critical Home Care Industry.

June 9, 2021, Governor Sisolak signed SB 340 into law.

Thereafter, Director Richard Whitley authorized the creation of the HCESB.

HCESB Composition

Sec. 13 (SB 340)

[. . . .]

2. A home care employment standards board must consist of:
 - (a) The Director or his or her designee, who serves as Chair and a nonvoting member; and
 - (b) The following voting members:
 - (1) The Labor Commissioner;
 - (2) Three representatives of home care employers, appointed by the Director;
 - (3) Three representatives of home care employees, appointed by the Director; and
 - (4) Three persons who receive or are representatives of persons who receive services from a home care employee, appointed by the Director.

Duties: Obligations and Authority

- The HCESB “shall meet at the times and places specified by a call of the Chair,” and “shall meet as often as necessary to accomplish the duties set forth [in SB 340], but not less than once each calendar quarter.”
- The HCESB shall:
 - Conduct an investigation into matters relating to the wages and working conditions of home care employees in this State and the compliance of home care employers;
 - Develop recommendations regarding:
 - (1) The minimum wage that may be paid to a home care employee in this State; or
 - (2) Safe and healthful working conditions for home care employees.
- The HCESB may request information and direct testimony from any state agency
- Not later than 1 year after the first meeting, HCESB shall submit its findings and recommendations to the Director.

Other Governing Provisions of Law

Boards and Commissions are subject to:

- The Open Meeting Law: NRS Chapter 241
- The Ethics in Government Act: NRS Chapter 281A

Open Meeting Law

AGO Training: https://ag.nv.gov/Hot_Topics/Training_Materials/

Key points to remember:

- No communications between a quorum of members outside of a properly noticed meeting
- No serial communications
- Subcommittees appointed by the Council are subject to the same provisions
- Public comment periods must be provided, with only reasonable restrictions
- Changes during 81st Legislative Session (2021)

Ethics in Government

AGO Training: https://ag.nv.gov/Hot_Topics/Training_Materials/

Key points to remember:

- Disclosure: mandatory for any interest created by: a gift, substantial pecuniary interest, commitment in a private capacity
 - Must be made at time the matter is considered
 - Sufficient to inform public
- Abstention: only required in clear cases where judgment of a reasonable person in same position would be materially affected
 - Determination must be made on the record
- No misuse of official position (deliberation/action)

Questions?

Please feel free to reach out:

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