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NEVADA GAMING CONTROL BOARD

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NOTICE TO LICENSEES

Notice #	2018-61
DATE:	September 7, 2018
TO:	All Gaming Licensees
FROM:	Becky Harris, Chairwoman
SUBJECT:	Sexual Harassment Awareness and Prevention – <u>Proposed</u> Minimum Standards Checklist

Please be advised that the Nevada Gaming Control Board (Board) has completed its revised proposed draft of its amendments to Nevada Gaming Commission (Commission or NGC) Regulation 5 addressing sexual harassment. One of the proposed regulations is NGC Regulation 5.250, which provides, among other things, that the Chair of the Board is to adopt minimum standards regarding plans, policies, procedures and training related to sexual harassment.

Below is a draft of the proposed initial draft of those standards the Chair of the Board is considering adopting should the Commission adopt NGC Regulation 5.250. The standards are set forth in a checklist format and the draft includes the proposed introductory language and other information that would be included with those standards.

PROPOSED MINIMUM STANDARDS CHECKLIST AND INTRODUCTORY LANGUAGE
CONTINGENT UPON THE NGC'S ADOPTION OF PROPOSED NGC REGULATION 5.250

The Nevada Gaming Control Board (Board) recognizes the paramount importance of all Nevada gaming licensees creating and maintaining a work environment that is safe for all employees, one in which diversity, inclusion and the dignity of each employee is respected, and which is free from any form of discrimination or harassment. The Board further recognizes that many of Nevada's gaming licensees have long-standing policies, plans, procedures and training in place to prevent discrimination and harassment, including, but not limited to, sexual harassment, in the workplace. The Board has determined that a licensee's failure to adopt or effectively apply comprehensive written policies addressing the prevention of sexual harassment in the licensee's workplace may lead to the violation of federal, state or local laws and regulations which could reflect or tend to reflect discredit upon the State of Nevada or its gaming industry. Therefore, the Board has determined that, pursuant to Nevada Gaming Commission (NGC) Regulation 5.250, each licensee is required to have and effectively apply comprehensive written policies addressing prevention of sexual harassment in the licensee's workplace providing at least the following: (a) the procedures and methods available for reporting sexual harassment; (b) the procedures the licensee will follow to investigate a report of sexual harassment; (c) the potential consequences for any person within the licensee's organization found to have committed an act of sexual harassment; and (d) requiring the annual assessment of such policies and procedures to ensure that employees are being effectively educated thereof.

Pursuant to NGC Regulation 5.250(2), the Board Chair will adopt minimum standards regarding plans, policies, procedures and training related to sexual harassment in the workplace. To verify the licensee's plans, policies, procedures and training meet the minimum standards set by the Board Chair, the Board will require each licensee complete and submit on an annual basis this form responding to the following:

Does your sexual harassment prevention policy contain the following elements?

1. A comprehensive written policy addressing the prevention of sexual harassment in the workplace.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
2. A statement setting forth the procedures and methods available for reporting sexual harassment.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
3. A statement setting forth the procedures the licensee will follow to investigate a report of sexual harassment, including, but not limited to, setting forth requirements that: a. The licensee will promptly initiate an investigation into any report of sexual harassment; and b. Such investigation will be conducted in a thorough and impartial manner.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
4. A statement setting forth the potential consequences for any person within the licensee's organization found to have committed an act of sexual harassment.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
5. An unequivocal statement that sexual harassment will not be tolerated.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
6. An unequivocal statement that there is an organizational commitment to diversity, inclusion, and respect with the goal to create and maintain a safe working environment for all employees.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

7. An easy-to-understand description of examples of prohibited conduct.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
8. A reporting method or system available to employees who experience or observe incidents or patterns of sexual harassment that provides more than one avenue to report.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
9. A requirement that the identity of an individual who submits a report, a witness who provides information regarding a report, the target of the complaint, including any information gathered as part of the investigation, will be kept confidential, except as reasonably necessary to comply with applicable laws and regulations, and only disclosed to the extent consistent with a thorough and impartial investigation.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
10. A requirement to take prompt corrective action if the licensee determines an incident or pattern of sexual harassment has occurred.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
11. At the conclusion of the investigation, a requirement to make reasonable efforts within 30 days thereafter to communicate the disposition of the matter to the person who filed the complaint of sexual harassment and to any person the licensee has been informed of who has been or is subject to a credible risk of retaliation relating to the complaint of sexual harassment, including, but not limited to, employment based retaliation.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
12. An unequivocal statement that all employees are prohibited from retaliating against an individual who has submitted a valid report regarding sexual harassment or any witness who has provided information regarding such report.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
13. A statement that any person who retaliates against an individual who submits a valid report regarding sexual harassment or against any witnesses that provided information regarding such a report will be subject to appropriate disciplinary action.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
14. A requirement to communicate sexual harassment prevention policies and procedures to all employees upon commencement of employment and at least once annually thereafter.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
15. A requirement to conduct an annual assessment of sexual harassment policies and procedures to ensure that those policies and procedures effectively educate employees as to the policies and processes available to report incidents of sexual harassment.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
16. A requirement that all records relating to the sexual harassment prevention policies and procedures and validated claims be retained for no less than five years and will be made available for inspection by the Agents of the Nevada Gaming Control Board upon request.	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
For this reporting period, the following accurately reflects the number of sexual harassment complaints filed in Nevada in which the licensee, registrant or a third party determined that there is reasonable cause to believe that the complaint of discrimination or harassment is valid (a "valid complaint" or "valid report") that were:	# _____	Valid claims submitted internally		
	# _____	Filed with the U.S. EEOC		
	# _____	Filed with the NERC		

	# _____	Filed with other State or Federal Agency
	# _____	Filed in State or Federal court
	# _____	Valid claims raised through other channels
	# _____	Achieved final disposition through official channels or legal action
	# _____	Achieved final disposition through other channels

If a "NO" response has been provided to any of the above listed questions, attach written responses detailing specifics.

The minimum standards set forth above do not relieve a licensee of its obligations to comply with all applicable federal and state law relating to sexual harassment and other forms of workplace harassment and discrimination.

The Nevada Equal Rights Commission can provide on-site training about sexual harassment laws and sexual harassment prevention. It can also provide informational materials on those topics, including posters and brochures for employers to display in the workplace. For more information, contact one of the Nevada Equal Rights Commission offices:

- Las Vegas – (702) 486-7161
- Northern Nevada – (775) 823-6690

The Nevada Equal Rights Commission can provide these services and materials at no cost.

Submitted By

Licensee Name: _____

Address: _____

I, _____ certify and declare under the penalties of perjury that I am the _____ of the business named above; that this is a true, correct, and complete report to the best of my knowledge, information and belief; and that this checklist and report is made with the knowledge and consent of all individuals licensed.

Dated: _____ Signed: _____

Person to contact regarding this report: _____

Email: _____ Telephone: _____