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POOL/PACT HR LEADERSHIP CONFERENCE – 2023

LEGISLATIVE UPDATE

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OPEN MEETING LAW – AB 52

NRS 241 NOTICE REQUIREMENTS HAVE CHANGED

- Personal delivery has been increased from five days to seven calendar days.
- Certified mail has changed from 21 days to 14 calendar days.
- Service to attorney seven calendar days.

AB 163 – EXPANDS NEVADA DOMESTIC VIOLENCE LEAVE ACT – NRS 608.0198 AND 613.222

Effective January 1, 2024

Applies to:	Employees of at least 90 days who are a victim of an act of domestic violence or sexual assault or whose household member is a victim. Does not apply to an employee perpetrator.
Leave provided:	160 hours in one 12-month period, paid or unpaid.
When can be taken:	Within 12 months of the event.
Relation to FMLA:	If it is an FMLA-qualifying event, it must be deducted from an FMLA entitlement.
Purpose:	Diagnosis, care or treatment of a health condition related to an act of DV/SA Obtain counseling/assistance related to an act of DV/SA Attend court related to act of DV/SA Establish a safety plan

AB 163 - CONTINUED

- Procedure for use: After first use of leave for DV/SA, employee must provide 48 hours advance notice of need for additional leave.
- Employers may not: Deny the right to use leave.
Require employee to find replacement worker.
Retaliate for use of DV/SA leave.
- Employers may: Require documentation to confirm reason for requesting leave, i.e., police report, application for TRO, affidavit from organization providing services, documentation from physician.
- Employers must: Maintain record of leave for two years.
Must make a reasonable accommodation for employee who is a victim of DV/SA, i.e., transfer, reassignment, modified schedule, new work phone number, or anything that is not an undue hardship.



AB 267- CULTURAL COMPETENCY TRAINING FOR LICENSED MEDICAL PROFESSIONALS

- ❖ State Board of Health must create regulations designating the frequency with which a covered facility is required to conduct training related to cultural competency.
- ❖ Exceptions for agents or employees who have already completed training as part of continuing education requirements for license renewal
- ❖ Increases DEI training for specified medical providers for renewal of license.
- ❖ Limited to employees who provide clinical, administrative or support services and regularly have direct patient contact; or supervisors of such agents.
- ❖ Authorizes a facility to provide a course that is not already approved.
- ❖ Revises training hours requirements for renewal as follows:

CATEGORY REQUIREMENTS

Nurses	Psychologist, MFT, counselor, social worker	Alcohol and drug counselor/gambling counselor	Behavior analyst
4 hours	6 hours	3 hours	6 hours

AB 376 – PAID FAMILY LEAVE FOR CERTAIN STATE EMPLOYEES

- Employees of the Executive Department of State Government who have been employed 12 consecutive months are entitled to:
 - Eight weeks paid family leave over a 12-month period
 - Paid at 50% of the wage that would be earned if not on leave
 - Qualifying event similar to FMLA*

* I think this is where all employers, private and public are headed.

AB 410 – INDUSTRIAL INSURANCE FOR FIRST RESPONDERS

Effective: January 1, 2024

Expands stress-related injuries that may be compensable for first responders under certain circumstances to include mental injury caused by extreme stress for which the primary cause was witnessing an event or series of events that arose out of and during the course of employment and involved:

- Death or aftermath of a person as a result of a violent event; or
- An injury which involves grievous bodily harm or a nature that shocks the conscience.



AB 437 – FMLA FORMS

- Healthcare providers may not charge a fee to fill out forms for FMLA certification if they have examined, treated or otherwise provided healthcare services to the person who is the subject of the form within 3 years immediately preceding the request to fill out the form.
- Healthcare providers may charge \$25 to fill out the form if the provider has not examined, treated or otherwise provided healthcare services to the person who is the subject of the form within three years immediately preceding the request to fill out the form.



SB 66 – PERSONS DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR VEHICLE

SB 66 restricts an employer from allowing, requiring, permitting or authorizing a person to operate a commercial vehicle if the employer knows or should reasonably know that the operation of the motor vehicle is:

- During a time when the person does not have a current commercial driver's license;
- In violation of any restriction on the commercial driver's license
- The person has a CDL and has lost the right to operate a commercial vehicle in a state or has been disqualified from operating a commercial vehicle.
- The person has more than one CDL.
- In violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.
- Effective July 1, 2023

SB 145 - MISCLASSIFICATION

Effective: July 1, 2023

- ❑ Requires various state departments (Labor Commissioner, DIR, DETR, Department of Taxation and AG) to communicate regarding suspected or actual employee misclassification unless the information is confidential.
- ❑ Defines “Employee Misclassification” as practice by an employer of improperly classifying employees as independent contractors to avoid any legal obligation under laws such as minimum wage, overtime, unemployment insurance, worker’s compensation insurance, temporary disability insurance, payment of wages and payroll taxes.
- ❑ Revises administrative penalties.

SB 147 – IMMEDIATE PAYMENT OF WAGES TO LAID-OFF EMPLOYEES

- Effective July 1, 2023
 - Amends the definition of “wages” in NRS 608.012 to include amounts due an employee placed on nonworking status
 - Amends NRS 609.020 regarding payment of wages to provide:
 - The wages earned and unpaid at the time employee is placed on nonworking status are due and payable immediately
 - Nonworking status means the temporary layoff of an employee by the employer whereby the employee remains employed and may be called back to work by the employer at a future date.
 - Nonworking status does not include:
 - On suspension pending an investigation relating to employment
 - On suspension for disciplinary action relating to employment
 - On call for available work
 - On leave of absence.



SB 166 – COLLECTIVE BARGAINING FOR LE AND FF SUPERVISORS

- Amends NRS 288.138 to exclude certain employees who provide civilian support services to a law enforcement agency from being deemed supervisory employees solely due to the exercise of certain duties.

SB 192- CLOSED MEETINGS FOR COUNTY HOSPITALS AND HOSPITAL DISTRICTS UNDER CERTAIN CIRCUMSTANCES

Effective October 1, 2023

Amends NRS 450 to allow a board of trustees for a county hospital or hospital district to hold a closed meeting exempt from OML to discuss:

- Providing new services in the county hospital district;
- Acquisition of an additional facility by the county hospital district or expansion of an existing facility
- Matters before a review committee to deliberate character, misconduct, profession competence or physical or mental health of a healthcare provider; or
- Matters related to a medical audit of the quality assurance of the county hospital district.

Requires minutes, supporting material, and any recording or transcript become public record five years after the date of the meeting or when the BOT determines the matters discussed no longer require confidentiality, whichever occurs first.



SB 225 – CHANGES TO NRS 289 GOVERNING PEACE OFFICERS

- Requires application for certification as PO to include affidavit stating the applicant: (1) Is not disqualified from serving as a PO; (2) has not been discharged, disciplined or asked to resign from employment with a LE agency for certain conduct; and (3) has not resigned from employment or otherwise separated from employment with a LE agency while an investigation concerning certain alleged conduct was pending.
- Requires POST to: (1) deny an application for certification that does not include the required affidavit; and (2) search the National Decertification Index or related index to ensure the name of the applicant does not appear in any such index or database.
- Requires a LE agency to immediately notice POST if a peace officer employed by the agency is: (1) charged with certain crimes; or (2) resigns or separates from employment with an agency while an investigation concerning alleged misconduct is pending; and (3) provide POST with a written summary of the outcome of the investigation as soon as practicable after completing the investigation.
- Prohibits a LE agency from requiring a PO to provide an oral or written attestation concerning any use of cannabis by the po that occurred before the po submitted an application for employment as a condition precedent to employment as a po.



SB 317 – PUBLIC WELFARE

- Amends NRS 422A to permit a provider of homeless services to utilize the provider's address as a temporary mailing address if the person is receiving other services from the provider and is a Nevada resident or a person who is not currently a Nevada resident and who the provider determines intends to remain the State of Nevada for at least six months. The temporary address may be used for various purposes including applying for public assistance, enrolling a family member in school, enrolling in college, obtaining housing, and seeking or retaining employment.



SB 441 – CHANGES TO NRS 289 GOVERNING PEACE OFFICERS

- Amends NRS 289 to require POST to adopt regulations to establish standards for the reciprocity of a person from another state of the federal government with a certification or le training equivalent to a category III po.

SB 441 – RELATED TO COVID AND PUBLIC HEALTH

- Effective May 17, 2023
 - Amends NRS 439.366.
 - Repeals the provisions of SB 4 of the 32nd Special Session which required certain protocols and plans concerning the prevention and response to COVID 19 and protecting entities from liability if they can demonstrate substantial compliance with controlling health standards related to COVID.
 - Repeal does not apply to any claims before July 1, 2023.

AB 256 – VOLUNTEERS AT A WORK-BASED LEARNING PROGRAM

- ❑ Amends NRS 391
- ❑ Requires Dept of Education to institute a method for school boards to determine if a business, agency, or organization that is seeking to employ and supervise a pupil as part of a work-based learning program be subject to requiring a volunteer who is likely to have unsupervised contact with the pupil to submit their fingerprints for a criminal background check.
- ❑ Requires if the school board determines the employment of a pupil in a work-based learning program is appropriate for the pupil, the board may exempt any volunteers employed by the business, agency or organization from having to submit their fingerprints for a criminal background check.

SB 292 – PERTAINS TO PRINCIPALS BEING “AT WILL” FOR FIRST THREE YEARS OF EMPLOYMENT

Effective July 1, 2023

Amends NRS 391

- ❖ States that during the first three years of employment b a school district in the position of principal, a principal is employed at will in that position.
- ❖ A principal who is reassigned is entitled to a written statement of the reason for the reassignment.
- ❖ If the principal was previously employed by the school district in another position and is reassigned, the principal is entitled to be assigned to his/her former position at the rate of compensation provided for that position.
- ❖ Principal who completes the probationary period will again be employed at will if in each of two consecutive school years:
 - ❖ The rating of the school to which the principal is assigned, as determined by the Department is reduced by one or more levels or remains at the lowest level possible; and 50% or more of the teachers assigned to the school request a transfer to another school.

SB 434 – SUBSTITUTE TEACHERS ELIGIBLE FOR PERS ENROLLMENT

Effective July 1, 2023

Revises NRS 286.297

Removes the position of substitute teachers
from the lists of persons not eligible to become
members of the PERS system.

AB 165- WORK COMP LUMP SUM PAYMENT

AB 165 allows worker's comp claimants who incur disability that does not exceed 30% to elect to receive payment in a lump sum

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THANK YOU!!!!!!