

ASSEMBLY BILL NO. 356—ASSEMBLYMEN FIORE, GARDNER,
DOOLING; DICKMAN, ELLISON, JONES AND SHELTON

MARCH 17, 2015

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing labor organizations.
(BDR 53-844)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to labor organizations; prohibiting a labor organization from engaging in certain acts against a business; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law protects employees from compulsory membership in a labor
2 organization. (NRS 613.270) **Section 2** of this bill prohibits a labor organization
3 from threatening or otherwise attempting to illegally coerce or threaten a business
4 into complying with a demand of the labor organization. **Section 3** of this bill
5 prohibits a labor organization or its members or agents from physically damaging
6 the property or merchandise of any business. **Section 4** of this bill provides that
7 existing law governing the right to work and the provisions of this bill are not to be
8 construed as limiting the rights of labor organizations or employees under the First
9 Amendment to the United States Constitution. **Section 8** of this bill provides for a
10 civil action for violations of the provisions of this bill and provides for the vicarious
11 liability of a labor organization for the actions of its members and presumed
12 damages of \$5,000, or actual damages, whichever is greater and related attorney’s
13 fees and costs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 613 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *A labor organization or any member or agent thereof*
4 *shall not damage, injure, harm, threaten or maliciously disrupt the*



1 *lawful activities of any business or any employee or representative*
2 *of that business with the intent of coercing or intimidating that*
3 *business, employee or representative into agreeing to or otherwise*
4 *complying with a demand of the labor organization, including,*
5 *without limitation, any agreement concerning neutrality during a*
6 *labor dispute or collective bargaining.*

7 **Sec. 3.** *A labor organization or any member or agent thereof*
8 *shall not intentionally or recklessly destroy, mark or damage the*
9 *property or merchandise owned by or in control of any business.*

10 **Sec. 4.** *The provisions of NRS 613.230 to 613.300, inclusive,*
11 *and sections 2, 3 and 4 of this act are not intended to infringe*
12 *upon or impede any lawful exercise of rights provided by the First*
13 *Amendment to the United States Constitution, including, without*
14 *limitation, lawful picketing conducted in accordance with the*
15 *provisions of NRS 614.160.*

16 **Sec. 5.** NRS 613.230 is hereby amended to read as follows:
17 613.230 As used in NRS 613.230 to 613.300, inclusive, *and*
18 *sections 2, 3 and 4 of this act*, the term "labor organization" means
19 any organization of any kind, or any agency or employee
20 representation committee or plan, in which employees participate
21 and which exists for the purpose, in whole or in part, of dealing with
22 employers concerning grievances, labor disputes, wages, rates of
23 pay, hours of employment, or other conditions of employment.

24 **Sec. 6.** NRS 613.260 is hereby amended to read as follows:
25 613.260 Any act or any provision in any agreement which is in
26 violation of NRS 613.230 to 613.300, inclusive, *and sections 2, 3*
27 *and 4 of this act* shall be illegal and void. Any strike or picketing to
28 force or induce any employer to make an agreement in writing or
29 orally in violation of NRS 613.230 to 613.300, inclusive, *and*
30 *sections 2, 3 and 4 of this act* shall be for an illegal purpose.

31 **Sec. 7.** NRS 613.280 is hereby amended to read as follows:
32 613.280 Any combination or conspiracy by two or more
33 persons to *violate any provision of NRS 613.230 to 613.300,*
34 *inclusive, and sections 2, 3 and 4 of this act, or to* cause the
35 discharge of any person or to cause such person to be denied
36 employment because he or she is not a member of a labor
37 organization, by inducing or attempting to induce any other person
38 to refuse to work with such person, shall be illegal.

39 **Sec. 8.** NRS 613.290 is hereby amended to read as follows:
40 613.290 **1.** Any person who violates any provision of NRS
41 613.230 to 613.300, inclusive, *and sections 2, 3 and 4 of this act*, or
42 who enters into any agreement containing a provision declared
43 illegal by NRS 613.230 to 613.300, inclusive, *and sections 2, 3 and*
44 *4 of this act*, or who shall bring about the discharge or the denial of
45 employment of any person because of nonmembership in a labor



1 organization shall be liable to the person injured as a result of such
2 act or provision and may be sued therefor, and in any such action
3 any labor organization, subdivision or local thereof shall be held to
4 be bound by the acts of its duly authorized agents acting within the
5 scope of their authority and may sue or be sued in its common
6 name.

7 **2. *In a civil action brought by or on behalf of a person***
8 ***injured pursuant to subsection 1, the defendant is liable for:***

9 ***(a) Presumed damages in the amount of \$5,000 or the amount***
10 ***of actual damages, whichever is greater; and***

11 ***(b) Attorney's fees and costs incurred as a result of bringing***
12 ***the action.***

13 **Sec. 9.** NRS 613.300 is hereby amended to read as follows:

14 613.300 Any person injured or threatened with injury by an act
15 declared illegal by NRS 613.230 to 613.300, inclusive, ***and sections***
16 ***2, 3 and 4 of this act*** shall, notwithstanding any other provision of
17 the law to the contrary, be entitled to injunctive relief therefrom.

18 **Sec. 10.** This act becomes effective on July 1, 2015.

