

J O I N T H E A R I N GSENATE COMMERCE AND LABOR COMMITTEE
ASSEMBLY LABOR AND MANAGEMENT COMMITTEE

SENATE MEMBERS: Senators Drakulich, Herr, Lamb, Blakemore,
 Pozzi, Swobe, and Hecht

ASSEMBLY MEMBERS: Chairman Banner, Mrs. Brookman, Messrs Barengo
 Bickerstaff, Ullom, Capurro and McNeel

GUEST SPEAKERS: Robert Archie, Employment Security Department
 Robert Long, Employment Security Department
 John O'Day, Insurance Economic Society
 Joe Braswell, Intertribal Council of Nevada
 Rowland Oakes, Associated General Contractors
 Ben Dasher, Universe Life Insurance Co.
 Frank Young, American Life Insurance Association
 Clinton G. Knoll, Nevada Association of Employers
 dba Reno Employers Council
 Robert Quinn, Nevada Motor Transport Association
 and Nevada Franchised Auto Dealers
 Ray Bohart, Federal Employers in Southern Nevada
 John Peterson, Sierra Pacific Power Co.
 Allen Bruce, Associated General Contractors of
 Southern Nevada
 Jim Wilkerson, Teamsters of Las Vegas
 Fred Bartlett, Nevada Franchised Auto Dealers
 Paul Gemmill, Mining Association of Nevada

MARCH 13, 1973

Senator Drakulich brought the hearing to order and made a few opening comments on the bills to be heard today. He then called upon Robert Archie, Executive Director of the Employment Security Department of the State of Nevada.

Mr. Archie began by stating that he was not here to endorse any of the bills only in hopes of explaining significant sections of the bills. He said that there are temporary disability insurance (TDI) programs in the following states: California, Rhode Island, New Jersey, Puerto Rico, New York and Hawaii. These programs are administered by various departments within their respective states and there is a seventh program established by Congress for the railroad industry. He explained when each bill had become law what they basically entailed. In all instances the benefits are cash benefits to repay or replace for a limited time, wages lost by the insured workers unemployed because of sickness or disability. Mr. Archie stated that he hoped that the individuals in this room were of the opinion that there is a need for a TDI bill in the State of Nevada. Governor O'Callaghan in his state of the state message urged the legislature to enact a bill which would adequately serve the needs of the Nevada working men and women. The Governor has said that

he wants the best possible piece of legislation for the working man. The Employment Security Department key technical staff was present today to give some insight into the administrative machinery and benefits under the bills before the committee.

Robert Long, Unemployment Insurance Administrator of the Employment Security Department, gave a brief description of the key elements of these bills. He ran through some of the highlights of the bills submitted. A. B. 457 and SB 307 are basically the same and shall be referred to as SB 307 and SB 194 is quite different. SB 194 is the same bill that has been considered by previous sessions of the legislature. It is a bill that would be closely coordinated with the Unemployment Insurance program and would in fact have many of the same benefits and eligibility provisions. Total cost of SB 194 would be paid by the employee with maximum cost to the individual would be for FY75 \$94. Computed on a wage base of \$9,400 at a contribution rate of 1%. \$9,400 is defined as the average annual wage of the covered employment. There would be a one week waiting period before payment of benefits began. Estimated that 200,000 workers would be covered in FY75; 18,200 of whom would draw at least one check and the average amount of that check would be \$72.50. The average duration for a spell of disability would be 8 weeks. Total benefits paid in FY75 would be \$10,300,000. The total administrative costs are estimated to be between 6-8% of total income which is estimated to be \$12,200,000.

The employers responsibility under this bill would be to mainly withhold and remit employee contributions, keep records, post regulations, give notices to those leaving their employment, etc.

Contributions would become payable on July 1, 1973 and benefits would become effective on April 2, 1974. Start up costs would be advanced from the Unemployment Insurance Benefit's Penalty and Interest Fund and be reimburseable to this fund by July 1, 1974. There would be no general fund money's to support this bill. In the case of the fund becoming insolvent, there would be a reduction or suspension of benefits. State and local public employees can elect coverage by a majority of the governing body. There would be no payment of Unemployment Compensation and Disability Insurance for the same period.

Mr. Long stated that he believed that the Department could administer this bill essentially as written.

Mr. Long then went on to SB 307 which is completely different from anything that they have had to administer to date. The benefit amounts are the same - \$16 minimum and \$77 maximum, computed at 50% of the average weekly wage. Section 22 of this bill states that the maximum duration would be 26 weeks but there is no formula available. There is a one week wait for payment of benefits. There is a disqualification under Section

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25 with reference to a labor dispute which is not very clear and could probably not be enforce or applied as written. Similar disqualifications in this section are applicable in the event of a commission of a crime which is also unclear. Under Section 28 there are five ways for an employer to comply with the provisions of this bill. The one which would require the executive director to make judgement as to the solvency of an employer, his ability to provide the benefits required would be especially hazardous. In Section 30 the employee contribution would be limited to 1/2% of the weekly average wage with maximum of \$45. The employer would pay the balance of the cost which is not further defined. Section 38 provides elective coverage for state and local public government and for others not required to be covered in that bill but the language says that the employer may file for coverage. Section 39 talks about a TDI fund consisting of fines, penalties, and interest and general appropriations. The amount of the general appropriation is not defined. That fund would be used to pay benefits to those workers who had been employed by firms that were bankrupt or had simply not complied with the bill. There are no provisions in this bill to provide disability benefits for those people who become disabled while they are unemployed.

Contributions and benefits would become payable January 1, 1974. Cover 200,000 workers and the average duration of disability would be 8 weeks. Total payout for benefits is estimated to be \$8,000,000 but the total contribution by employees would be \$6,000,000 . No provisions for any specific general fund appropriations, although there is a reference several times because of the need for it. Cost of administrating would be considerable less because a lot of processing would not be handled by the Department but would be a by product of the contract existing between employer and the insurance carrier. Department would have to enforce which would cause extra staffing.

Mr. Long stated that he did not feel competent to estimate cost of this bill to administer. There is other unclear language in the bill about refunds and about the average weekly wage which could cause problems.

Mr. McNeel asked Mr. Long how long the person would have to be employed before he could become eligible for coverage to which Mr. Long replied that a person would have to have earned \$400 and worked 20 hours in at least 14 different weeks in the preceding year.

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Mr. Capurro wished to know if a person disabled between July 1, 1973 and April 2, 1974 would be able to collect any type of disability benefit since they were contributing during this time to the fund. Mr. Long stated that there would be no payout for TDI until April 2, 1974 even though they had been contributing into the fund since July 1, 1973.

Mr. McNeel then wanted to know if the employee would have any recourse as to what doctor they wished to go to and who would have the final say as to whether they were still temporarily disabled or not. Mr. Long replied that there was almost unlimited appeal rights and that all that was needed to prove disability would be a doctor's certificate.

Mr. McNeel then asked if it would be mandatory on all employers and Mr. Long stated that there was a provision in SB 194 that states that in the case of the employer who had a plan in effect for one year prior to July 1, 1973 that offered the same or greater benefits he would not be subject to this law.

Next to speak was John B. O'Day, President and Managing Director of the Insurance Economic Society, representing 125 insurance companies, many of which are doing business in Nevada and 7,000 agents. He stated that they are in opposition to all of these bills and would like to point out that Nevada has considered and rejected compulsory non-occupational TDI benefits for this State since 1947. There have been over 300 similar bills rejected in other states since 1949. Since 1947 there has been a great growth of voluntary coverage in this area and at the present time the Social Security Administration reports that an estimated 2/3 of all workers have some formal plan for this and there are an unknown amount of workers that have some informal plan. The growth rate in Nevada in this area has been in excess of the rest of the country. SB 194 bears a great deal of resemblance to other state operations particularly Rhode Island. This state adopted a TDI with an excess of \$28,000,000 already accumulated. They did not tax the worker an additional tax but took a portion of a tax already existing. Along with this portion of the tax and the \$28,000,000 plus interest accumulated each year they paid TDI benefits. There is less than \$7,000,000 left of the accumulated funds as there has always been an operational deficit in Rhode Island. To avoid the inevitable bankruptcy there was a raise in the tax charged the employee.

California had a similar situation and had a similar deficit in the last 8 years and they have had to raise the tax during every legislative session. It has already had to discontinue some of the benefits offered the employee.

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New Jersey has also been experiencing deficit funds some as high as \$20,000,000. They started with \$50,000,000 and they just recently had to borrow an additional \$50,000,000.

Mr. O'Day stated that they opposed these bills because they have the disadvantage of compulsion and they reduce the workers take home pay. The workers have to pay and the employer has to joint in the cost of these funds which adds to the cost of doing business in the State of Nevada. He stated that if any type of legislation is passed the committee would be taking this issue off the bargaining table and putting it on the legislative table and they would be plagued with this every two years when they met. In short, they will be raising benefits and raising taxes every session. The state will lose revenue because quite a bit of private insurance business would go into state fund and there would be no insurance taxes paid on state funds.

Mr. O'Day then respectfully requested that the legislature once again reject these bills for the following reasons:

1. Been rejected many times before,
2. Over 300 similar bills in other states have also been rejected,
3. Financial difficulties outlined,
4. Adverse effect of new taxes on the employees wages especially in 1973 and 1974, and
5. No need exists for compulsory on this matter.

Mr. O'Day then cited the case of the State of Washington which had enacted this type of bill by the legislature, the Governor signed it and it was enacted into law. It was then committed to referendum and 74% of the people of the state voted against it and the law was recinded.

He also stated that only 4/5 of the workers in the states where it is mandatory have such coverage and the other 20% are excluded.

An informal poll of the audience was then taken by Senator Swobe and the larger percentage of the audience was against these bills, however, the audience was mainly management oriented.

Mr. Archie then pointed out that he could produce all sorts of testimony for the bill from people who were for it and who really needed it. He pointed out that at the present time there is no funds available for the person who is not employed through no fault of his own and is injured. Unemployment Insurance can not be paid to him because he is not actively seeking employment and when his own funds run out the only course left for him is to sell all his tangible assets and go on welfare.

Next to speak was Joe Braswell, Director of the Social Services Programs for the Intertribal Council of Nevada, who stated that he had some 21 years in social work. He said that there had been many people come to his agency simply because they had exhausted all other plans. They had to be paupers practically to qualify for welfare and if they had had this type of program it would have tided them over. He did not see how the people who oppose this bill can turn their backs on these people. It could happen to almost anybody. The matter of the individual coverage if a person had adequate coverage was not really valid because it would not force anyone to take double coverage unless they wanted it. He did not believe that the workers would object to the 1% since they can not take the same amount and purchase the same benefits from any insurance company.

Rowland Oakes, Associated General Contractors, spoke next saying that they opposed all of these bills. Lots of comments were made about employees not be represented, but the employers that he represented have given this type of coverage to their employers at the employers cost since 1957. The benefits have not changed during that period because the employees and their representatives have never asked to have the benefits changed. This is not a benefit that is important to the working man because he has never asked to have it increased in the last 16 years. This type of insurance is unfair to the "hard working stiff" in their business because the man that doesn't collect this benefit works an average of 1700 hours while the man that collects works only an average of 856 hours. Why ask the man that works every day to carry the man that works only every so often. This kind of bill creates a burden for the man that is working full time. A voluntary insurance plan is the best. Mr. Oakes then distributed a compilation that showed that people who are not firmly attached to the labor market are the people who are collecting the benefits. He felt that this particular bill probably has the lowest priority of any legislation in the insurance field. (See attachment I)

Ben Dasher, President of Universe Life Insurance Co., then stated that TDI was of high importance to his company but of (higher importance to him as an employer. He then introduced Mr. Frank Young, Associated General Counsel for the American Life Insurance Association.

Mr. Young stated that they are unalterably opposed to SB 194 (monolistic plan). Fundamentally they believe in freedom of choice. AB 457 and SB 307 (private plan) do give a little freedom of choice as to how the fund will be implemented. They therefore offer the last two bills as a better alternative to SB 194, if in the committee's judgment such a law should be enacted. The situation today is much different then when Rhode Island enacted their law. Then there was a definite need for such a plan, now between 50-65% of Nevada employees have some type of

loss of time coverage. Approximately 10-15% of Nevada employees are covered under self insurance. To enact a law to cover the rest of the employees would be completely disruptive and would not be to the benefit of the workers, or employers, especially a monolithic plan. A private plan would better serve the need. There are various approaches to the plan. Under a monolithic fund approach an employers plan must have been effect for a year and virtually all of the employer's plans now in effect would not meet the requirements, whether insured or self insured. Employers would have to discard their plan and place their employees under a monolithic state plan. How many employers would now continue their existing plans if they had to do that. This might encourage malingering. Existing plans would cutback or be completely discontinued. Establishment of voluntary plans by the employers in the future would be nonexistent. Employers are already paying part or all of the plans now in existence. When they cut out the plans, they will cut out the employer contributions. The private plans (New York and Hawaii) are designed not to disrupt the existing plans, rather private plans approach is designed to recognize that there are many different types of benefits and plans and attempts to utilizes them. SB 194 penalizes the employee in that there is a flat rate no matter what age, sex, or type of employment is involved. The private plan takes this into consideration. Problem of the monolithic plan is that the state is going to have to set up in effect a new insurance company with all of its problems. In the private plan it fits right into the existing insurance plans. The monolithic plan would discourage expansion of national industries into Nevada. SB 307 and AB 456 are a better alternative if indeed it is decided that Nevada is going to have a temporary disability benefit.

Next was Clinton Knoll, General manager of the Nevada Association of Employers dba Reno Employers Council. They represent a couple of hundred employers in Northern Nevada employing 60,000 people. They subscribe to the idea of having TDI benefits built in as part of the collective bargaining agreements. Natural employer-employee relationship climate is creating this type of benefit that the legislature is trying to legislate. It is coming to this point through competitive labor markets. He stated that they are very much concerned with Section 30 of SB 307 which locks in a blank check of financial responsibility imposed on the employer to which no amount can be projected. The employer must pay the amount that is needed to keep the fund solvent above and beyond the employee's contributions. They are also concerned with Section 37 whereby any rebate shall be used to increase the benefits. This has been a tragic thing in the insurance business. If there is an escalation of costs as there is now then the benefits still have to be met but at a much higher cost. If these bills are considered these two point are very dangerous and should be amended.

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Robert Quinn, Nevada Motor Transport Association and Nevada Franchised Auto Dealers, spoke next stating that that they were opposed to these bills. He stated that in SB 194 the 9 month waiting period was obnoxious and the fact that state and public employees could wait out this period and then join was not fair. Cost of the bill to the employer would be hard to estimate because there would have to be additional staffing on the state level to cover the additional paper work involved, which would be gigantic. For the small employer especially the amount of paper work would be a great burden. He stated that they had found in talking to the employees of the field he represented that they do not want any part of this bill. SB 307 when it was first talked about was proposed to be some type of catastrophic insurance through the private carrier. It would just cover major things and perhaps not start until 30 days after the disability and could run until the age of 65. Or they were talking about possibility of private insurance companies coming into the state and letting the state set up a program with benefits but let the insurance companies bit. One company would handle the insurance for the whole state. The proposal they were finally given was from the insurance industry for private insurance. It is very much the same as SB 307 (See attachment II). The employer interests feel that they "Have been sold down the river" by these people. He cited the part of the bill that had the assigned risk section. He felt that this part of the bill has some pretty drastic conditions imposed on the employers.

Mr. Quinn then suggested that perhaps something could be worked out as an experiment. Maybe a bill could be developed that on a given date each year every employer would have to offer his employees off the job disability insurance with private carriers. It would be mandatory that he offer it. If 60% sign up, then the employer would be obligated to withhold such deductions. Who pays for it could be subject of negotiations. There would have to be a lot worked out but he believes that it would be a first step to getting something done that is workable.

Robert Bohart, Managing Director, Federal Employers of Southern Nevada, spoke next, addressing the committee on behalf of the following associations:

Las Vegas Exchange, Southern Nevada Read-Mix and Rock Products Association, Southern Nevada Grading Contractors Association, Employer Association of Southern Nevada, Floor Covering Contractors Association of Southern Nevada, Southern Nevada Sub-contractors Association, Roofing Contractors Association, Southern Nevada Restaurant and Bar Association, Masonry Contractors of Southern Nevada and the Tax Rating Bureau of Southern Nevada.

All of these groups oppose these bills as being unnecessary and duplication of benefits that many of the Southern Nevada employers already have for their employees. This type of insurance would

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would be an added burden, additional cost , and increase the inflationary trend which they are trying to hold down. Presented the committee with a handful of petitions from employees who have voluntarily signed them stating that they do not want this type of benefit. The people involved do not want this type of legislation passed.

John Peterson, Sierra Pacific Power Co, stated that this company wanted to go on record as opposed to these bills. They feel that they represent management as well as employees. They see these bills as further costs for them to do business. They all want to update and improve the fringe benefits as time goes on but the amount mentioned in these bills could not adequately do this.

Allen Bruce, Associated General Contractors of Southern Nevada and also on these bills representing Southern Nevada Air Conditioning and Sheet Metal Contractors Association, National Electrical Contractors Association, Southern Nevada Homebuilders Association, and Associate Plumbing and Air Conditioning Contractors. They all feel that the cost of this bill would be ultimately be an burden on the employers and thus the public. It would further cut into the workers take home pay and generate increase pressure in the case of collective bargaining agreements for higher wages to offset the loss of take home pay. Most employees are already covered, and there is coverage available to many others. They believe that if a survey were to be taken among Nevada workers that the majority would vote against it. They also feels that it needs a much more thorough and comprehensive study.

Next was Fred Bartlett, Nevada Franchised Auto Dealers, who submitted signed petitions from employees of various auto dealers who opposed these bills. It ran from between 60-70% against among their employees.

Final speaker was Paul Gemmill, Mining Association of Nevada, who cited the situation in the mining operations as being unique. These operations would have the 9 month waiting period and some of these operations are very small and do not last 9 months. The larger operations are already well covered and do not need it. In the small operations the employer in many cases is also the employee.

Senator Drakulich thanked those who had attended and adjourned the hearing.

Respectfully submitted,

Sandee Gagnier,
Assembly Attache

ASSEMBLY

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AGENDA FOR COMMITTEE ON LABOR AND MANAGEMENT

Date March 13, 1973 Time Senate PM adjournment Room 345

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
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JOINT MEETING WITH SENATE LABOR AND COMMERCE COMMITTEE

AB 457	Enacts Nevada Temporary Disability Benefit Law.	
SB 194	Enacts temporary disability benefit law.	
SB 307	Enacts Nevada Temporary Disability Benefit Law.	

*Please do not ask for counsel unless necessary.

Attachment I

CARPENTERS HEALTH & INSURANCE
FUND (INCLUDES CEMENT MASONS)

WEEKLY INDEMNITY STARTED	PRESENT COST PER 40.00 WK.	AVE. MONTH EMPLOYED 1972	ANNUALLY EST. HRS. WORKED BY 1090 MEN	EST. MO. AVE. HRS WORKED I 1090 MEN
10/1/57	1.30	1,090	1,923,000	1,700

1972 WEEKLY INDEMNITY CLAIMS	NO. OF MEN	TOTAL HOURS WORKED BY 56 MEN	AVE. HRS. WORKED BY 56 MEN PER YR.
142	56	47,930	856

TOTAL PREMIUM PAID FOR 1972 FOR 1,700 EMPLOYEES 17,004.00
TOTAL BENEFITS PAID DURING 1972 FOR 142 CLAIMS (56 MEN) 12,524.00

AN ACT relating to temporary disability benefits; providing penalties; and providing ¹³¹ other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title 53 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth in sections 2 to 61, inclusive of this act.

SEC. 2. This chapter shall be known as the Nevada Temporary Disability Benefit Law.

SEC. 3. The protection of employees from the hardship generally resulting from wage loss due to work-incurred injury or involuntary unemployment of an economic nature has long been established public policy. The purposes of this protection are to maintain consumer purchasing power, to relieve the serious menace to the health, morals and welfare of the people resulting from insecurity and loss of earnings, and to reduce the need for public assistance. Loss of earnings results in hardship whether such loss is due to involuntary unemployment, work-incurred injury, or nonoccupational illness or accident. In harmony with this long-established public policy, it is the policy and purpose of this chapter to provide workers in Nevada protection against hardship resulting from wage loss due to the inability to perform the duties of a job because of nonoccupational illness or accident. This legislation is specifically designed not to impede the growth of voluntary plans which afford additional protection to employees. To effectuate the policy and purpose as herein declared, this chapter shall be liberally construed.

SEC. 4. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 17, inclusive, of this act, have

the meanings ascribed to them in such sections.

SEC. 5. 1. With respect to any individual, "benefit year" means the 52-consecutive-week period beginning with the first day of the first week with respect to which the individual first files a valid claim for temporary disability benefits. A subsequent benefit year is the one-year period following a preceding benefit year, beginning either (A) with the first day of the first week of disability with respect to which the individual files a subsequent claim for temporary disability benefits, or (B) with the first work-day following the expiration of the preceding benefit year if a disability for which temporary disability benefits are payable during the last week of the preceding benefit year continues and the individual is eligible for further benefit payments.

SEC. 6. "Contributions" means the amounts of money authorized by this chapter to be withheld from employees' wages for the payment of temporary disability benefits.

SEC. 7. "Calendar quarter" means the period of 3 consecutive calendar months ending on March 31, June 30, September 30 or December 31, or the equivalent thereof as the executive director may prescribe by regulation, excluding, however, any calendar quarter or portion thereof which occurs prior to October 1, 1972.

SEC. 8. "Department" means the employment security department. ✓

SEC. 9. "Disability" means total inability of an employee to perform the duties of his employment caused by accident or sickness other than an accident or sickness which is compensable under Chapter 616 or 617 of NRS. Disability does not include total inability of an employee to perform the duties of her employment caused by pregnancy. But if pregnancy or the termination of pregnancy produces complications resulting in sickness causing total disability, this is included within the term "disability".

SEC. 10. "Employee" means an individual engaged in employment for an employer under a contract of hire, either express or implied.

SEC. 11. "Employer" means:

1. Any employing unit which for any calendar quarter has paid or is liable to pay wages of \$225 or more, and which in calendar year 1974 employs during such period three or more persons in an employment subject to this chapter, and which in calendar year 1975 and thereafter employs during such period one or more persons in an employment subject to this chapter.

2. Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this chapter.

3. Any individual or employing unit which acquired the organization, trade or business, or substantially all of the assets thereof, of another employing unit if the employment record of such individual or employing unit subsequent to such acquisition, together with the employment record of the acquired unit, prior to such acquisition, both within the same calendar quarter, would be sufficient to constitute such employing unit as an employer subject to this chapter under subsection 1.

4. Any other employing unit which has elected pursuant to section 36 of this act, to become fully subject to this chapter, and which election has not been terminated.

SEC. 12. "Employing unit" means the same as this term is now or hereafter defined in Chapter 612 of NRS.

SEC. 13. "Employment" means the same as this term is now or hereafter defined in Chapter 612 of NRS.

SEC. 14. "Executive director" means the executive director of the employment security department.

SEC. 15. "Individual in current employment" means an individual who performed regular service in employment immediately or not longer than two weeks prior to the onset of the sickness or to the accident causing disability and who would have continued in or resumed employment except for such disability.

SEC. 16. "Wages" means the same as this term is now or hereafter defined in Chapter 612 of NRS.

SEC. 17. "Weekly benefit amount" means the amount payable under this chapter for a period of continuous disability throughout a calendar week. If the period of disability or the initial or terminal portion thereof is shorter than a calendar week, the benefit amount payable for that portion shall be the weekly benefit amount multiplied by a factor consisting of a quotient having the number of work-days lost during the portion of the week for the numerator and the number of regular work-days of the employee during a calendar week for the denominator.

SEC. 18. 1. Any individual in current employment who suffers disability resulting from accident or sickness, except accident or disease compensable under the provisions of Chapter 616 or 617 of NRS or any other applicable workmen's compensation law, shall be entitled to receive temporary disability benefits in the amount and manner provided in this chapter.

2. It is the policy of this chapter that the computation and distribution of benefit payments shall correspond to the greatest extent feasible, to the employee's wage loss due to his disability.

SEC. 19. Benefits shall be computed as weekly amounts in the manner

provided in this section:

1. If the "average weekly wage" of the employee is less than \$32, the weekly benefit amount shall be equal to the average weekly wage, but not more than \$16. If the "average weekly wage" of the employee is \$32 or more, the weekly benefit amount shall be fifty per cent of the "average weekly wage", and if not a multiple of \$1, it shall be rounded to the next higher dollar. The "average weekly wage" shall be based on the wages the employee would receive from his employer except for his disability, and for salaried employees the "average weekly wage" shall be the weekly salary of the employee in the last week prior to the commencement of disability.

2. If the average weekly earnings of the employee exceed an amount equal to one fifty-second of the average annual wage in covered employment in Nevada as determined by the executive director pursuant to Chapter 612 of NRS, such excess shall not be included in the computation of the weekly benefit amount.

3. Notwithstanding any provision in subsections 1 and 2 of this section to the contrary, the weekly benefit amount shall not exceed the maximum weekly benefit specified under Chapter 612 of NRS.

SEC. 20. No temporary disability benefits shall be payable during the first seven consecutive calendar days of any period of disability. Consecutive periods of disability due to the same or related cause and not separated by an interval of more than two weeks shall be considered as a single period of disability.

SEC. 21. Except under a plan qualifying pursuant to subsections 1 (d) or (e) of section 27 of this act, temporary disability benefits shall be payable for any

period of disability following the expiration of the waiting period required in section 20 of this act.

The duration of benefit payments shall not exceed twenty-six weeks for any period of disability or during any benefit year. ✓

SEC. 22. An individual is eligible to receive temporary disability benefits under the provisions of this chapter if he meets the eligibility requirements for unemployment compensation prescribed in subsection 4 of NRS 612.375. ✓

SEC. 23. 1. An individual shall be ineligible to receive temporary disability benefits with respect to any period during which he is not under the care of a licensed physician, surgeon, osteopath or dentist, who shall certify the disability of the claimant, the probable duration thereof, and such other medical facts within his knowledge as required.

2. This section shall not apply to an individual who, pursuant to the teachings, faith or belief of any group, depends for healing upon prayer or other spiritual means. In that case the disability, the probable duration thereof, and any other pertinent facts required shall be certified by a duly authorized or accredited practitioner of such group.

SEC. 24. An individual shall not be eligible to receive temporary disability benefits:

1. For any period of disability during which he would be disqualified from receiving benefits under Chapter 612 of NRS by reason of unemployment due to a stoppage of work existing because of a labor dispute for the duration of such disqualification.

2. If the executive director finds that the individual has knowingly

made a false statement or representation of a fact or knowingly failed to disclose a material fact in order to obtain benefits under this chapter to which he is not otherwise entitled. The ineligibility shall be for a period determined by the executive director, but shall not exceed the period of disability with respect to which the false statement or representation was made or the nondisclosure occurred.

3. For any period of disability due to wilfully and intentionally self-inflicted injury or to injury sustained in the commission of a criminal offense.

4. For any day of disability during which the employee performed work for remuneration or profit.

SEC. 25. No temporary disability benefits shall be payable for any period of disability for which the employee is entitled to receive:

1. Weekly benefits under Chapter 612 of NRS or similar laws of any other state or of the United States, or under any temporary disability benefits law of any other state or of the United States except as provided in section 42 of this act.

2. Weekly disability insurance benefits under 42 U.S.C.A. sec. 423.

3. Weekly benefits for total disability under Chapter 616 or 617 of NRS or similar laws of any other state or of the United States, except benefits for permanent partial or permanent total disability previously incurred. If the claimant does not receive benefits under such other law and his entitlement to such benefits is seriously disputed, the employee, if otherwise eligible, shall receive temporary disability benefits under this chapter, but any insurer or employer or the unemployed disability benefits fund providing such benefits shall

be subrogated, as hereinafter provided, to the employee's right to benefits under such other law for the period of disability for which he received benefits under this chapter to the extent of the benefits so received.

4. Indemnity payments for wage loss under any applicable employers' liability law of this State, or of any other state or of the United States. If an employee has received benefits under this chapter for a period of disability for which he is entitled to such indemnity payments, any insurer or employer or the unemployed disability benefits fund providing such benefits shall be subrogated to the employee's right to such indemnity payments in the amount of the benefits paid under this chapter as hereinafter provided.

SEC. 26. No assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this chapter shall be valid; and such rights to benefits shall be exempt from levy, execution, attachment, garnishment, or any other remedy whatsoever provided for the collection of debt. No waiver of any exemption provided for in this section shall be valid.

SEC. 27. 1. An employer or an association of employers shall secure temporary disability benefits to their employees in one or more of the following ways:

(a) By insuring and keeping insured the payment of temporary disability benefits with any insurer authorized to transact disability insurance in the State and approved by the insurance commissioner; or

(b) By depositing and maintaining with the state treasurer, securities, or the bond of a surety company authorized to transact business in the State,

as are satisfactory to the executive director securing the payment by the ¹⁹⁹ employer of temporary disability benefits according to the terms of this chapter; or

(c) Upon furnishing satisfactory proof to the executive director of his or its solvency and financial ability to pay the temporary disability benefits herein provided, no insurance or security or surety bond shall be required, and the employer shall make payments directly to his employees, as they may become entitled to receive the same under the terms and conditions of this chapter; or

(d) By a plan, entitling employees to cash benefits or wages during a period of disability, in existence on the effective date of this chapter.

(i) If the employees of an employer or any class or classes of such employees are entitled to receive disability benefits under a plan or agreement which remains in effect on January 1, 1974, the employer, subject to the requirements of this section, shall be relieved of responsibility for making provision for benefit payments required under this chapter until the earliest date, determined by the executive director for the purposes of this chapter, upon which the employer has the right to discontinue the plan or agreement or to discontinue his contributions toward the cost of the temporary disability benefits. Any such plan or agreement may be extended, with or without modification, by agreement or collective bargaining between an employer or employers or an association of employers and an association of employees, in which event the period for which the employer is relieved of such responsibility shall include the period of extension.

(ii) Any other plan or agreement in existence on January 1, 1974 which

the employer may, by his sole act, terminate at any time, or with respect to which he is not obligated to continue for any period to make contributions, may be accepted by the executive director as satisfying the obligation to provide for the payment of benefits under this chapter if the plan or agreement provides benefits at least as favorable as the disability benefits required by this chapter and does not require contributions of any employee or of any class or classes of employees in excess of the amount authorized in section 29 of this act, except by agreement and provided the contribution is reasonably related to the value of the benefits as determined by the executive director.

The executive director may require the employer to enter into an agreement in writing with the executive director that until the employer shall have filed written notice with the executive director of his election to terminate such plan or agreement or to discontinue making necessary contributions toward the cost of providing benefits under the plan or agreement, he will continue to provide for the payment of the disability benefits under the plan or agreement. Any plan or agreement referred to in this paragraph may be extended, with or without modification; provided the benefits under the plan or agreement, as extended or modified, are found by the executive director to be at least as favorable as the disability benefits required by this chapter; or

(e) By a new plan or agreement. On or after January 1, 1974 a new plan or agreement with an insurer may be accepted by the executive director as satisfying the obligation to provide for the payment of benefits under this chapter if the plan or agreement provides benefits at least as favorable as the disability benefits required by this chapter and does not require contributions of any employee or of any class of classes of employees in excess of the

amount authorized in section 29 of this act, except by agreement and provided the contribution is reasonably related to the value of the benefits as determined by the executive director. Any such plan or agreement shall continue until written notice is filed with the executive director of intention to terminate the plan or agreement, and any modification of the plan or agreement shall be subject to the written approval of the executive director.

2. During any period in which any plan or agreement or extension or modification thereof authorized under subsection 1 (d) or (e) of this section provides for payments of benefits under this chapter, the responsibility of the employer and the obligations and benefits of the employees shall be as provided in the plan or agreement or its extension or modification rather than as required under this chapter; provided the employer or insurer has agreed in writing with the executive director to pay the assessments imposed by section 44 of this act.

3. If any plan or agreement authorized under subsection 1 (d) or (e) of this section covers less than all of the employees of a covered employer, the requirements of this chapter shall apply with respect to his remaining employees not covered under the plan or agreement.

4. As used in subsection 1 (d) or (e) of this section, "benefits at least favorable as the disability benefits required by this chapter" means the temporary disability benefits under any plan or agreement whose component parts (waiting period for illness, waiting period for accident, duration of benefits, and percentage of wage loss replaced) add in total to cash benefits or wages which are determined by the executive director to be at least as favorable as the disability benefits required by this chapter. The insurance commissioner shall

establish a set of tables showing the relative value of different types of cash benefits and wages to assist the executive director in determining whether the cash benefits and wages under a plan are at least as favorable as the temporary disability benefits required by this chapter. ✓

5. Any decision of the executive director rendered pursuant to this section with respect to the amount of security required, refusing to permit security to be given or refusing to accept a plan or agreement as satisfying the obligation to provide for the payment of benefits under this chapter shall be subject to review on appeal in conformity with the provisions of this chapter.

6. In order to provide the coverage required by this chapter for employers otherwise unable to obtain or provide such coverage, the insurance commissioner may, after consultation with the insurers licensed to transact disability insurance in this State, approve a reasonable plan or plans for the equitable apportionment among such insurers of employer applicants for such insurance who are in good faith entitled to but are unable to procure such insurance through ordinary methods and, when such a plan has been approved, all such insurers shall subscribe thereto and participate therein; provided, however, that the commissioner shall not, for insurance issued or in connection with any such plan or plans, require or allow the use of premium rates which are either inadequate or excessive in relation to the benefits to be provided. Any employer applying for such insurance or any insured under such plan and any insurer affected may appeal to the commissioner from any ruling or decision of the manager or committee designated to operate such plan. All orders of the commissioner in connection with any such plan shall be subject to judicial review as provided in Chapter 679B of NRS.

SEC. 28. If payment of disability benefits is provided for in whole or in part by insurance pursuant to subsection 1 (a), (d) or (e) of section 27 of this act, the employer shall forthwith file with the executive director in form prescribed by the executive director a notice of his insurance together with a statement of benefits provided by the policy.

SEC. 29. 1 Subject to the limitation set forth in subsection 2 of this section an employer may deduct and withhold contributions from each employee of one-half the cost but not more than 0.5 percent of the weekly wages earned by the employee in employment and the employer shall provide for the balance of the cost of providing temporary disability benefits under this chapter over the amount of contributions of his employees. Unless a different rule is prescribed by regulation of the executive director, the withholding period shall be equal to the pay period of the respective employee.

2. Weekly wages for the purposes of this section shall not include remuneration in excess of one fifty-second of the average annual wage in the State as determined for the preceding year pursuant to NRS 612.340. The executive director shall cause this amount to be published annually prior to July 1 of each year.

3. The contributions of the employees deducted and withheld from their wages by their employer shall be held in a separate fund or be paid to insurance carriers as premiums, for the purpose of providing benefits required by this chapter.

4. The executive director shall have authority to prescribe by regulation the reports and information necessary to determine the cost of providing temporary disability benefits under this chapter, especially in the case of employers or employer associations providing such benefits by means of

self-insurance, and to determine the procedures for the determination of such cost.

5. An employee from whose wages amounts greater than those authorized by this chapter have been withheld by his employer shall be entitled to a refund or credit of the excess as prescribed by regulation of the executive director.

SEC. 30. Benefits provided under this chapter shall be paid periodically and promptly and, except as to a contested period of disability, without any decision by the executive director. The first payment of benefits shall be due on the fourteenth day of disability and benefits for that period shall be paid promptly to the employee after the filing of required proof of claim. Thereafter, benefits shall be due and payable every two weeks. The executive director may determine that benefits may be paid monthly or semi-monthly if wages were so paid, and may authorize deviation from the foregoing requirements to facilitate prompt payment of benefits. ✓

SEC. 31. 1. If an individual has received temporary disability benefits under this chapter during a period of disability for which benefits for total disability under Chapter 616 or 617 of NRS or under the workmen's compensation law of any other state or of the United States are subsequently awarded or accepted in any agreement or compromise, the employer, the association of employers, the insurer, or the unemployed disability benefits fund, as the case may be, providing such temporary disability benefits shall be subrogated to the individual's right to such benefits in the amount of the benefits paid under this chapter.

To protect its subrogation rights to benefits payable under Chapter 616

or 617 of NRS, the employer, the association of employers, the insurer, or the unemployed disability benefits fund, providing temporary disability benefits shall file a claim with the Nevada industrial commission, and thereupon the employer, the association of employers, the insurer, or the unemployed disability benefits fund, providing temporary disability benefits shall have a lien against the amounts payable as benefits for disability under Chapter 616 or 617 of NRS in the amount of the benefits paid under this chapter during the period for which benefits for disability under Chapter 616 or 617 of NRS have been accepted or awarded as payable. The agreement or award shall include a provision setting forth the existence and amount of such lien.

2. If an individual has received benefits under this chapter during a period of disability for which he is entitled to receive indemnity payments for wage loss under any applicable employers' liability law of this State or of any other state or of the United States, the employer, the association of employers, the insurer, or the unemployed disability benefits fund providing temporary disability benefits shall be subrogated to the individual's right to such indemnity in the amount of the benefits paid under this chapter and may assert its subrogation rights in any manner appropriate under such acts or any rule of law.

SEC. 32. If any individual who has received benefits under this chapter is entitled to recover damages from a third person who is responsible for the sickness or accident causing the disability, the employer, the association of employers, the insurer, or the unemployed disability benefits fund, providing disability benefits shall be subrogated to, and have a lien upon, the rights of the individual against the third party to the extent that the damages include wage loss during the period of disability for which temporary disability benefits were received in the amount of such benefits.

If the individual commences an action against such third party, the individual shall notify his employer, or the executive director if the individual is unemployed, of the action and the court in which it is pending. The employer, the association of employers, the insurer, or the unemployed disability benefits fund, providing disability benefits may join as party plaintiff or claim a lien on the amount of any judgment recovered by the individual in such action to the extent of its subrogation rights. If the individual does not commence the action within nine months after the commencement of the sickness the date of the accident causing the disability, the employer, the association of employers, the insurer, or the unemployed disability benefits fund, providing temporary disability benefits may commence such action, but the individual shall be entitled to join the action and be entitled to any surplus over the amount to which the employers, the association of employers, the insurer, or the unemployed disability benefits fund is subrogated.

SEC. 33. If an employer fails to comply with section 27 of this act he shall be liable to a penalty of not less than \$25 or of \$1 for each employee for every day during which such failure continues, whichever sum is greater, to be recovered in an action brought by the executive director and in the name of the State, and the amount so collected shall be paid into the unemployed disability benefits fund created by section of this act. The executive director may, however, in his discretion, for good cause shown, remit all or any part of the penalty in excess of \$25, provided the employer in default forthwith complies with section 27 of this act. With respect to such actions, the attorney general or any district attorney or attorney employed by the department shall prosecute the same if so requested by the executive director.

Furthermore, if any employer is in default under section 27 of this act, for a period of thirty days, he may be enjoined by the district court of the county in which his principal place of business is from carrying on his business any place in the State so long as the default continues, such action for injunction to be prosecuted by the attorney general or any district attorney or attorney employed by the department if so requested by the executive director.

SEC. 34. Every policy of insurance issued by an insurer of an employer pursuant to this chapter which covers the liability of the employer for temporary disability benefits shall cover the entire liability of the employer to his employees covered by the policy or contract, and also shall contain a provision setting forth the right of the employees to enforce in their own names either by filing a separate claim or by making the insurer a party to the original claim, the liability of the insurer in whole or in part for the payment of the disability benefits. Payment in whole or in part of disability benefits by either the employer or the insurer shall, to the extent thereof, be a bar to the recovery against the other of the amount so paid.

All insurance policies shall be approved by the insurance commissioner.

SEC. 35. No policy or contract of insurance against liability arising under this chapter shall be canceled within the time limited in the contract for its expiration until at least ten days after notice of intention to cancel such contract, on a date specified in the notice, has been filed with and served on the executive director and the employer.

SEC. 36. 1. An employer not otherwise subject to this chapter, including any department of the State of Nevada and any political subdivision of the State, may file with the executive director a written notice that a majority of the individuals in his employ have elected coverage under this chapter.

2. With the written approval of such election by the executive director, such employer shall become an employer subject to this chapter to the same extent as all other employers, as of the date stated in such approval for a period of not less than 2 calendar years, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such 2 calendar years only

if at least 30 days prior to such January 1 it has filed with the executive director a written notice of termination of coverage.

3. Individuals in the employ of any employing unit which files an election of coverage shall be given a reasonable opportunity to file objections thereto or be heard thereon prior to the executive director's approval of such election.

4. Every employing unit which files an election of coverage or a notice of termination of coverage shall post and maintain printed notices of such election or termination on his premises, of such design, in such numbers, and at such places as the executive director may determine to be necessary in order to give timely notice thereof to persons in his service.

5. The executive director may terminate the approval of the election of any such employer at any time upon 30 days' written notice. Political subdivisions that have elected coverage for employees of hospitals and institutions of higher education may not have such election terminated by the executive director. Any such political subdivision may terminate coverage in the manner provided in subsection 2 of this section.

SEC. 37. 1. There is hereby created in the state treasury a special fund to be known as the unemployed disability benefits fund. ✓

2. The fund shall consist of (a) All contributions collected pursuant to this part, together with any interest earned thereon, (b) All fines and penalties imposed pursuant to this act, (c) All monies collected by way of subrogation, (d) Interest earned on any monies in the fund and (e) Any property and securities acquired through the use of monies belonging to the fund.

SEC. 38. 1. The state treasurer shall be the treasurer and custodian of the fund and shall administer such fund in accordance with the directions

of the executive director, and issue his warrant upon it in accordance with such regulations as the executive director shall prescribe.

2. All monies payable to the fund, upon receipt thereof by the executive director, shall be forwarded to the state treasurer, who shall immediately deposit them in any bank or public depository in which general funds of the State may be deposited.

3. Monies in this fund shall not be commingled with other state funds, but shall be maintained in a separate account on the books of the depository.

4. The state treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the executive director and in a form prescribed by law or approved by the attorney general. Premiums for the bond shall be paid from the fund. All sums recovered on the bond for losses sustained by the fund shall be deposited in the fund.

SEC. 39. All warrants issued by the state treasurer for disbursements from the fund shall bear the signature of the state treasurer and the counter-signature of the executive director, or his duly authorized agent for that purpose. Expenditures of monies in the fund shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody.

SEC. 40. The state treasurer may, from time to time, invest such monies in the fund as are in excess of the amount deemed necessary for the payment of benefits for a reasonable future period. Such monies may be invested, reinvested and disposed of in the same manner and under the same conditions and requirements as are provided by law for other special funds

held in the state treasury and available to the executive director. The investments shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits.

SEC. 41. Temporary disability benefits shall be paid from the unemployed disability benefits fund to individuals who become disabled

when unemployed and who subsequently become ineligible for benefits under Chapter 612 of NRS. Benefits shall also be paid from this fund to an employee who is entitled to receive temporary disability benefits but cannot receive such benefits, because of the bankruptcy of his employer or because his employer is not in compliance with this chapter.

SEC. 42. 1. An individual whose employment with a covered employer is terminated and who during a period of unemployment within twenty-six weeks immediately following such termination of employment becomes ineligible for benefits claimed under Chapter 612 of NRS solely because of disability commencing on or after January 1, 1974, and who on the day the disability commences is not employed and is not then otherwise eligible for benefits under this chapter, shall be entitled to receive disability benefits as hereinafter provided for each week of such disability for which week he would have received unemployment compensation benefits if he were not so disabled.

2. The weekly benefit payable to the disabled unemployed shall be the same as the benefits to which the individual would be entitled under Chapter 612 of NRS, except for his disability; provided that such benefits payable under this section shall not be payable for a period longer than the remainder of the period of unemployment for which benefits would have been payable under Chapter 612 of NRS.

3. The benefits payable under this section shall be paid by the executive director out of any assets in the unemployed disability benefits fund. The payments shall be made through employment offices, as this term is defined and used in Chapter 612 of NRS. The executive director may require an individual claiming benefits under this section to file proofs of disability and other proofs reasonably necessary for the executive director to make a determination

of eligibility and benefit rights under this section. The executive director may establish reasonable procedures for determining pro-rata benefits payable v

respect to disability periods of less than one week. Any individual claiming benefits under this section whose claim is rejected in whole or in part by the executive director shall be entitled to request review and shall have all the rights with respect to disputed claims provided in this chapter.

SEC. 43. In any appeal or judicial action in which the unemployed disability benefits fund is a party, the executive director may be represented by:

1. Any qualified attorney employed by the executive director and designated by him for this purpose; or

2. The attorney general, at the executive director's request.

SEC. 44. 1. Each employer shall, from July 1, 1973 to December 31, 1973, contribute to the establishment of the unemployed disability benefits fund at the rate of 0.2 per cent of covered wages. The employer shall pay such contributions to the executive director for a given month on or before the thirtieth day of the next succeeding month. ✓

2. When the balance of the unemployed disability benefits fund falls below \$500,000 as of December 31 of any year after 1973, the executive director shall certify such balance to the board of review as established by section 46 of this act, and a levy shall be assessed and collected in the next calendar year from insurers of insured employers and from all other employers not insured.

3. Each year the board of review will determine the amount of the levy to be paid and shall give notice on or before May 1 to each insurer or such employer of the basis for determining such levy. The amount of the levy against such insurer or such employer shall be paid to the executive director on or before August 1 following notification.

SEC. 45. 1. Appeals involving a dispute over the amount of benefits or the denial of benefits shall be heard by an impartial referee who shall be an employee of the department and who shall be appointed as such referee by the board of review.

2. Appeals from any decision, ruling or regulation of the executive director shall be heard by the board of review.

SEC. 46. The board of review shall consist of the chairman of the Nevada industrial commission who shall be the chairman of the board of review, the executive director and the insurance commissioner, or their respective designees for such purpose. The executive director shall provide the board of review and the referees with proper facilities and assistants for the execution of their functions.

SEC. 47. 1. Any claimant disputing the amount of benefits or the denial of benefits may file an appeal in the form and manner prescribed by the board of review. Such appeal must be filed within 10 days of the date of payment or denial unless such 10-day period is extended for good cause shown.

2. Any person affected by any decision, ruling or regulation of the executive director may file an appeal in the form and manner prescribed by the board of review. Such appeal must be filed within 20 days of the date of the decision, ruling or regulation unless such 20-day period is extended for good cause shown.

3. An appeal pursuant to this section or section 49 of this act shall be deemed to be filed on the date it is delivered to the department, or, if it is mailed, on the post-marked date appearing on the envelope in which it

was mailed, if postage is prepaid and the envelope is properly addressed to one of the offices of the department.

4. Any employer, insurer, employee or the unemployed disability benefits fund whose rights may be adversely affected may be permitted by the referee or the board of review, as the case may be, to intervene in the appeal.

5. Withdrawal of the appeal may be permitted by the referee or the board of review, as the case may be, at the appellant's request if there is no coercion or fraud involved in the withdrawal.

SEC. 48. 1. A reasonable opportunity for a fair hearing shall be promptly afforded all parties.

2. The hearing tribunal shall inquire into and develop all facts bearing on the issues and shall receive and consider evidence without regard to statutory and common law rules. In addition to the specific issues raised, the tribunal may consider all issues affecting a claimant's rights to benefits.

3. All records that are material to the issues shall be included in the record and considered as evidence.

4. A record shall be kept of all testimony and proceedings, but testimony need not be transcribed unless further review is initiated.

5. After a hearing, the tribunal shall make its findings promptly, and on the basis thereof affirm, modify or reverse the determination being appealed. Each party shall be promptly furnished with a copy of the decision.

6. Except for reconsideration pursuant to section 58 of this act, this decision shall be final 10 days after the decision has been mailed to

each party's last-known address or otherwise delivered to him. Such 10-day period may be extended for good cause shown. Provided, however, the hearing tribunal, within the time for taking an appeal and before further review is sought, and on motion of any party or the executive director or on its own motion, may reopen the matter and thereupon may take further evidence and may affirm, modify or reverse its original decision. If the matter has been so reopened, the hearing tribunal shall render a further decision, and the time to initiate further review shall run from the date of mailing or delivery of such further decision.

SEC. 49. 1. Any party shall be allowed an appeal from a referee's decision to the board of review as a matter of right. Such appeal shall be in the form and manner prescribed by the board of review, and shall be filed before the referee's decision becomes final.

2. The board of review on its own motion may initiate a review of a referee's decision within 10 days after the date of mailing the decision.

3. The board of review may affirm, modify or reverse the findings or conclusions of the referee solely on the basis of the evidence previously submitted or upon the basis of such additional evidence as it may direct to be taken.

4. Each party shall be promptly furnished a copy of the decision and the supporting findings of the board of review. The decision shall become final 10 days after the date of notification or mailing thereof.

SEC. 50. 1. Within 10 days after the decision of the board of review has become final, any party aggrieved thereby may secure judicial

review thereof by commencing an action in the district court of the county wherein the appealed claim or claims were filed for the review of such decisions, in which action any other party to the proceedings before the board of review shall be made a defendant.

2. In such action, a petition which need not be verified, but which shall state the grounds upon which a review is sought, shall be served upon all parties and the board of review.

3. The board of review shall within 30 days certify and file with the court originals or true copies of all documents and papers and a transcript of all testimony taken in the matter, together with the board of review's findings of fact and decision therein. The board of review may also, in its discretion, certify questions of law involved in any decision.

4. In any judicial proceedings under this section, the finding of the board of review as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the court shall be confined to questions of law.

5. Such actions, and the questions so certified, shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under Chapter 616 of NRS.

6. An appeal may be taken from the decision of the district court to the supreme court of Nevada, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in civil cases.

7. It shall not be necessary, in any judicial proceeding under this section, to enter exceptions to the rulings of the board of review, and no

bond shall be required for entering such appeal.

8. Upon the final determination of such judicial proceeding, the board of review shall enter an order in accordance with such determination.

9. A petition for judicial review shall not act as a supersedeas or stay unless the board of review or the court shall so order.

SEC. 51. 1. The board of review, for cause, may remove or transfer to another referee or to itself any appeal pending before a referee.

2. The parties to any appeal so removed or transferred by the board of review shall be given a full and fair hearing on the original appeal.

SEC. 52. In the board of review's discretion and upon its order, when the same or substantially similar evidence is material to the matter in issue with respect to more than one individual, the same time and place for considering all such appeals may be fixed, hearings thereon jointly conducted, a single record of the proceedings made, and evidence introduced with respect to one proceeding considered as introduced in the others, provided no party is prejudiced thereby.

SEC. 53. No person may participate as a referee or on the board of review in any case in which he is an interested party. The chairman of the board of review may designate an alternate to serve in the absence of disqualification of any member thereof. The chairman shall act alone in the absence or disqualification of the other members and their alternates.

SEC. 54. The board of review may be represented in a judicial action in which it is a party by:

1. Any qualified attorney employed by the board, the Nevada industrial commission, the employment security department or the insurance division of the commerce department and designated by the board for this purpose;
or

2. The attorney general, at the board's request.

SEC. 55. In the event that an issue on appeal involves a determination as to whether the disability resulted from occupational or non-occupational causes, thereby being compensable either under Chapter 616 or 617 of NRS or under this chapter, a copy of the final decision on this issue shall be filed with the Nevada industrial commission and made a part of the record of any proceedings involving a claim for the same disability under Chapter 616 or 617 of NRS.

SEC. 56. Benefits shall be paid promptly in accordance with the decision. If an application for reconsideration is duly made or if judicial review is duly filed, benefits with respect to weeks of disability not in dispute and benefits payable in any amount not in dispute shall be paid promptly regardless of any reconsideration or appeal.

SEC. 57. 1. Any person who has received any amount as benefits under this chapter to which he was not entitled shall be liable for such amount unless the overpayment was received without fault on the part of the recipient and its recovery would be against equity and good conscience.

2. The person liable shall, in the discretion of the board of review, either repay such amount or have the amount deducted from any future benefits payable under this chapter within two years after the date of mailing of the

notice of reconsideration or the final decision on an appeal from such reconsideration.

SEC. 58. 1. At any time within 1 year from the date of a final decision with respect to wages upon which benefits are computed, the board of review may reopen the decision if it finds that wages of the claimant pertinent to the decision but not considered in connection therewith have been newly discovered or that benefits have been allowed or denied or the amount of benefits have been fixed on the basis of a nondisclosure or misrepresentation of a material fact, and make a redetermination denying all or part of any benefits previously allowed or allowing all or part of any benefits previously denied.

2. At any time within 1 year from the end of any week with respect to which a final decision allowing or denying benefits has been made, the board of review may reopen any such decision on the grounds of error, mistake or additional information and make a redetermination denying all or part of any benefits previously allowed or allowing all or part of any benefits previously denied.

3. At any time within 2 years from the end of any week with respect to which a final decision allowing or denying benefits has been made, the board of review may reopen any such decision on the grounds of nondisclosure or misrepresentation of a material fact and make a redetermination denying all or part of any benefits previously allowed or allowing all or part of any benefits previously denied.

4. Notice of any redetermination shall be promptly furnished to the claimant and any other person entitled to receive the original decision. In the event that repayment of any overpayment may be ordered as a result of redetermination pursuant to this section, notice of the redetermination shall state the person who may be liable to make repayment, the amount and basis of any overpayment and the week or weeks for which such benefits were paid.

5. In any redetermination under this section in which the final decision was issued by a court, the board of review shall petition the court to issue a revised decision.

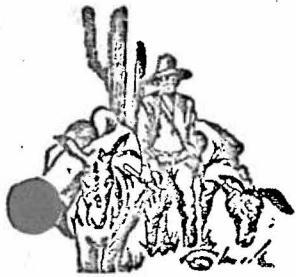
SEC. 59. In case of a dispute between the employee and the employer relating to the withholding of wages, either party may file with the board of review a petition for determination of the amount to be withheld. The decision of the board shall be final.

SEC. 60. The board of review may, after notice and hearing in accordance with Chapter 233B of NRS, adopt, amend, revise and repeal such rules and regulations as it deems necessary or suitable to govern the manner of filing appeals and the conduct of hearings and appeals consistent with the provisions of this chapter.

SEC. 61. Except as to matters under the jurisdiction and supervision of the insurance commissioner, and except as to matters within the purview of the board of review, the executive director shall enforce the provisions of this chapter. The executive director may appoint such assistants and such clerical, stenographic and other help as may be necessary for the proper enforcement of this chapter. The executive director shall, after notice and hearing in accordance with Chapter 233B of NRS, adopt, amend, revise

and repeal such rules and regulations as he deems necessary or suitable for the proper enforcement of this chapter.

SEC. 62. This act shall become effective on July 1, 1973. For employers of three or more persons, coverage under this act shall be provided for disabilities commencing on and after January 1, 1974. For employers of one or more persons, coverage under this act shall be provided for disabilities commencing on and after January 1, 1975.



3/12/73

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TO:

We, the employees of STANDARD WHOLESALE SUPPLY CO. oppose the passage of SB-194 - OFF-THE-JOB DISABILITY INSURANCE.

Jane Richardson

Rebecca Cox

John S. Vander Meer

Helen R. Katz

Helen Johnson

C. J. Brown

Wick Miller

Lee Williamson

Regina Sutton

Richard S. Kaufman

B. C. [Signature]

John R. Harley

Laverne Ralston

Paul [Signature]

Beet W. Kirkman

[Signature]

Robert D. Gallup

Gerald Raedy

Ray Crane

Sam [Signature]

Charles F. Young

Roscoe Williams

Thomas Lewis

Gilbert H. Waldy

Frank [Signature]

John [Signature]

Bill [Signature]

Quinn [Signature]

J. H. Kandi

Paul [Signature]

Sammy D. Todd

Vic Canady
Suzela Silva

3/9/73

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PONTIAC

We, the employees of Pat Clark Pontiac feel that SENATE BILL #194 on "Temporary Disability Income Legislation" is not in the best interest of the working people of the State of Nevada and we strongly urge your support and help in defeating this Bill.

<u>William H. Coak</u>	<u>Wergent B. Karchner</u>	<u>Larry R. ...</u>
<u>Ray M. Johnson</u>	<u>Henry J. Adams</u>	<u>James D. Boyd</u>
<u>Le Bernard</u>	<u>Walter ...</u>	<u>Ray ...</u>
<u>L. W. ...</u>	<u>Jeri ...</u>	<u>David ...</u>
<u>John ...</u>	<u>Ellis ...</u>	<u>Ed ...</u>
<u>Phil ...</u>	<u>Alvin ...</u>	<u>Gary E. ...</u>
<u>Robert ...</u>	<u>Richard ...</u>	<u>Harold D. ...</u>
<u>John ...</u>	<u>Vol ...</u>	<u>Rose ...</u>
<u>Joseph ...</u>	<u>Harold ...</u>	<u>Thom ...</u>
<u>Martin ...</u>	<u>Paul ...</u>	<u>Garold ...</u>
<u>Ruel ...</u>	<u>Boyd ...</u>	<u>Robert ...</u>
<u>W. M. ...</u>	<u>Walter ...</u>	<u>Howard ...</u>
<u>Joe ...</u>	<u>Berneth ...</u>	<u>SEP ...</u>
<u>Charles ...</u>	<u>W. J. ...</u>	<u>Brian ...</u>
<u>Charles ...</u>	<u>John ...</u>	<u>Kevin ...</u>
<u>John ...</u>	<u>Benny ...</u>	<u>James ...</u>
<u>Robert ...</u>	<u>William ...</u>	<u>Richard ...</u>
<u>Tommy ...</u>	<u>Charles ...</u>	<u>_____</u>
<u>Michael ...</u>	<u>_____</u>	<u>_____</u>
<u>Sam ...</u>	<u>Wm. H. ...</u>	<u>_____</u>