

March 6, 1975

MEMBERS PRESENT: Chairman Banner
Vice-Chairman Moody
Mr. Barengo
Mr. Moody
Mrs. Hayes
Mr. Benkovich
Mr. Schofield
Mr. Getto

MEMBERS ABSENT: None

GUEST LIST: See attached Guest Register (Attachment #1)

The meeting was called to order at 9:50 A.M. by Chairman Banner, for the purpose of discussing A.B. 287 and A.B. 241.

Mr. Benkovich read an explanatory statement regarding A.B. 287, a copy of which was given to all the committee members and most of the guests. (Attachment #2)

Gino Menchetti, of the Nevada Attorney General's Office spoke in favor of the bill, and made the following points:

- 1--At the present, the Labor Commissioner is in the position of enforcing the Labor laws of the State of Nevada, but does not have the authority to do so.
- 2--In anticipation of some of the questions that might be raised by the opponents of the bill, he referred them to NRS 233-B, which he feels provides adequate protection for persons having a labor dispute, and also provides an adequate number of checks and balances.
- 3--A number of agencies in the State already have the disputes heard by the Commissioner and/or the Appeals Board, and the claimants still have the right to appeal the decisions they make to a court of law. He mentioned the Highway Department and the Personnel Department.

Mr. Barengo raised the question as to whether, as the bill provides, that the Labor Commissioner's facts and findings were the only evidence presented to the Court, and no evidence presented representing the other side, if it would be possible for the Court to be in possession of all the facts of the case before handing down a decision.

Mr. Menchetti answered that the Court could always turn back the facts and findings of the Labor Commissioner's office, and appoint a committee to obtain additional evidence.

Mr. Schofield asked Mr. Menchetti if he had had any experience with cases heard before the Labor Commissioner's office, along this line.

Mr. Menchetti stated that he had not had a great deal of personal experience, but that many of the cases were referred to the District Attorney's office, and it sometimes resulted in a considerable delay, as they were often overloaded, and the cases must be postponed.

Mr. Barengo asked a question regarding the mailing of the notices, for involved parties to appear at the proceedings, and he believed that the manner of mailing, whether registered, etc, should be included in the Act, and it should be stated who pays for the mailing.

Mr. Menchetti agreed that this should be so stated, and that the costs might possibly be funded through the Labor Commissioner's office.

Mr. Barengo said that most Acts provided that a free transcript of the proceedings be furnished the parties involved, and Mr. Menchetti said that he thought that the cost of doing so could also be funded through the Labor Commissioner's office, if the provision to do so was made a part of the bill.

Mr. Barengo asked that Mr. Menchetti please explain the phrase used "trial de novo". Mr. Menchetti stated that it meant "new trial", with all the evidence being heard from both sides, and allowing for cross examination, but that the bill prohibited a "trial de novo", but that this should present no problem, as the District Judge, after reviewing the facts and findings as given to him by the Labor Commissioner, could refer them to a committee appointed to him, to be further augmented and explored, before handing down his decision.

Mr. Barengo asked that Mr. Menchetti please explain the "Standard of Ethics"

In answer, Mr. Menchetti read at length from NRS 233-B (Attachment #3).

Mr. Stan Jones, Nevada State Labor Commissioner next spoke in favor of the bill. His statement is (Attachment #4).

Chairman asked if any of the opponents of the bill wished to speak, since time was growing short.

Daryl E. Capurro, representing the Nevada Motor Transport Assn. and the Nevada Franchised Auto Dealers Assn. spoke against the bill. He said that with regard to the comments he had heard so far that it was obvious what the Labor Commissioner thought of all management in the state, and he was opposed to the bill as he thought it would put the Labor Commissioner in the position of being judge, jury, and executioner. He said he would also like to see a provision in the bill specifying that all notices of hearings be delivered by registered mail, at least 10 to 15 days prior to the hearing. As it now stands, a party can lose by default, by not appearing, when he may not even have received a notice to appear.

There was also a question in Mr. Capurro's mind as to whether persons representing either party would be allowed to attend, and to participate in the cross-examination proceedings. He questioned whether the present or any future Labor Commissioner, perhaps not being an attorney, was the proper person to make a judicial decision, and in the case of an appeal to a court, be able to give only his own facts and findings to the court, who would thus only hear one side of the case, before handing down a decision. He concluded by saying that, in any event, he would object to anything that prevented the people he represented from having a chance at a "trial du novo", as the Labor Commissioner is, or would be only a quasi-judiciary figure, and that there is some question that this procedure would be legally correct; and that his interests found A.B. 287 repugnant, and the provisions onerous, and that there was a question as to its constitutionality, since all persons involved would not be fully represented in a court of law.

Mr. Benkovich asked how the Labor Commissioner of Nevada can enforce the Labor laws, if he has no authority to do so?

Mr. Capurro answered that there is a difference between adversary and antagonistic positions, but that the bill, as it now stands, is not satisfactory.

Bob Alkive, representing the Nevada Mining Assn, and Kennecott Copper was the next speaker against the bill. He stated that the following things bothered him.

1--The bill would grant to the Labor Commissioner or his Deputy the authority to decide what constitutes a labor dispute.

2--Labor disputes are different than most legal actions, in that opinion ~~continues~~ to change almost daily, and that, from day to day, even the facts may change.

3--He questioned whether the State of Nevada wanted to be dragged into resolving minor labor disputes constantly, and said that he thought not.

John Gianotti, representing Harrah's Club, was the next speaker against the bill. He felt that it gave the Labor Commissioner seemingly unlimited powers, but that he would like to review the bill and its amendmants in its entirety, to see how that fact fit into the total picture.

John Barrier of the Nevada Manufacturer's Assn. spoke next in opposition to the bill, as he felt that it would cause smaller companies to be forced to hire a full-time employee, at approximately \$20,000 a year, just to keep all the necessary records of the proceedings, etc, which would mean that the price of the goods manufactured would have to be raised to the consumer.

Chairman Banner said that he would like to close the meeting on that note, since it is going to be continued at a future meeting; and move on to discussion on A.B. 241.

Due to lack of time, Mr. Barengo moved that the meeting be adjourned, and Mrs. Hayes seconded the motion.

The meeting was adjourned at 10:50 A.M

Respectfully submitted,

Betty Clugston
Acting Secretary

AGENDA FOR COMMITTEE ON LABOR AND MANAGEMENT

Date March 6, 1975 Time 9:30-10:50 AM Room 336

Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS AGENDA CANCELS AND SUPERSEDES PREVIOUS
AGENDA THIS DATE

AB 287

Gives Labor Commissioner authority
to conduct hearings under labor law.

~~AB 241~~

Corrects internal reference in statute
authorizing labor commissioner to gather
statistics.

LEGISLATION TO BE CONSIDERED: ^{AB} #287

Attachment #1

PLEASE PRINT LEGIBLY

Only those persons who have registered below will be permitted to speak. All persons wishing to present testimony will please sign in below, stating their name, who they represent, and whether they wish to speak for or against the matter to be considered by the committee. Witnesses with long testimony on matters before the committee are encouraged to present their information in writing and make oral summary limiting it to five minutes or less. If you wish to speak more than five minutes please contact the committee chairman or the committee secretary. Questions from other than committee members are not in order and are not allowed. No applause will be permitted.

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FOR

NAME	REPRESENTING
Stan Jones	Nevada State Labor Commissioner
GEORGE HAWES	AFL-CIO (NO speak)
L.K. Fitzgerald	United Transportation Union
Geno Menchetti	NEVADA ATTORNEY GENERAL'S OFFICE
Tom Valley	Nevada State Pilot's Assn.
Daryl E. Caputo	Nevada Motor Transport Assn Nev. Franchised Auto Dealers Assn
Bob Price	ASSEMBLYMAN DIST 17

Wally Warren
 GINO DEL CARLO - ATTY GEN'L'S OFC WALLIE WARREN, N/C
AGAINST Kate Butler

NAME	REPRESENTING
Jim Barner	Dev. Educ. Inc.
Paul Leonard	Dev. Educ. Inc.
RON LANDES	Richard Inc. NEVADA MAND. ASSOC.
P. H. H. H.	ATTORNEY AT LAW
Bob Alkive	Nev. Mining Assn. + Kennecott
ROBBINS CATHILL	NEV. RESORT ASSOC. (NO TESTIMONY)
Les Kofoed	Gaming Ind. Assn.

~~Bob Price~~
 JOHN GIANOTTI
 Harrap's (see page 2) see next page

DATE: 3-6-75

LEGISLATION TO BE CONSIDERED: HR 287

PLEASE PRINT LEGIBLY

Only those persons who have registered below will be permitted to speak. All persons wishing to present testimony will please sign in below, stating their name, who they represent, and whether they wish to speak for or against the matter to be considered by the committee. Witnesses with long testimony on matters before the committee are encouraged to present their information in writing and make oral summary limiting it to five minutes or less. If you wish to speak more than five minutes please contact the committee chairman or the committee secretary. Questions from other than committee members are not in order and are not allowed. No applause will be permitted.

FOR

NAME	REPRESENTING

AGAINST

NAME	REPRESENTING
<i>Jerry Higgins</i> <i>Pierre Boston</i>	<i>John Cravens' Thuyet</i> ⁷¹⁰ <i>Speak</i> <i>Exchange Student</i>

United States District Court

District of Nevada

5147 Federal Building
300 Booth Street
Reno, Nevada 89502

Chambers of
Bruce R. Thompson
United States District Judge

March 6, 1975

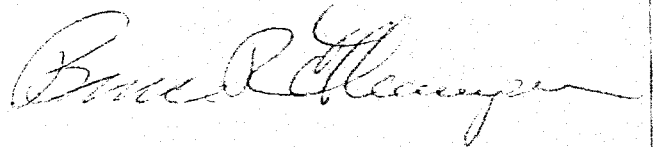
Labor Management Committee
Nevada Legislature
Legislative Office Building
Carson City, Nevada 89701

Gentlemen:

I acknowledge receipt of your request under date of February 25, 1975 signed by all members of the Assembly Committee requesting a delay of action on the pending labor case until the Legislature has acted.

That request is granted.

Very truly yours,



BRUCE R. THOMPSON

A.B. 287 IS A BILL DESIGNED TO GIVE MEANING TO THE LABOR AND INDUSTRIAL RELATIONS
LAWS OF NEVADA.

Attachment # 2

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NEVADA REVISED STATUTES PROVIDE THE LABOR COMMISSIONER SHALL ENFORCE ALL LABOR
LAWS OF THE STATE OF NEVADA; THE ENFORCEMENT OF WHICH IS NOT SPECIFICALLY AND
EXCLUSIVELY VESTED IN ANY OTHER OFFICER, BOARD OR COMMISSION.

WHILE THE LAW GIVES THE LABOR COMMISSIONER THE RESPONSIBILITY, IT PROVIDES VERY
LITTLE AUTHORITY TO ACCOMPLISH THE POLICY SET FORTH IN THE STATUTES. A.B. 287
WILL PROVIDE A NECESSARY LINKAGE BETWEEN ADMINISTRATION --- THE PUBLIC --- THE
EMPLOYEE --- AND THE EMPLOYER IN CARRYING OUT THE PUBLIC POLICY OF THE STATE.

THE LABOR AND INDUSTRIAL RELATIONS LAWS ARE AN EXPRESSION OF THE PUBLIC POLICY
OF NEVADA AND HAVE BEEN HELD SO BY COURTS OF COMPETENT JURISDICTION.

THERE ARE A GOOD NUMBER OF SAFETY VALVES BUILT INTO THE PROPOSED LEGISLATION; NOT
THE LEAST OF WHICH IS THE ADMINISTRATIVE PROCEDURES ACT WHICH WAS ADOPTED IN THE
ESTEEMED WISDOM OF THE NEVADA STATE LEGISLATURE MANY YEARS AGO.

THE LABOR LAWS OF NEVADA, AS DOES THE ADMINISTRATIVE PROCEDURES ACT, RECOGNIZES
THERE ARE THREE MAJOR INTERESTS INVOLVED; THE PUBLIC, THE EMPLOYEE AND THE EMPLOYER.
THE NEVADA STATE LABOR COMMISSIONER RECOGNIZES THESE THREE INTERESTS ARE TO A
CONSIDERABLE EXTENT INTERRELATED. IT IS THE PUBLIC POLICY OF THE STATE TO PROTECT
AND PROMOTE EACH OF THESE INTERESTS WITH DUE REGARD TO THE SITUATION AND TO THE
RIGHTS OF THE OTHERS.

INDUSTRIAL PEACE, REGULAR AND ADEQUATE INCOME FOR THE EMPLOYEE, AND UNINTERRUPTED
PRODUCTION OF SERVICES ARE PROMOTIVE OF ALL OF THE INTERESTS. THE LABOR AND
INDUSTRIAL RELATIONS LAWS ARE, LIKE OTHER LAWS, NOT AN EXACT SCIENCE. THEY DO NOT

DEAL WITH MEASURABLE QUANTITIES AND ENERGIES SUCH AS PHYSICS AND CHEMISTRY. ³⁹ THE INTERACTIONS OF PEOPLE ARE NOT ALWAYS PREDICTABLE AND WE MUST DEAL WITH THAT VARIABLE FOUND IN HUMAN BEINGS IN THEIR ALTERING RELATIONSHIPS TO EACH OTHER, AND TO THE COMMUNITY; AND WITH HUMAN EMOTIONS FOR WHICH WE HAVE FOUND NO YARDSTICK FOR MEASURE.

IN ORDER TO PRESERVE AND PROMOTE THE INTERESTS OF THE PUBLIC, THE EMPLOYEE AND THE EMPLOYER, THE STATE MUST ESTABLISH A HEARINGS PROCEDURE THAT PROVIDES A CONVENIENT AND EXPEDITIOUS MANNER OF LABOR LAW ENFORCEMENT. IN DOING SO THE RIGHTS OF THE COURTS ARE NOT ABRIDGE.

CHAPTER 233B OF THE NEVADA REVISED STATUTES, THE ADMINISTRATIVE PROCEDURES ACT, CLEARLY PROVIDES FOR STRICT PROCEDURES IN CONTESTED MATTERS. THE ADMINISTRATIVE PROCEDURES ACT INCLUDES ANY PERSON AGGRIEVED BY A FINAL DECISION IN A CONTESTED CASE IS ENTITLED TO JUDICIAL REVIEW. IT PROVIDES THE AGGRIEVED PARTY MAY FILE FOR REVIEW BY FILING A PETITION IN THE COURT OF COMPETENT JURISDICTION. THE COURT MAY ORDER A STAY OF ANY AGENCY DECISION. IT PROVIDES FOR APPEAL TO THE SUPREME COURT ALSO. IF WE'RE TALKING ABOUT CHECKS AND BALANCES, AND NOT A SCALE WEIGHTED HEAVILY AGAINST THE ADMINISTRATION OF LABOR LAWS, THEN THE ADMINISTRATIVE PROCEDURES ACT PROVIDES PROPER AND ADEQUATE CHECKS AND BALANCES.

IT IS NOTHING NEW TO ESTABLISH BONA FIDE ADMINISTRATIVE HEARINGS PROCEDURES TO IMPLEMENT THE PURPOSE AND INTENT OF LAWS. THERE ARE A GOOD MANY HEARINGS OFFICERS WHO HEAR AND DECIDE CONTESTED MATTERS AND ISSUE FINDINGS OF FACT OR CONCLUSIONS OF LAW. THE PUBLIC, THE EMPLOYEE AND THE EMPLOYER OF TODAY IS FAR TOO SOPHISTICATED TO ACCEPT ANYTHING LESS THAN ADMINISTRATIVE PERFECTION. SEE ATTACHMENT.

THE PUBLIC POLICY OF THE STATE OF NEVADA IS CLEARLY MANDATED THROUGHOUT CHAPTER 608 AS THE FULL AND PROMPT PAYMENT OF ACCRUED WAGES IN A TIMELY MANNER.

THE SUPREME COURT OF CALIFORNIA SAID:

"DELAY OF PAYMENT OR LOSS OF WAGES RESULTS IN DEPRIVATION OF THE NECESSITIES OF LIFE, SUFFERING INABILITY TO MEET JUST OBLIGATIONS TO OTHERS, AND IN MANY CASES MAY MAKE THE WAGE-EARNER A CHARGE UPON THE PUBLIC."

A NEVADA COURT SAID:

"LEGISLATION WHICH IS ENACTED WITH THE OBJECT OF PROMOTING THE WELFARE OF LARGE CLASSES OF WORKERS WHOSE PERSONAL SERVICES CONSTITUTE THEIR MEANS OF LIVELIHOOD MUST CERTAINLY BE REGARDED AS OF DIRECT AND VITAL CONCERN TO EVERY COMMUNITY AND AS CALCULATED TO CONFER DIRECT OR INDIRECT BENEFITS UPON THE PEOPLE AS A WHOLE, SEEKING AS IT DOES TO PROMOTE THE WELFARE OF A LARGE CLASS AGAINST A REAL AND EXISTING DANGER."

WE HAVE PREPARED AND SUBMITTED AN AMENDED DRAFT OF A.B. 287 WHICH HAS BEEN DEVELOPED FOLLOWING A GOOD DEAL OF INPUT AND CONFERENCES WITH INTERESTED PERSONS. EACH OF YOU HAVE A COPY OF THE AMENDED RECOMMENDATIONS.

THE CIVIL RIGHTS AND LIBERTIES OF ALL PERSONS, NOT A SELECT FEW, MUST BE GIVEN MEANING AND A.B. 287 WILL PROVIDE REAL MEANING TO OUR LAWS WHILE AFFORDING ALL PARTIES THE PROTECTION OF DUE PROCESS OF LAW.

EMPLOYER REPRESENTATIVES MAKE JUDGEMENTS OF LAW EVERY DAY. THEIR FINDINGS OF FACT AND CONCLUSIONS OF LAW ARE NOT SUBJECT TO THE SAME SCRUTINY THE LABOR COMMISSIONER'S FINDINGS WOULD BE. SOME OF THE TESTIMONY YOU HAVE HEARD FROM SOME MANAGEMENT REPRESENTATIVES MIGHT EVEN LEAD YOU TO THE CONCLUSION THEIR JUDGEMENTS OF LAW ARE MORE THAN A LITTLE BIASED OR PREJUDICED TO THE DETRIMENT OF THE EMPLOYEE.

THE EMPLOYER REPRESENTATIVE AND HIS UNILATERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW ARE NOT SUBJECT TO THE LIGHT OF PUBLIC EXAMINATION, INQUIRY OR INSPECTION

NOR TO THE CHECKS AND BALANCES OF THE NEVADA ADMINISTRATIVE PROCEDURES ACT AS ARE THE AGENCY DELIBERATIONS. THE RULES ARE CLEARLY SPELLED OUT IN THE BILL AND THE ADMINISTRATIVE PROCEDURES ACT.

BY THE VERY NATURE OF THE EMPLOYEE -- EMPLOYER RELATIONSHIP THE INDIVIDUAL EMPLOYEE CANNOT DEAL ON EQUAL TERMS WITH THE EMPLOYER. THAT IS ONE OF THE REASONS FOR ADOPTING LABOR AND INDUSTRIAL RELATIONS LAWS AND THE NECESSITY OF ADOPTING ADEQUATE ADMINISTRATIVE TOOLS TO IMPLEMENT THOSE LAWS. LAWS OF THEMSELVES ARE NOT SELF-ENFORCING.

PERSONS WHO MIGHT BE AFFECTED BY A VIOLATION OF OUR LABOR AND INDUSTRIAL RELATIONS LAWS SHOULD NOT HAVE TO WAIT 6 MONTHS TO 2 YEARS, AS THE PRESENT CIVIL COURT CALENDAR REQUIRES, FOR ADEQUATE REMEDIES. THERE ARE THOSE WHO KNOW AND USE THIS AS AN EFFECTIVE AND REAL BAR TO THE ADMINISTRATION OF OUR LAWS. I REPEAT; THE PUBLIC POLICY OF THIS STATE HAS BEEN JUDICIALLY DECLARED AS THE FULL AND PROMPT PAYMENT OF WAGES IN A TIMELY MANNER.

A PERSON FILING A COMPLAINT WILL ATTEND AN EVIDENTIARY HEARING AND OFFER TESTIMONY BUT IF THEY FIND IT NECESSARY TO ATTEND TRIAL DE NOVO THEY FIND IT NOT ONLY DIFFICULT AND COSTLY BUT HAZARDOUS AS WELL, FOR THEIR CURRENT EMPLOYER MAY DISCHARGE THEM FOR TAKING TIME FROM THEIR EMPLOYMENT OR THEY ARE LABELED AS TROUBLE-MAKERS AND UNDESIREABLE. AGAIN, THE CIVIL COURT CALENDAR IS AT BEST 6 MONTHS AND NOT UNCOMMON TO RUN 18 TO 24 MONTHS AND LONGER.

PUT YOURSELF IN THE POSITION OF AN EMPLOYEE WHO IS DENIED COMPLIANCE WITH THE LABOR LAW. YOU GIVE CREDIBLE PROOF AT AN EVIDENTIARY HEARING TO SUPPORT YOUR ALLEGATION AND THE RESPONDENT CHOOSES, FOR HIS OWN SELFISH MOTIVE; WHICH MIGHT INCLUDE THE FACT HE WILL BE LEAVING THE JURISDICTION OF OUR LAW IN A SHORT TIME OR HE KNOWS THE AGGRIEVED CLAIMANT IS MOVING TO LAS VEGAS OR ELKO OR HAWTHORNE AND

IF YOU CAN STALL LONG ENOUGH THE PROBLEM WILL GO AWAY; OR THE CLAIMANT WILL FIND IT TOO COSTLY TO RETURN AND SUPPORT THE VIOLATION A SECOND TIME.

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UNDER THE PROVISIONS OF A.B. 287 THE LABOR COMMISSION NEED ONLY TRANSMIT TO THE COURT A CERTIFIED COPY OF THE ENTIRE RECORD OF THE PROCEEDING UNDER REVIEW; OBVIOUSLY AN IMPROVEMENT IN THE INTENT OF OUR LABOR LAWS.

AT THE PRESENT TIME WE'RE PLAYING THE OLD SHELL GAME WITH OUR LABOR LAWS BUT WE HAVEN'T PUT A BEAN UNDER ANY OF THE SHELLS. WE'RE ONLY GIVING A COSMETIC OR PLASTIC APPEARANCE TO THE ENFORCEMENT OF PUBLIC POLICY. WE URGE YOU TO PUT MEANING INTO OUR LEGISLATIVE EXPRESSIONS AND ADOPT A.B. 287 AS AMENDED.

Attachment # 3.

CHAPTER 233B

NEVADA ADMINISTRATIVE PROCEDURE ACT

- 233B.010 Short title.
- 233B.020 Minimum procedural requirements for regulation-making, adjudication procedure for executive agencies; judicial review; applicability of chapter.
- 233B.030 Definitions.
- 233B.040 Regulations: Adoption; enforcement.
- 233B.050 Regulations of practice; public inspection of regulations, orders, decisions and opinions; validity.
- 233B.060 Notice of adoption, amendment, repeal of regulation; hearings; emergency regulations; reasons for agency action.
- 233B.070 Effective date of regulations; duties of secretary of state; agencies to furnish public with copies.
- 233B.080 Inactive files of secretary of state.
- 233B.090 Rebuttable presumption of regularity of adoption, filing of regulation.
- 233B.100 Petitions for adoption, filing, amendment, repeal of regulations; required action by agency.
- 233B.110 Declaratory judgment actions to determine validity, applicability of regulations.
- 233B.120 Petitions for declaratory orders, advisory opinions; disposition.
- 233B.121 Notice of hearing in contested case; contents of record.
- 233B.122 Certain agency members prohibited from taking part in adjudication.
- 233B.123 Evidence in contested cases.
- 233B.124 Procedure when majority of agency officials who are to render final decision have not heard case or read record; service of proposal for decision; oral argument.
- 233B.125 Contents of adverse written decision, order; notice; copies.
- 233B.126 Limitations on communications of agency members, employees assigned to render decision, make findings of fact and conclusions of law.
- 233B.127 Application of chapter to grant, denial or renewal of licenses; summary suspension of licenses.
- 233B.130 Judicial review of final decisions in contested cases.
- 233B.140 Stay of agency decisions; record of proceedings; taking of additional evidence; limitations on judicial review; grounds for reversal, modification.
- 233B.150 Appeals from final judgments of district court.
- 233B.160 Applicability of chapters 612, 704 of NRS.

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Attachment # 9

PROPOSED AMENDMENTS TO A.B. 237

1 SECTION 1. Chapter 607 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

3 SEC. 2. In aid of his enforcement responsibilities under the labor
4 laws of the State of Nevada, including but not limited to NRS 333.030,
5 607.160, 607.170, 608.270, 609.160 and Chapter 611 of NRS, the labor
6 commissioner or his duly appointed representative may conduct hearings and
7 issue decisions thereon in the manner provided by section 3 of this act.

8 SEC. 3. 1. When a dispute arises or an enforcement question is presented
9 under any labor law of the State of Nevada, the enforcement of which is not
10 specifically and exclusively vested in any other officer, board or commission,
11 the labor commissioner or his duly appointed representative may conduct a
12 hearing in any place suitable to the convenience of the persons involved, if
13 practicable, otherwise, in a place of the labor commissioner's or his duly
14 appointed representative's choosing.

15 2. Notice of such hearing shall be given by the mailing of notices to the
16 claimant and respondent and to any person requesting notice of such hearing.
17 The notices shall be conformable as to content to the appropriate provisions.
18 of Chapter 233B of NRS.

19 3. The hearing shall be conducted no sooner than fifteen (15) days following the
20 mailing of the notices. It shall be conducted in keeping with the appro-
21 priate provisions of Chapter 233B of NRS. The proceedings shall be recorded
22 and a copy shall be provided at cost to any party to the proceedings. The
23 labor commissioner or his duly appointed representative shall, in any such
24 hearing, make full use of the authority conferred upon him by NRS 607.210.

1 SEC. 4. 1. Within thirty (30) days of the conclusion of the hearing
2 provided for in section 3 of this act, the labor commissioner or his duly
3 appointed representative shall issue a written decision, setting forth
4 written findings of fact and conclusions of law developed by him or by
5 his duly appointed representative at such hearing.

6 2. The decision, together with the findings of fact and conclusions of
7 law, shall be mailed to each of the parties to whom the notice of the hear-
8 ing was mailed and to any other persons who may have been joined as interested
9 parties in the hearing. The decision becomes enforceable as law ten (10) days
10 following such mailing.

11 SEC. 5. Any decision issued under the provisions of Section 4 of this
12 Act may receive judicial review in the manner provided in Chapter 233B of
13 the Nevada Revised Statutes.

14 SEC. 6. Any decision pursuant to Section 4 of this Act is binding on
15 all parties to the hearing and has the force and effect of law.

16 SEC. 7. NRS 607.210 is hereby amended to read as follows:

17 607.210 1. The labor commissioner or his duly appointed representative
18 shall have the power to examine witnesses, administer oaths and take
19 testimony in all matters relating to the duties and requirements of this
20 chapter. Testimony shall be taken in some suitable place in the vicinity
21 to which the testimony is applicable.

22 2. The labor commissioner or his duly appointed representative may
23 compel the attendance of witnesses, and may issue subpoenas. No witness
24 fees shall be paid to any witness unless he is required to testify at a
25 place more than 5 miles from his place of residence, in which event the
26 witness shall be paid the same fees as a witness before a district court.
27 Payment shall be made from the fund appropriated for such purposes in the

1 county in which the testimony is taken and the witness examined in the same
2 manner as provided for the payment of witness fees in the district court
3 of such county.

4 3. Any person duly subpoenaed under the provisions of this section
5 who (shall willfully refuse or neglect) willfully refuse or neglects to
6 testify at the time and place named in the subpoena (shall be) is guilty
7 of a misdemeanor.