

MEMBERS PRESENT:

Chairman Banner
Vice Chairman Thompson
Mrs. Cafferata
Ms. Foley
Mr. Rackley
Mr. Hickey
Mr. Rhoads

MEMBERS ABSENT:

Mr. Bennett
Mr. Jeffrey

GUESTS PRESENT:

See guest list attached

WITNESSES TESTIFYING:

Assemblyman Robert E. Robinson
Claude Evans, State of Nevada AFL-CIO
Jack Kenney, Nevada Home Builders Association
William Goddard, Department of Motor Vehicles, Motor Carrier Div.
Kennard L. Alkire, Department of Motor Vehicles, Bureau of
Investigation and Enforcement
Joe E. Nusbaum, NIC
Chuck King, Nevada Self Insurers
Tom Stuart, The Gibbens Co., Inc.

Chairman Banner called the meeting to order at 5:00 P.M. and announced the committee would first hear AB-14.

AB-14: Extends liability of contractor in certain circumstances.

This bill pertains to wages; extending the liability of a contractor to include the indebtedness of a subcontractor for office work.

Mr. Robinson spoke first on this bill as he was introduced by Chairman Banner as the prime sponsor of AB-14. Mr. Robinson directed the attention of the committee to line 5 of the bill, in particular to the three words "including office work". Mr. Robinson explained that the original bill was intended to prevent sub contractors from leaving their employees wages unpaid. The responsibility was placed on the prime contractor and an oversight in the wording has created an interpretation that office workers are not covered under this law because they are not on sight laborers.

A claim was actually filed with the labor commissioner for wages earned by office workers on a particular project. All of the other laborers concerned with the project were paid but the office workers were unable to collect their wages because of the wording in this law. AB-14 would correct that problem in any future claims of that nature.

Mr. Claude Evans, AFL-CIO, testified that his organization supported this legislation.

Mr. Jack Kenney, Southern Nevada Home Builders, suggested to the committee that the terminology "office work" is more broad in scope than "office workers". He told Chairman Banner that he would submit this question in writing to him for further clarification by Mr. Daykin's staff.

Chairman Banner asked for more questions. There was no further action.

Chairman Banner announced to the committee that the next bill to be heard is AB-32.

AB-32: Makes certain employees of Department of Motor Vehicles eligible for compensation for heart and lung diseases.

Mr. William Goddard, DMV, Motor Carrier Division, asked to speak on the part of the bill which applies to field agents and inspectors. He told the committee that the field agents should be covered under the same law that sets forth lung diseases and diseases of the heart as occupational diseases for firefighters and a variety of other law enforcement officers. His agents have the same duties, powers and responsibilities as the Nevada Highway Patrol Officers. They are uniformed officers and drive marked cars. They make arrests and assist other agencies in arrests of DUI's, wanted people and felons. This bill would require annual physicals and at present his agents take physicals only at the time of hiring. These physicals would enable his department to make the agents meet weight requirements.

In response to Mr. Thompson and Mr. Hickey's question of why he felt his agents should be under the same law, Mr. Goddard replied that since they are under the same stresses and hours as that of other law enforcement officers, they should have the same occupational disease law protection.

Mr. Ken Alkire, Administrative Assistant, DMV, Registration Division in charge of bureau investigations and enforcement. He said the vehicle emission control officers or field dealer inspectors deal with felonious and gross misdemeanor investigations. The stress factor is great as is demonstrated by the heavy caseload of investigations. He said each of his investigators have between 30 to 75 criminal investigations per month per investigator. They deal with undercover agents and informants as well as actual courtroom testifying.

Mr. Rhoads asked if any of the agents referred to in this bill have experienced a stress or nervous related breakdown directly attributable to their work. His point is that all occupations have stress of some type.

Mr. Hickey asked if any of the white collar crime investigators wear uniforms and Mr. Alkire said they are all plainclothes.

Mrs. Cafferata asked about the fiscal impact of this bill. Mr. Banner said the cost would be against the particular employer's account which in this case would be Workman's Compensation.

Mr. Claude Evans said his organization supports the legislation and feel that it does not go far enough but that it should be amended to include all workers in Nevada, even legislators. He added that Nevada is one of the few states that does not have heart coverage for the general work force under Workman's Compensation.

Mr. Joe Nusbaum, Chairman NIC, expressed problems with the bill. Prior to the enactment of the original bill dealing with fireman and policemen a person who was injured and then died of a heart attack directly related to that injury was clearly covered. A person who died of a heart attack during his hours off would not have been covered where there was no job related accident or injury directly attributable to the cause of the death. The NIC opposed the present law on these grounds. Many present claims under this law are now in litigation.

Mr. Nusbaum explained that the NIC believes there is a serious equal protection issue involved in selecting certain professions. They believe that the more groups of people included will erode the law and the courts will find the law unconstitutional as benefiting only certain professions. Secondly, there are difficulties in administering the present law and there is uncertainty as to how the courts will view the present law.

Mrs. Cafferata asked Mr. Nusbaum how many claims he has had on this law on a yearly basis. Mr. Banner asked him to furnish the committee with the number of claims filed in the last fiscal year.

Mr. Chuck King, Nevada Self Employers, wished to speak against the bill if it is amended to cover other occupations than those that are specifically mentioned in AB-32.

Mr. Tom Stuart, representing Churchill County, Douglas County, and the Airport Authority of Washoe County; would like to know what the fiscal impact is to the various political subdivisions because the rate classifications, for these classifications and occupations, are the same as what they are classified for under the NIC classified code. They would like to know what would be the fiscal impact on all the taxpayers of the State of Nevada for paying for the physical examination that is required to be paid for by the employer. Not opposed to the bill but wants to know what the cost of it will be.

When Mr. Banner asked Mr. Nusbaum for cost figures he said they have not had enough experience to estimate the cost.

There was no further discussion AB-32.

Mrs. Cafferata moved the committee adjourn at 6:00 P.M.

Respectfully submitted:



Jan Fondi
Secretary

Date 2-9-81LABOR & MANAGEMENT COMMITTEEGUEST LIST

<u>NAME</u> (Please print)	<u>REPRESENTING</u>	<u>IF YOU WISH TO SPEAK</u>	
		<u>Pro</u>	<u>Con</u>
KENT HOWELL	D.M.V. MOTOR CARRIER		
William Goddard	DMV. Motor Carrier	✓	
KENNARD L. AUKRE	DMV - BUREAU OF INVEST. & ENF.	✓	
Bill Bunker	Fed. Fire Fighters		
TIM LORICAN	NIC		
Jane Han	Assembly		
Knorr	Nevada Insider		
Tom Stewart	The Gibbons Co Inc		
Tom Newbaum	NIC		✓
BLACKIE EVANS	AFL-CIO	✓	
JAKE MADILL	AFL CIO	✓	
Bob Hobb	NIC		
Chuck KING	NEV. SELF INSURERS		✓
JACK KEENEY	90 NV HOME BUILDERS		

ASSEMBLY

AGENDA FOR COMMITTEE ON..... LABOR.....

Date..... FEBRUARY 9..... Time..... 5:00 P. M. Room..... 316.....
MONDAY

Bills or Resolutions
to be considered

Subject

Counsel
requested*

AB-14	Extends liability of contractor in certain circumstances.	
AB-32	Makes certain employees of department of motor vehicles eligible for compensation for heart and lung diseases.	

*Please do not ask for counsel unless necessary.