Minutes of the Nevada State Legislature

Assembly Committee on LABOR AND MANAGEMENT

Date: April 14, 1981

Page: One

MEMBERS PRESENT: Chairman Banner

Vice Chairman Thompson

Mr. Bennett
Miss Foley
Mr. Hickey
Mr. Jeffrey
Mr. Rackley
Mr. Rhoads

MEMBERS ABSENT:

Mrs. Cafferata (excused)

GUESTS PRESENT:

(See <u>attached</u> guest list)

WITNESSES TESTIFYING:

Mr. Joe Nusbaum, Chairman of Nevada Industrial Commission

Chairman Banner called the meeting to order at 5:15 p.m.

AB 368: Makes various changes in provisions regarding compensation, wages and hours of labor.

Mr. Banner read portions of Amendment 478 to AB 368.

Mr. Jeffrey moved AMEND AND DO PASS on <u>AB 368</u>, seconded by Mr. Bennett and carried unanimously by the members present, with Mrs. Cafferata absent at the time of the vote. (8-0).

AB 292: Amends provisions relating to waiting periods, interest and classes of premiums for unemployment compensation.

Provisions of AB 207, AB 292, and AB 296 will be incorporated together into an amendment to AB 292 and will comply with federal mandates. EXHIBIT A Pages 1 through 3 (attached to these minutes).

Mr. Jeffrey moved AMEND AND DO PASS on AB 292, seconded by Mr. Rhoads and carried unanimously by the members present, with Mrs. Cafferata absent at the time of the vote. (8-0).

AB 207: Provides exceptions for charging benefits paid as unemployment compensation against employers.

AB 207 will be incorporated into AB 292.

Mr. Jeffrey moved to INDEFINITELY POSTPONE <u>AB 207</u>, seconded by Mr. Thompson and carried unanimously by the members present, with Mrs. Cafferata absent at the time of the vote. (8-0).

Assembly Committee on LABOR AND MANAGEMENT

Date: April 14, 1981
Page: Two

AB 296: Revises certain conditions of eligibility for unemployment compensation.

AB 296 will be incorporated into AB 292.

Mr. Jeffrey moved to INDEFINITELY POSTPONE AB 296, seconded by Miss Foley and carried unanimously by the members present, with Mrs. Cafferata absent at the time of the vote. (8-0).

AB 136: Places restrictions on payment of compensation for unemployment.

Mr. Jeffrey moved to INDEFINITELY POSTPONE <u>AB 136</u>, seconded by Mr. Thompson and carried unanimously by the members present, with Mrs. Cafferata absent at the time of the vote. (8-0).

AB 408: Amends provisions of laws relating to industrial insurance.

Mr. Thompson presented Amendment 476 to AB 408. EXHIBIT B (attached to these minutes).

Mr. Thompson moved to AMEND AND DO PASS AB 408, seconded by Mr. Bennett and carried unanimously by the members present, with Mrs. Cafferata absent at the time of the vote. (8-0).

AB 407: Provides certain increases in compensation under industrial insurance for permanent partial disability.

Mr. Jeffrey explained Amendment 518 to AB 407. EXHIBIT C (attached to these minutes).

Miss Foley moved AMEND AND DO PASS on AB 407, seconded by Mr. Thompson and carried by a vote of 6-2 with Mr. Rackley and Mr. Rhoads voting no, and with Mrs. Cafferata absent at the time of the vote.

AB 370: Providing disqualifications for receipt of extended benefits as unemployment compensation.

Mr. Jeffrey will get an amendment which will provide that if the federal government eases off of this requirement, the state law will be no more severe than the federal requirement.

Mr. Jeffrey moved AMEND AND DO PASS on AB 370, seconded by Mr. Thompson and carried unanimously by the members present, with Mrs. Cafferata absent at the time of the vote. (8-0).

Minutes of the Nevada State Legislature

Assembly Committee on LABOR AND MANAGEMENT

Date: April 14, 1981

Page: Three

AB 433: Increases compensation under industrial insurance for certain claimants and reduces certain compensation by amount of federal benefits under social security.

Mr. Joe Nusbaum, Chairman of Nevada Industrial Commission, explained the proposed amendment to AB 433. EXHIBIT D. (attached to these minutes).

Mr. Jeffrey moved AMEND AND DO PASS on AB 433, seconded by Mr. Thompson and carried unanimously by the members present, with Mrs. Cafferata absent at the time of the vote. (8-0)

AB 208, AB 263, AB 264, AB 390, AB 406 and AB 409 will be held.

Mr. Thompson adjourned the meeting at 5:50 p.m.

Respectfully submitted,

Lora Day

Christine Shaw, Secretaries

LABOR AND MANAGEMENT OMMITTEE

Date: 4-14-81

GUEST LIST

		I	WISH TO SPEA
PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	FOR	AGAINST B
TRUSTUART	THE GIBBONS CO. INC		
Ja Bouckly	Lumma Cort.		
- K Colham Dia	MGU Grand Ver Vegas		•
BOD SHRIVER	NEVADA TRIAL LAWYITE ASSOC.	•	
HALG. CURTIS	NEVADA TRIAL LAWYING ASSOC. N. I.C. IRONWORKERS 433		
JAE MIN WILL	NIC	•	
1 Ses Sill	NIC	-	
36AK.C / (11.0)	ATC- (0.10		
Kichard School	AFL-C10.		
•		·	
•			
		N.	
2			2
			•
		(1)	
£3 .	` .		
io .			V

7.5	ATE April UBJECT AB 3	68 - Makes	various cha	anges in provi ges and hours	sions regar of labor.	rding
OTION:			*	ž	(a)	
		_		y Postpone		
Moved	By: Mr. Je	effrey		Seconded By:_	Mr. Benr	nett
MENDMENT	:			•		
y. Marra d	P			Seconded By:		
12	·			*	<u> </u>	
MENDMENT	<u> </u>					
)				Seconded Ry:		
Moved	ву:			Seconded By:		
<u> </u>	MOT	ION		AMEND	AM	END
FOLEY RHOADS HICKEY THOMPS BANNES BENNES JEFFRS CAFFES RACKL	S X Y X SON X R X TT X EY X RATA excused	<u>No</u>	Yes	<u>No</u>	Yes	<u>No</u>
ORIGI	NAL MOTION:	Passed	xx	Defeated	With	drawn
22	ED & PASSED	-		AMENDED & DE	FEATED	2
	ED & PASSED	*		AMENDED & DE	FEATED	

_	_ •	1, 1981				
SUBJE(inter	est and c	ons relating to	iums for un	nemployment
MOTION:			±(•
Do Pass	X Amer	d X I	ndefinite	ely Postpone _	Recons	sider
Moved By:_	Mr. Jefi	rey		Seconded By:	Mr. Rho	ads
AMENDMENT:	See EXH	BIT A att	ached to	these minutes.		1
,						
Moved By:_	1			Seconded By:	·	
AMENDMENT:				£)	8 8	
				_ Seconded By:		
	MOTI	ON		AMEND	<u>A</u>	MEND
BANNER BENNETT JEFFREY CAFFERATA	X X X X X	<u>No</u>	<u>Ye</u>	No No	Yes	<u>No</u>
TALLY:	8	0		:00		
ORIGINAL 1	MOTION:	Passed	xx	Defeated	With	ndrawn
AMENDED &		_		_ AMENDED & DE	EFEATED	<u> </u>
AMENDED &	_			AMENDED & DI	FEATED	
	to Vinut				····	351

ASSEMBLY COMMITTEE ON LABOR

LEGISLATION ACTION

DATE	April	14, 1981	_	8				
SUBJE	CT AB 20)7 - Prov	ides excep	tions for	chargir	ng benefi	its	
		paid	as unempl	oyment cor	mpensati	on agair	nst	
OTION:								
Do Pass	Amen	d I	indefinite	Ly Postpor	ne <u>X</u>	Recons	ider	-
Moved By:_	Mr. Je	effrey		Seconded	By:	ir. Thomp	son	······································
MENDMENT:					•			·
E			 	· · · · · · · · · · · · · · · · · · ·				
Moved By:_		· · · · · · · · · · · · · · · · · · ·		Seconded	Ву:			•
MENDMENT:				\$				•
					4 0 - 2			
moved By:				Seconded	Bv:			
	to the Both Sold Commonweal							
	MOTIO	N		AMEND		AM	END	
OTE:		·	••			••	-	•
FOLEY	Yes X	<u>No</u>	Yes	<u>No</u>	80	Yes	<u>No</u>	
RHOADS HICKEY	Yes X X		<u> </u>					
THOMPSON BANNER	X				<u> </u>			
BENNETT _	$\frac{x}{x}$							
JEFFREY CAFFERATA	excused				- 			
	<u>x</u> .					····		
ALLY:	8	0	*					
ORIGINAL M	OTION:	Passed _	xx	Defeated		Withd	rawn	
AMENDED &	PASSED			AMENDED 8	DEFEAT	TED		
TENDED &	PASSED	00		AMENDED 8	DEFEAT	red		
- CONTROL								

Attached to Minutes

DATE _	April 14, 198	1	•
SUBJEC		evises certain conditions or unemployment compensati	
•			700
OTION:			December dom
-		_ Indefinitely Postpone	
Moved By:	Mr. Jeffrey	Seconded By	: Ms. Foley
MENDMENT:			•
Moved By:		Seconded By	
MENDMENT:			
_	8 6		i 9
Moved By:_		Seconded By	:
	MOTION	AMEND	AMEND
OTE:			g
	Yes No	Yes No	Yes No
RHOADS	X X X		
THOMPSON _	X		
BANNER BENNETT	<u>x</u>		
JEFFREY CAFFERATA	X		
RACKLEY _	X	*	
CALLY:	8 0		
ORIGINAL M	OTION: Passe	d xx Defeated	Withdrawn
"	DACCED	AMENDED & I	DEFEATED
AMENDED &	PRSSED		

DA DA	ATE April 1	4. 1981		•			
st	JBJECT AB						
la .		compe	nsation for	unemploymen	it.		
MOTTON.	•			· · · · · · · · · · · · · · · · · · ·		<u> </u>	
MOTION:	s Ame	J T	dofinitolog :	Postino X	Pagans	ddor .	•
				•			
	By: Mr. Jef						
AMENDMENT				•		 -	
Moved 1	By:		Se	conded By:			
AMENDMENT	:		5)				
	0 8		6		3 3		
Moved 1	Ву:		Se	conded By:			
			<u>.</u>				9
	MOTI	ON	AM	END	<u>A1</u>	MEND	
VOTE:	••	N .		No	Voc	No	
FOLEY	Yes	No	Yes	<u>No</u>	Yes	<u>No</u>	
RHOADS HICKEY			•			 .	
THOMPS							
BANNER BENNET							
JEFFRE							
CAFFER							
RACKLE	<u> </u>		· ·				
TALLY:	8	0	×	•			
ORIGIN	NAL MOTION:	Passed 2	xx De	feated	With	drawn	
	D & PASSED			ENDED & DE	FEATED	87	
	•	•					
AMENDE	ED & PASSED		Ar	MENDED & DE	LEWIED		
Attach	ned to Minute	es			V	354	

ASSEMBLY COMMITTEE ON LABOR LEGISLATION ACTION

·DATE	April	14, 1981	ē =	ē		
SUBJ	ECT AB 4	08 - Amends	provisions o	of laws rel	ating	
×		to indu	strial insu	rance.		
					· · · · · · · · · · · · · · · · · · ·	-, F
MOTION:					•	
Do Pass _	X Amer	nd X Ind	lefinitely P	ostpone	Recons	ider _
Moved By:	Mr.	Thompson	Sec	onded By:_	Mr. Benn	ett
AMENDMENT:						
_						
Moved By: AMENDMENT:	ж		Sec	onded By:		
THENDMENT:						
- Moved Rv.			Sec	onded By:		
noved by:						
	MOTI	NC	AME	CND	<u> AM</u>	<u>rend</u>
FOLEY RHOADS HICKEY THOMPSON BANNER BENNETT JEFFREY CAFFERATA RACKLEY	Yes X X X X X X X X X A excused X	<u>No</u>	<u>Yes</u>	<u>No</u>	Yes	<u>No</u>
TALLY:	8	0 .	•			
ORIGINAL	MOTION:	Passed	xx Des	feated	With	drawn _
AMENDED 8	& PASSED _		AM	ENDED & DEI	FEATED	
AMENDED	& PASSED _		AM,	ENDED & DE	FEATED	34
	to Minute					355

Attached to Minutes

ASSEMBLY COMMITTEE ON LABOR LEGISLATION ACTION

DATE April	14, 1981	· ·	SET		
SUBJECT AB 4	07 - Provides	certain inc			on
	· partial				
MOTION:			1		
Do Pass x Am	end X Ind	efinitely P	ostpone	Recons	ider
Moved By:	is. Foley	Sec	onded By:	Mr. Tho	mpson
AMENDMENT: Se	ee EXHIBIT C a	s attached t	to these min	utes.	
(6)					
Moved By:		Sec	onded By:		
AMENDMENT:		•	_		
)					
Moved By:		Sec	onded By: _		
MOT	ION	AME	ND	. <u>AM</u>	END
VOTE:	No.	Yes	No	Vac	No
FOLEY Yes	<u>No</u>	165	<u>NO</u>	Yes .	
RHOADS HICKEY X	<u> </u>	•			
THOMPSON X BANNER X					
BENNETT X JEFFREY X					
CAFFERATA excused RACKLEY	<u> </u>		<u> </u>		
TALLY: 6	2	•			
ORIGINAL MOTION:	Passed XX	Def	eated	Withd	rawn
AMENDED & PASSED		AME	NDED & DEFE	EATED	
AMENDED & PASSED		AME	NDED & DEFI	EATED	

Attached to Minutes

356

DATE	April 1	4, 1981	-	•			
SUBJ!	ECT AB	of ex	ctended ben	alifications efits as unem	ployment)t	
MOTION:				889	8		
Do Pass _	X Amer	nd X I	ndefinitely	Postpone	Recons	sider	_
Moved By:	Mr.	Jeffrey		Seconded By:	Mr. Thomp	son	
AMENDMENT:	Basic ide	ea: An ame	endment whi	ch will provi	de that if	the	
	federal	government	eases off	of this requi	rement, th	ne state	
ē	law will	be no more	severe th	an the federa	l governme	ent.	
Moved By:	92			Seconded By:			•
AMENDMENT:				QI .			,
Moved By:	.1			Seconded By:			.WE
	MOTI	ON		AMEND	<u>A</u>	MEND	
FOLEY RHOADS HICKEY THOMPSON BANNER BENNETT JEFFREY CAFFERATA RACKLEY TALLY:	Yes X X X X X X X X excused X	<u>No</u>	Yes	<u>No</u>	<u>Yes</u>	<u>No</u>	
ORIGINAL	MOTION:	Passed	xx	Defeated	With	idrawn	
AMENDED &				AMENDED & DE	FEATED		
AMENDED 8	_	F+		AMENDED & DE			
Attached	to Minute	es				25	~

	DATE April	14, 1981		•		
•	SUBJECT AB 43	for cert	ain claima	nts and redu	ces certai	insurance n compensation al security.
MOTION:				d.		
Do Pa	.ss X Ame	end X Inc	iefinitely	Postpone	Recons	ider
Moved	By: Mr	. Jeffrey	s	econded By:_	Mr. Tho	mpson
	T: See EX					
Moved	Ву:		S	econded By:		•
	<u>T</u> :					
19.			······································			
O _{Verse}	. Des .		9	econded By:		
MOVEO	ь ру:			econded by.		
	MOT	ION	- <u>A</u>	MEND	<u>A1</u>	<u>ÆND</u>
VOTE:	••	% AV -	¥	Me	Voc	No
FOLE		No	Yes	<u>No</u>	Yes	<u>No</u>
RHOAI HICKE	OS X		,			
THOM	PSON X					
BANNI BENNI						
JEFFF	REY X					
RACKI	ERATA <u>excu</u> sed EY X					
TALLY:	8	0	*			
ORIG	INAL MOTION:	Passed	xx I	efeated	With	drawn
AMENI	DED & PASSED		A	MENDED & DE	FEATED	
AMEN	DED & PASSED		£	MENDED & DE	FEATED	
Atta	ched to Minut	es				

MEMORANDUM

STATE OF NEVADA

DATE

Assemblyman James J. Banner, Chairman Of DEPARTMENT

TO___Committee on Labor and Management

April 9, 1981

DM Larry McCracken, Executive Director

SUBJECT Amendment No. 413, A.B. 296

The attachment, Amendment No. 413 for A.B. 296 was sent to the Regional Department of Labor Solicitor's 's Office for review to ensure compliance with the Federal law. The results of the review are that the amendment, as written, is satisfactory.

This particular amendment will provide the minimum pension offset necessary for the State law to be in compliance with Federal statutes.

rf '

Attachment

1981 REGULAR SESSION (61st)

ASSEMBLY ACT	מסו	SENATE ACTION	Assembly AMENDMENT BLA
Adopted Lost Date: Initial: Concurred in Not concurred in Date: Initial:	00 00	Adopted Lost Date: Initial: Concurred in Not concurred in Date: Initial:	AMENDMENTS to. Assembly Bill No. 296 Foint Resolution No. BDR 53-167 Proposed by Committee on Labor and Management
Amendmen	: N	9 413	

Amend section 1, page 2, by deleting lines 18 through 26 and inserting:

Twages paid during a claimant's base period.] Except as otherwise provided in this subsection, a person may not receive benefits for any week in which he is receiving a pension or other payment for retirement, including retirement from any public or federal employment, or an annuity or other similar periodic payment, paid by a plan which is maintained by a base period employer or an employer whose account is chargeable with benefit payments to the person, or to which such an employer has contributed. If the person contributed more than half of the amount contributed to the plan, but less than the entire amount, the benefits to which he would otherwise be entitled must be reduced by half of the amount of the pension or other payment which he is receiving. The benefit amount may not be reduced if:

- (a) All of the contributions to the plan from which the person is receiving a pension or other periodic payment were made by him or by an employer other than a base period employer or an employer to whose account the benefit payments to the person are chargeable; or
- (b) Unless the payments are received pursuant to a provision of the Social Security Act or a Pailroad Retirement Act, the services performed by the person during the base period, or the compensation

To: B&B LOB File Journal Engrossment Bill

Drafted by 238: smc Date 4-2-81 360

....

Amendment No. 413 to Assembly Bill No. 296 (BDR 53-167) Page 2

received by the person for those services, did not have any effect on the eligibility of the person for the pension or other payment, or increase the amount of the payments."

EXHIBIT B

1981 REGULAR SESSION (61st)

ASSEMBLY ACTI	ON	SENATE ACTIO	N	Assembly AMEND	MENT BLANK
Adopted Lost Date: Initial: Concurred in Not concurred in Date: Initial:	כום חם	Adopted Lost Date: Initial: Concurred in Not concurred in Date: Initial:	00 00	AMENDMENTS to Assembly Bill No. 408 Resolution No BDR 53-1913 Proposed by Committee on Labor a	and Manage-
Amendmen	N	9 476			

Amend sec. 2, page 1, by deleting line 8 and inserting:

"2. Receiving Bona fide instruction as an apprentice,

clust under the direc-".

Amend sec. 10, page 2, line 48, by deleting "shall" and inserting: "and the commissioner of insurance shall jointly".

To: E & E
LCB File
Journal
Engrossment
Bill

1 21

Drafted by. Date 4-9-51

362

EXHIBIT C

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION SE	NATE ACTION	Assembly	AMENDMENT BLANK
	i: urred in Concurred in C	AMENDMENTS to Bill No 407 BDR 53-1915 Proposed by Commit	Assembly Joint Resolution No ttee on Labor and Management
Amendment Nº 518			
Amend section	l, page 1, by	deleting lines 14	and 15, and insert-
ing:			
"mission and th	e commissioner	may by toint requi	.ation adopt a
supplement to t	he "Guides to t	he Evaluation of F	ermanent Impair-
ment."". Amend section	.1, page 1, lin	e 22, before " <u>one</u> -	-half" delete "one"
and insert "and	*•		•
Amend section	1, page 2, by	deleting lines 9 t	through 12 and
inserting:			
			July 1, 1973, and
	02.0	_	it does not exceed
12 percent may elect to receive his compensation in a lump sum. A			
claimant injured on or after July 1, 1981, who incurs a disability			

- may elect to receive a payment in a lump sum of:

 (1) Twenty-five percent of the present value of the compensation for his permanent partial disability; or
- (2) The present value of the compensation for his permanent partial disability, but not more than \$10,000."

To: E&E LCB File Journal Eagrossment

Drafted by Date 4-13-21

363

PROPOSED AMENDMENT TO AB 433

Section 2, line 7. Change lb to read: "To any <u>federal social</u> <u>security disability</u> income benefits [from the federal social security system]." (This underlined language specifically identifies the disability income portion of the Social Security benefits).

Section 3, lines 16, 17 and 18. Change to read: "... not entitled to an increase in those death benefits pursuant to NRS 616.628 is entitled to..." (This removes line 18 so that no dependent or survivor's Social Security benefit is affected).

Please add the following amendment which should appear as section 3 in 433; section 3 et. seq. should be renumbered as section 4 et. seq.

- Sec. 3. 1. Any claimant who is not entitled to an increase provided in section 2, but who receives less in combined social security disability income benefits and workers' compensation benefits under this chapter, than 80% of the "average current earnings," as defined by 42 U.S.C. Sec. 424a, is entitled to an increase equal to the lesser of (1) the increase provided in section 2; or (2) the difference between the combined social security disability income benefit and workers' compensation benefit and 80% of the "average current earnings."
- 2. The increase provided by this section must not be paid for any period before July 1, 1981.