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Employment Practices; Discrimination

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Employment Practices

Employment Practices; discrimination

NEV. REV. STAT. §613.415 (repealed); §§233.160, 233.170, 613.420, 613.430 (amended).

AB 94 (Swain); 1983 STAT. Ch 270

AB 95 (Swain); 1983 STAT. Ch 321

AB 96 (Swain); 1983 STAT. Ch 222

Existing law provides for the restoration of all benefits and rights, including back pay¹ and sick leave, in cases involving unlawful employment practices.² Chapter 321 increases the monetary recovery of a prevailing plaintiff by requiring that interest on these benefits be paid at an annual rate of 12% from the date a decision is rendered by the Nevada Equal Rights Commission (hereinafter referred to as the Commission).³ Furthermore, Chapter 222 removes jurisdiction over unfair employment practice hearings from the labor commissioner.⁴

Chapters 222, 270, and 321 also clarify the relationship between the Commission and other forums with jurisdiction over discrimination cases.⁵ Prior law provided that once a decision had been made in an unfair employment practice case, the complainant was barred from proceeding before another administrative body on the same legal theory.⁶ Chapter 321 narrows this exclusion by barring a proceeding on the same *facts and legal theory*.⁷ If the Commission decides against the complainant in an employment discrimination case, however, Chapter 222 allows the individual to apply to the district court for relief.⁸ Pursuant to Chapter 270, a complaint based upon the same facts and legal theories cannot be filed by the Commission even if the Commission decides against the complainant if a decision has been rendered by another state or federal administrative body or officer with comparable jurisdiction over discriminatory practices in housing, employment, or

1. NEV. REV. STAT. §233.170(3)(b)(2) (amended by 1983 Nev. Stat. c. 321, §3, at 771) The two year limit on back pay begins to run after the date of the most recent unlawful practice. *Id.*

2. *Id.* §§233.170(3)(b)(2), 613.330-340 (definition of unlawful employment practices).

3. *Id.* §233.170(3)(b)(2) (amended by 1983 Nev. Stat. c. 321, §1(3), at 771).

4. 1983 Nev. Stat. c. 222, §3, at 518 (repealing NEV. REV. STAT. §613.415).

5. *See id.* c. 222, §1, at 518; *id.* c. 270, §1, at 661; *id.* c. 321, §1(4)-(5), at 771-72.

6. 1977 Nev. Stat. c. 595, §2(5), at 1605 (enacting NEV. REV. STAT. §233.170(5)).

7. *Compare* NEV. REV. STAT. §233.170(5) (amended by 1983 Nev. Stat. c. 321, §1(5), at 772) with 1977 Nev. Stat. c. 595, §2(5), at 1605 (enacting NEV. REV. STAT. §233.170(5)).

8. Nev. Rev. Stat. §613.420 (amended by 1983 Nev. Stat. c. 222, §1, at 518).

Employment Practices

public accommodations.⁹ Finally, under existing law, the Commission is empowered to hold an informal meeting to attempt settlement of an allegation of an unlawful employment practice.¹⁰ Chapter 321 authorizes the Commission to request relevant information from each party in preparing for this meeting.¹¹

9. *Id.* §233.160(1) (amended by 1983 Nev. Stat. c. 270, §1, at 661).

10. *Id.* §233.170(1).

11. *Id.* (amended by 1983 Nev. Stat. c. 321, §1(1), at 771).

Employment Practices; apprenticeship agreements

NEV. REV. STAT. 610.150 (amended).
AB 530 (Thompson); 1983 STAT. Ch. 399

Under existing law, every apprentice¹ agreement or indenture must include a statement specifying the length of the probationary period for the apprenticeship.² This agreement must indicate the number of hours spent in both employment and supplemental instruction.³ Prior law limited the probationary period to 500 hours⁴ and specified that the related instruction could not extend beyond six months.⁵ Chapter 399 extends the permissible period of an apprentice's probation⁶ by allowing up to one thousand hours of employment, in addition to seventy-two hours of instruction.⁷

1. NEV. REV. STAT. §610.010 (definition of apprentice).

2. *Id.* §610.150.

3. *Id.*

4. 1977 Nev. Stat. c. 147, §6(7), at 283 (amending NEV. REV. STAT. §610.150).

5. *Id.*

6. Compare NEV. REV. STAT. §610.150(7) (amended by 1983 Nev. Stat. c. 399, §1(7)(a), at 974) with 1977 Nev. Stat. c. 147, §6(7), at 283 (amending NEV. REV. STAT. §610.150).

7. NEV. REV. STAT. §610.150(7) (amended by 1983 Nev. Stat. c. 399, §1(7)(a), at 974).

Employment Practices; unemployment compensation

NEV. REV. STAT. §612.— (new); §§612.265, 612.340, 612.350, 612.355, 612.377, 612.3774, 612.3776, 612.378, 612.3784, 612.390, 612.392, 612.700, 612.710 (amended).
SB 340 (Committee on Commerce and Labor); 1983 STAT. Ch 359
(*Effective May 18, 1983*)*

* *Sections 3,4,5,8,and 9 become effective on October 1, 1983, Section 13 becomes effective on January 1, 1985, the remaining sections took effect on May 18, 1983.