Workers' Compensation; Appeals, Bearings, Penalties

University of the Pacific, McGeorge School of Law

Follow this and additional works at: https://scholarlycommons.pacific.edu/nlr

Part of the Legislation Commons

Recommended Citation
Available at: https://scholarlycommons.pacific.edu/nlr/vol1983/iss1/108

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.
Workers' Compensation

uisite to obtaining public representation.³

Under prior law, the appeals officer could appoint a state industrial attorney if (1) the claimant was financially unable to employ private counsel⁴ and (2) the claimant would be better served by legal representation.⁵ Chapter 208 eliminates indigency of the claimant as a consideration in this decision-making process,⁶ and requires an attorney to be appointed if the claimant would be better served by legal representation.⁷


Workers' Compensation; appeals, hearings, penalties

AB 255 (Committee on Labor and Management); 1983 Stat. Ch 156
AB 555 (Committee on Labor and Management); 1983 Stat. Ch 406

Under existing law, the Manager¹ of the State Industrial Insurance System² (hereinafter referred to as System) is authorized to fix the premiums paid to the state insurance fund³ based upon premium rates and classifications of employment filed with the Commissioner of Insurance.⁴ Existing law limits judicial review of administrative determinations to situations in which a party is aggrieved by a final decision in a contested case.⁵ Under prior law, decisions made by employees of the System⁶ regarding an employer's⁷ account did not constitute a con-

2. See id. §616.1701 (creation of State Industrial Insurance System).
3. Id. §616.395(1); see id. §616.425 (creation of state insurance fund).
5. Id. §233B.130(1); see id. §616.335 (to facilitate this process the system is authorized to inspect the books, records and payrolls of the employer); see also Private Investigator's Licensing Board v. Atherley, 98 Nev. Adv. Op. 152, 654 P.2d 1019, 1019 (1982) (district court has jurisdiction to review only "contested cases"). A contested case is a proceeding (1) to determine the legal rights, duties or privileges of a party after an opportunity for a hearing, or (2) in which an administrative penalty may be imposed. Nev. Rev. Stat. §233B.032.
6. See id. §616.1721 (an administrative staff is appointed by the manager).

Selected 1983 Nevada Legislation
Workers' Compensation

tested case. With the enactment of Chapter 156, an employer may appeal this type of decision to the Manager of the System within thirty days after the decision is made. Furthermore, Chapter 156 explicitly authorizes the Manager to conduct hearings pursuant to the provisions and regulations of the Industrial Insurance Act. The Manager's decision is a final and binding administrative determination of the appeal.

Under existing law, every employer governed by the provisions of the Industrial Insurance Act, except self-insured employers, must deliver to the system an accurate payroll showing (1) the total amount paid to employees for services performed during the month, (2) a segregation of employment, and (3) the premium that is due. An employer misrepresenting the amount of payroll may be liable in a civil action brought on behalf of the System. Chapter 156 authorizes the System to impose a penalty for an employer's failure to submit payroll information within the time allowed, unless the employer is granted an extension by the Manager.

Workers' Compensation; confidentiality of medical records

NEV. REV. STAT. §616.360 (amended).
AB 433 (Banner); 1983 STAT. Ch 209

Existing law sets forth a comprehensive workers' compensation system for the purpose of insuring employers against liability for em-