Employment Practices; subsequent action between employer and person

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Employment Practices

Employment Practices; subsequent action between employer and person

NEV. REV. STAT. § 612._ (new).
AB 179 (Committee on Judiciary); 1987 STAT. Ch 88
(Effective April 16, 1987)

Under existing case law, the Board of Review is authorized to conduct a de novo review of the decisions of the appeals tribunal in actions to recover unemployment benefits. Existing law also provides for an appeal to the district court from decisions of the Board of Review. Judicial review by a district court is confined to questions of law. Board decisions on mixed questions of law and fact are entitled to great deference and cannot be disturbed when supported by substantial evidence. With the enactment of Chapter 88, any finding of fact or law, judgment, determination, conclusion or final order made in a prior proceeding is not admissible or binding in a separate proceeding between a person and his employer.

1. NEV. REV. STAT. § 612.325 (Board of Review).
2. Id. § 612.490 (appeal tribunals appointed by Board of Review).
See also NEV. REV. STAT. § 612.515 3 (Board of Review may affirm, modify or reverse findings of appeal tribunal solely on the basis of evidence previously submitted or upon the basis of such additional evidence as it may direct to be taken).
4. NEV. REV. STAT. § 612.530.
NEV. REV. STAT. § 612.530 4 (review for sufficiency of the evidence is required).
6. E.g., Jones v. Rosner, 102 Nev. ___, 719 P.2d 805, 806 (1986); Garman v. State Employment Security Dept., 102 Nev. ___, 729 P.2d 1335, 1338 (1986) (findings of misconduct must be given deference similar to findings of fact when supported by substantial evidence in lower court). See Barnum v. Williams, 84 Nev. 37, 42, 436 P.2d 219, 222 (1968) (district court erred in reversing agency because the findings of fact and conclusions of law submitted by the appeals referee were supported by evidence presented at hearings).
8. 1987 Nev. Stat. ch. 88, sec. 1, at ___ (enacting NEV. REV. STAT. § 612.___) (applicable if made by the executive director, appeal tribunal, examiner, board of review, district court, or other authorized person).

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Employment Practices

Chapter 88 applies regardless of whether the prior action was between the same or related parties or involved the same facts.\textsuperscript{10}

\textit{Employment Practices; sick leave for childbirth}

\textbf{NEV. REV. STAT.} § 608.\textemdash (new); §§ 608.180, 608.195, (amended). SB 328 (Horn); 1987 STAT. Ch 715

Existing law requires the Labor Commissioner\textsuperscript{1} to enforce the payment of wages\textsuperscript{2} in the event of a violation of compensation laws.\textsuperscript{3} Chapter 715 provides that employers\textsuperscript{4} who grant leave with or without pay or without loss of seniority due to a medical condition, must extend the same benefits to any female employee\textsuperscript{5} who is pregnant.\textsuperscript{6} With the enactment of Chapter 715, the Labor Commissioner must enforce these provisions\textsuperscript{7} and any violation is a misdemeanor.\textsuperscript{8}

\textit{BAA}

1. \textbf{NEV. REV. STAT.} § 608.180 (or a representative of the labor commissioner).
2. \textit{Id. (the district attorney prosecutes violations upon notice from the labor commissioner)}.
3. \textbf{NEV. REV. STAT.} §§ 608.005-.170.
4. \textbf{NEV. REV. STAT.} § 608.011 (definition of employer).
5. \textit{Id.} § 608.010 (definition of employee).
6. 1987 Nev. Stat. ch. 715, sec. 1, at \textemdash (enacting \textbf{NEV. REV. STAT.} § 608.\textemdash) (the female employee who is pregnant may use the leave before or after childbirth, miscarriage, or other natural resolution of the pregnancy and return to work without loss of seniority).
7. \textbf{NEV. REV. STAT.} § 608.180 (amended by 1987 Nev. Stat. ch. 715, sec. 2, at \textemdash) (enforcement is commenced by notifying the district attorney of the county in which the violation occurred).