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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 Review¹ is authorized to conduct a de novo review of the decisions of the appeals tribunal² in actions to recover unemployment benefits.³ Existing law also provides for an appeal to the district court from decisions of the Board of Review.⁴ Judicial review by a district court is confined to questions of law.⁵ Board decisions on mixed questions of law and fact are entitled to great deference and cannot be disturbed when supported by substantial evidence.⁶ With the enactment of Chapter 88, any finding of fact or law, judgment,⁷ determination, conclusion or final order made in a prior proceeding⁸ is not admissible or binding in a separate proceeding between a person and his employer.⁹

1. NEV. REV. STAT. § 612.325 (Board of Review).

2. *Id.* § 612.490 (appeal tribunals appointed by Board of Review).

3. *Kraft v. Nevada Employment Security Dept.*, 102 Nev. ___, 717 P.2d 583, 585 (1986). 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.

5. *Kraft v. Nevada Employment Security Dept.*, 102 Nev. ___, 717 P.2d 583, 585 (1986). 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).

7. Nev. R. Civ. P. 54(a) (definition of judgment).

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).

9. 1987 Nev. Stat. ch. 88, sec. 1, at ____ (enacting NEV. REV. STAT. § 612.____). NEV. REV. STAT. § 612.055 (definition of employer).

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

CH

10. 1987 Nev. Stat. ch. 88, sec. 1, at ____ (enacting NEV. REV. STAT. § 612.).

Employment Practices; sick leave for childbirth

NEV. REV. STAT. § 608.____ (new); §§ 608.180, 608.195, (amended).
SB 328 (Horn); 1987 STAT. Ch 715

Existing law requires the Labor Commissioner¹ to enforce the payment of wages² in the event of a violation of compensation laws.³ Chapter 715 provides that employers⁴ 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 employee⁵ who is pregnant.⁶ With the enactment of Chapter 715, the Labor Commissioner must enforce these provisions⁷ and any violation is a misdemeanor.⁸

BAA

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1. NEV. REV. STAT. § 608.180 (or a representative of the labor commissioner).
 2. *Id.* (the district attorney prosecutes violations upon notice from the labor commissioner).
 3. NEV. REV. STAT. §§ 608.005-.170.
 4. NEV. REV. STAT. § 608.011 (definition of employer).
 5. *Id.* § 608.010 (definition of employee).
 6. 1987 Nev. Stat. ch. 715, sec. 1, at ____ (enacting NEV. REV. STAT. § 608.____) (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. NEV. REV. STAT. § 608.180 (amended by 1987 Nev. Stat. ch. 715, sec. 2, at ____) (enforcement is commenced by notifying the district attorney of the county in which the violation occurred).
 8. NEV. REV. STAT. § 608.195 (amended by 1987 Nev. Stat. ch. 715, sec. 3, at ____).