

ASSEMBLY BILL NO. 214—ASSEMBLYMEN WILLIAMS, GIUNCHIGLIANI, ARBERRY, ANDERSON, BACHE, FREEMAN, TIFFANY, KOIVISTO, PARNELL, MCCLAIN, GUSTAVSON, PRICE, SEGERBLOM, GIBBONS, THOMAS, NEIGHBORS AND MORTENSON

FEBRUARY 11, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain private and public employers to grant leave to certain employees for meetings with educational personnel. (BDR 53-78)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to employment; requiring certain private and public employers to grant leave to certain employees for meetings with educational personnel; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 608 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. Each employer who employs at least 300 employees in private***
4 ***employment at one location in this state shall, in addition to any other***
5 ***leave, grant to each employee who complies with this section at least 2***
6 ***hours of leave with or without pay each year for each child of the***
7 ***employee who attends kindergarten or grades 1 to 12, inclusive. An***
8 ***employee who takes leave pursuant to this section must use the leave to***
9 ***meet with the teacher or counselor of his child, or the principal or any***
10 ***other administrator of the school that his child attends.***
11 ***2. An employer shall grant paid or unpaid leave to an employee***
12 ***pursuant to this section, at the discretion of the employer and within the***
13 ***limits of any applicable federal law or state statute.***
14 ***3. An employee who desires to take leave pursuant to subsection 1,***
15 ***must provide notice to his employer at least 3 days before the employee***
16 ***desires to take the leave.***

1 **4. An employer may request that an employee who takes leave**
2 **pursuant to subsection 1 provide written proof to the employer of the**
3 **attendance of the employee at a meeting with the teacher or counselor of**
4 **the employee's child, or the principal or any other administrator of the**
5 **school that the child attends. Upon such a request, the employee must**
6 **provide the proof.**

7 **5. An employer shall not penalize an employee or otherwise take**
8 **disciplinary action against an employee because the employee requests or**
9 **takes leave pursuant to this section.**

10 **6. The provisions of this section do not prohibit an employer from**
11 **establishing a policy or program of leave that provides employees with**
12 **benefits for leave in addition to the benefits required by this section.**

13 **Sec. 2.** NRS 608.180 is hereby amended to read as follows:

14 608.180 The labor commissioner or his representative shall cause the
15 provisions of NRS 608.005 to 608.170, inclusive, **and section 1 of this act,**
16 to be enforced, and upon notice from the labor commissioner or his
17 representative:

18 1. The district attorney of any county in which a violation of those
19 sections has occurred;

20 2. The deputy labor commissioner, as provided in NRS 607.050;

21 3. The attorney general, as provided in NRS 607.160; or

22 4. The special counsel, as provided in NRS 607.065,
23 shall prosecute the action for enforcement according to law.

24 **Sec. 3.** NRS 608.195 is hereby amended to read as follows:

25 608.195 Every person violating any of the provisions of NRS 608.005
26 to 608.190, inclusive, **and section 1 of this act,** is guilty of a misdemeanor.

27 **Sec. 4.** Chapter 281 of NRS is hereby amended by adding thereto a
28 new section to read as follows:

29 **1. Each employee of the state or any county, city, town or other**
30 **political subdivision thereof is entitled, in addition to any other leave, to**
31 **at least 2 hours of leave with or without pay each year for each child of**
32 **the employee who attends kindergarten or grades 1 to 12, inclusive. An**
33 **employee who takes leave pursuant to this section must use the leave to**
34 **meet with the teacher or counselor of his child, or the principal or any**
35 **other administrator of the school that his child attends.**

36 **2. A public employer shall grant leave to an employee pursuant to**
37 **this section with or without pay:**

38 **(a) For state employees, within the limits of any legislative**
39 **appropriation or authorized expenditure specifically for this purpose;**
40 **and**

41 **(b) For all other public employees, at the discretion of the public**
42 **employer,**
43 **and within the limits of any applicable federal law or state statute.**

1 **3. An employee who desires to take leave pursuant to subsection 1,**
2 **must provide notice to his employer at least 3 days before the employee**
3 **desires to take the leave.**

4 **4. A public employer may request that an employee who takes leave**
5 **pursuant to subsection 1 provide written proof to the employer of the**
6 **attendance of the employee at a meeting with the teacher or counselor of**
7 **the employee's child, or the principal or any other administrator of the**
8 **school that the child attends. Upon such a request, the employee must**
9 **provide the proof.**

10 **5. A public employer shall not penalize an employee or otherwise**
11 **take disciplinary action against an employee because the employee**
12 **requests or takes leave pursuant to this section.**

13 **Sec. 5.** NRS 281.1275 is hereby amended to read as follows:

14 281.1275 1. Except as permitted by the federal Family and Medical
15 Leave Act of 1993 **H** **and except as required by the operation of section 4**
16 **of this act,** the salary of a public officer or employee of the state or any
17 agency thereof, or of a political subdivision or any agency thereof, who is
18 not entitled pursuant to federal or state law, local ordinance, or policy or
19 contract of employment to earn overtime at the rate of time and one-half,
20 must not be reduced for an absence from work for part of a day.

21 2. The provisions of this section do not apply to an officer or employee
22 of the legislative branch of government, except an officer or employee of
23 the legislative library.

24 **Sec. 6.** The amendatory provisions of section 3 of this act do not apply
25 to offenses that were committed before October 1, 1999.