

CHAPTER.....

AN ACT relating to industrial insurance; allowing the provisions of certain collective bargaining agreements to supersede various statutory provisions relating to industrial insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill allows the provisions of collective bargaining agreements between certain employers and the labor organizations that represent their employees to supersede various statutory provisions relating to industrial insurance. Such collective bargaining agreements may include provisions which establish processes for alternative dispute resolution, lists of medical evaluators and providers of medical treatment, joint safety committees, programs for light-duty or modified job responsibilities and programs for vocational rehabilitation.

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

Section 1. Chapter 616A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, notwithstanding any provisions of chapters 616A to 617, inclusive, of NRS to the contrary, the Division and the courts of this State shall recognize as valid and binding, in a collective bargaining agreement between a private employer or a group of private employers and a labor organization that represents the employees of such employers, any provision which establishes:

(a) A process for alternative dispute resolution, including, without limitation, mediation and arbitration, which governs disputes between employees and employers or their insurers and which supplements or replaces all or part of the dispute resolution processes contained in chapters 616A to 617, inclusive, of NRS. Any such process for alternative dispute resolution must provide that a finding of fact, award, order or decision of an arbitrator or board of arbitration:

(1) Has the same force and effect as a finding of fact, award, order or decision of a hearing officer or the Administrator, as applicable; and

(2) Is subject to review by an appeals officer in the same manner, and using the same procedures, as provided for review of a finding of fact, award, order or decision made by a hearing officer or the Administrator, as applicable;



(b) The use of a specified list of providers of medical treatment who may be the exclusive source of all medical treatment provided under chapters 616A to 617, inclusive, of NRS;

(c) The use of a specified list of medical evaluators who may be the exclusive source of all medical evaluations under chapters 616A to 617, inclusive, of NRS;

(d) A joint committee for safety involving both the employer and the labor organization;

(e) A program for light-duty employment or employment that is modified according to limitations or restrictions imposed by a physician or chiropractor; or

(f) A program for vocational rehabilitation utilizing a specified list of providers of vocational rehabilitation services who may be the exclusive source of all vocational rehabilitation services under chapters 616A to 617, inclusive, of NRS.

2. Nothing in this section:

(a) Authorizes any provision of a collective bargaining agreement to reduce the entitlement of an employee to compensation for temporary total disability, temporary partial disability, permanent total disability, permanent partial disability, vocational rehabilitation services or medical treatment fully paid for by the employer, as otherwise provided in chapters 616A to 617, inclusive, of NRS. Any provision of a collective bargaining agreement which purports to so reduce the entitlement of an employee to any such compensation is void.

(b) Prohibits an employer and a labor organization from negotiating any aspect of the delivery of medical benefits or the delivery of compensation for disability to employees of the employer or group of employers who are eligible for group health benefits and disability benefits through their employer other than those provided in chapters 616A to 617, inclusive, of NRS.

3. As used in this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

Sec. 2. This act becomes effective on July 1, 2009.

