

Amendment No. 628

Senate Amendment to Assembly Bill No. 243 Second Reprint (BDR 34-670)

Proposed by: Senate Committee on Health and Education

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

KCR



Date: 5/8/2009

A.B. No. 243—Requires certain employers to grant leave to parents, guardians and custodians of children to participate in certain school activities.  
(BDR 34-670)



ASSEMBLY BILL NO. 243—ASSEMBLYMEN MASTROLUCA, PARNELL, DENIS, SMITH;  
ANDERSON, ATKINSON, BOBZIEN, DONDERO LOOP, HARDY, KIRKPATRICK,  
STEWART AND WOODBURY

MARCH 5, 2009

JOINT SPONSORS: SENATORS WOODHOUSE; AND COPENING

Referred to Committee on Education

SUMMARY—Requires certain employers to grant leave to parents, guardians and  
custodians of children to participate in certain school activities.  
(BDR 34-670)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for  
Term of Imprisonment in County or City Jail or Detention  
Facility.  
Effect on the State: 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 education; requiring certain employers to grant leave to a  
parent, guardian or custodian of a child enrolled in public school or  
private school to participate in certain school conferences, activities  
and events; prohibiting employers from taking certain retaliatory  
actions against an employee who takes the authorized leave;  
authorizing a parent, guardian or custodian who is retaliated against to  
~~request a hearing before~~ file a claim or complaint with the Labor  
Commissioner; providing a penalty; and providing other matters  
properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1** of this bill requires employers who employ 50 or more employees to grant to a  
parent, guardian or custodian of a child enrolled in a public school 4 hours of leave from his  
place of employment, which must be taken in increments of 1 hour, per school year per child  
to attend school-related activities or events or to volunteer at the school in which his child is  
enrolled. **Section 1** also requires the leave to be taken at a mutually agreed upon time and the  
employer is not required to pay the employee for the leave. The provisions of section 1 do  
not apply if the employee is afforded the same leave under the same conditions pursuant  
to a collective bargaining agreement.

Existing law makes it unlawful for any employer or his agent to terminate the  
employment of a person who is a parent, guardian or custodian of a child enrolled in public  
school because the person attended a conference requested by a school administrator or was  
notified of an emergency involving the child at school. (NRS 392.920) **Section 2** of this bill  
revises the prohibited acts by an employer or his agent to include demoting, suspending or  
otherwise discriminating against a parent, guardian or custodian of a child. **Section 2** also

prohibits the termination, demotion, suspension or other discrimination of a parent, guardian or custodian of a child who takes leave authorized by **section 1** of this bill and authorizes a parent, guardian or custodian of a child who is terminated, demoted, suspended or otherwise discriminated against to ~~request a hearing before~~ **file a claim or complaint with** the Labor Commissioner. ~~(If the dispute is not resolved, the parent, guardian or custodian may bring a civil action against his employer, as authorized in existing law.)~~

**Section 4** of this bill imposes the same requirements on employers for the parents, guardians and custodians of children enrolled in a private school. **The provisions of section 4 do not apply if an employee is afforded the same leave under the same conditions pursuant to a collective bargaining agreement.** **Section 5** of this bill prohibits an employer or his agent from terminating, demoting, suspending or otherwise discriminating against a parent, guardian or custodian of a child enrolled in a private school for attending a conference requested by a school administrator, being notified of an emergency involving the child at school or taking leave authorized by **section 4**. **Section 5** also authorizes ~~to a hearing before the Labor Commissioner. If the dispute is not resolved, the~~ a parent, guardian or custodian ~~may bring a civil action against his employer.~~ **to file a claim or complaint with the Labor Commissioner.**

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

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**Section 1.** Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. ~~Any~~ Except as otherwise provided in subsection 5, an employer shall grant a parent, guardian or custodian of a child who is enrolled in a public school leave from his place of employment for 4 hours per school year, which must be taken in increments of at least 1 hour, to:***

- (a) Attend parent-teacher conferences;***
  - (b) Attend school-related activities during regular school hours;***
  - (c) Volunteer or otherwise be involved at the school in which his child is enrolled during regular school hours; and***
  - (d) Attend school-sponsored events.***
- ↪ The leave must be at a time mutually agreed upon by the employer and the employee.***

***2. An employer may require:***

***(a) An employee to provide a written request for the leave at least 5 school days before the leave is taken; and***

***(b) An employee who takes leave pursuant to this section to provide documentation that during the time of the leave, the employee attended or was otherwise involved at the school or school-related activity for one of the purposes set forth in subsection 1.***

***3. An employer is not required to pay an employee for any leave taken pursuant to this section.***

***4. A parent, guardian or custodian must be granted leave in accordance with this section for each child of the parent, guardian or custodian who is enrolled in public school.***

***5. The provisions of this section do not apply if an employee is afforded pursuant to the provisions of a collective bargaining agreement:***

***(a) At least 4 hours of leave or more per school year for the purposes set forth in subsection 1 and subject to the same provisions as subsections 2, 3 and 4; and***

***(b) Substantially similar protections and remedies for violations by the employer as those that are set forth in NRS 392.920.***

6. As used in this section, "employer" means any person who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current calendar year.

**Sec. 2.** NRS 392.920 is hereby amended to read as follows:

392.920 1. It is unlawful for an employer or his agent to:

(a) Terminate the employment of , or to demote, suspend or otherwise discriminate against, a person who, as the parent, guardian or custodian of a child:

(1) Appears at a conference requested by an administrator of the school attended by the child; ~~for~~

(2) Is notified during his work by a school employee of an emergency regarding the child; or

(3) Takes leave pursuant to section 1 of this act if the employer is subject to the requirements of that section; or

(b) Assert to the person that his appearance or prospective appearance at such a conference , ~~for~~ the receipt of such a notification during his work or leave taken pursuant to section 1 of this act will result in the termination of his employment ~~for~~ or a demotion, suspension or other discrimination in the terms and conditions of his employment.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. A person who is discharged from employment or who is demoted, suspended or otherwise discriminated against in violation of subsection 1 may ~~request a hearing before~~ file a claim or complaint with the Labor Commissioner. The employer shall provide the person who is discharged from employment or who is demoted, suspended or otherwise discriminated against with all the forms necessary to request such ~~a hearing. The~~ a claim or complaint. If the Labor Commissioner determines that the claim or complaint is valid and enforceable, the Labor Commissioner shall provide notice and opportunity for a hearing ~~must be conducted in the manner prescribed in~~ pursuant to NRS 607.205 to 607.215, inclusive.

4. If the Labor Commissioner ~~is unsuccessful in resolving the dispute, the person who requested the hearing pursuant to subsection 3 may commence a civil action against his employer and obtain.~~ issues a written decision in favor of the employee, the Labor Commissioner may award in addition to any remedies and penalties provided in chapters 607 and 608 of NRS:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits; and

(c) Damages equal to the amount of the lost wages and benefits. ~~for~~ and

~~(d) Reasonable attorney's fees fixed by the court.~~

**Sec. 3.** Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

**Sec. 4. 1.** ~~Any~~ Except as otherwise provided in subsection 5, an employer shall grant a parent, guardian or custodian of a child who is enrolled in a private school leave from his place of employment for 4 hours per school year, which must be taken in increments of at least 1 hour, to:

(a) Attend parent-teacher conferences;

(b) Attend school-related activities during regular school hours;

(c) Volunteer or otherwise be involved at the school in which his child is enrolled during regular school hours; and

(d) Attend school-sponsored events.

↳ The leave must be at a time mutually agreed upon by the employer and the employee.

2. An employer may require:

(a) An employee to provide a written request for the leave at least 5 school days before leave is taken; and

(b) An employee who takes leave pursuant to this section to provide documentation that during the time of the leave, the employee attended or was otherwise involved at the private school or school-related activity for one of the purposes set forth in subsection 1.

3. An employer is not required to pay an employee for any leave taken pursuant to this section.

4. A parent, guardian or custodian must be granted leave in accordance with this section for each child of the parent, guardian or custodian who is enrolled in private school.

5. The provisions of this section do not apply if an employee is afforded pursuant to the provisions of a collective bargaining agreement:

(a) At least 4 hours of leave or more per school year for the purposes set forth in subsection 1 and subject to the same provisions as subsections 2, 3 and 4; and

(b) Substantially similar protections and remedies for violations by the employer as those that are set forth in section 5 of this act.

6. As used in this section, "employer" means any person who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current calendar year.

Sec. 5. 1. It is unlawful for an employer or his agent to:

(a) Terminate the employment of, or to demote, suspend or otherwise discriminate against, a person who, as the parent, guardian or custodian of a child:

(1) Appears at a conference requested by an administrator of the private school attended by the child;

(2) Is notified during his work by a school employee of an emergency regarding the child; or

(3) Takes leave pursuant to section 4 of this act if the employer is subject to the requirements of that section; or

(b) Assert to the person that his appearance or prospective appearance at such a conference, the receipt of such a notification during his work or leave taken pursuant to section 4 of this act will result in the termination of his employment or a demotion, suspension or other discrimination in the terms and conditions of his employment.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. A person who is discharged from employment or who is demoted, suspended or otherwise discriminated against in violation of subsection 1 may ~~request a hearing before~~ file a claim or complaint with the Labor Commissioner. The employer shall provide the person who is discharged from employment or who is demoted, suspended or otherwise discriminated against with all the forms necessary to request such a ~~hearing. The~~ claim or complaint. If the Labor Commissioner determines that the claim or complaint is valid and enforceable, the Labor Commissioner shall provide notice and an opportunity for a hearing ~~must be conducted in the manner prescribed in~~ pursuant to NRS 607.205 to 607.215, inclusive.

4. ~~If the Labor Commissioner is unsuccessful in resolving the dispute, the person who requested the hearing pursuant to subsection 3 may commence a civil action against his employer and obtain~~ issues a written decision in favor of the

employee, the Labor Commissioner may award in addition to any remedies and penalties set forth in chapters 607 and 608 of NRS:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

and

(c) Damages equal to the amount of the lost wages and benefits ~~and~~

~~(d) Reasonable attorney's fees fixed by the court.~~

**Sec. 6.** NRS 394.201 is hereby amended to read as follows:

394.201 NRS 394.201 to 394.351, inclusive, and sections 4 and 5 of this act may be cited as the Private Elementary and Secondary Education Authorization Act.

**Sec. 7.** This act becomes effective on August 15, 2009.