

SENATE BILL NO. 6—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE HEARINGS DIVISION)

PREFILED DECEMBER 19, 2012

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing the appointment of appeals officers and special appeals officers for matters related to industrial insurance and occupational diseases. (BDR 53-287)

FISCAL NOTE: Effect on Local Government: No.  
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 industrial insurance; revising provisions governing the appointment of appeals officers and special appeals officers to conduct hearings and appeals concerning certain claims for workers' compensation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Under existing law, an employee who is injured or killed by a workplace
- 2 accident or occupational disease arising out of and in the course of his or her
- 3 employment is generally entitled to receive benefits for workers' compensation.
- 4 (Chapters 616A-617 of NRS) Existing law requires the Governor to appoint appeals
- 5 officers and special appeals officers to conduct hearings and appeals concerning
- 6 claims for the payment of such benefits. (NRS 616C.340) This bill requires the
- 7 appeals officers and special appeals officers to be appointed by the Director of the
- 8 Department of Administration.



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

**Section 1.** NRS 616C.340 is hereby amended to read as follows:

616C.340 1. The ~~{Governor}~~ *Director of the Department of Administration* shall appoint one or more appeals officers to conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS. Each appeals officer shall ~~hold office for 2 years after the date of his or her appointment and until the successor of the appeals officer is appointed and has qualified.~~ *serve at the pleasure of the Director.* Each appeals officer is entitled to receive an annual salary in an amount provided by law and is in the unclassified service of the State.

2. Each appeals officer must be an attorney who has been licensed to practice law before all the courts of this State for at least 2 years. Except as otherwise provided in NRS 7.065, an appeals officer shall not engage in the private practice of law.

3. If an appeals officer determines that he or she has a personal interest or a conflict of interest, directly or indirectly, in any case which is before him or her, the appeals officer shall disqualify himself or herself from hearing the case.

4. The ~~{Governor}~~ *Director of the Department of Administration* may appoint one or more special appeals officers to conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS. The ~~{Governor}~~ *Director* shall not appoint an attorney who represents persons in actions related to claims for compensation to serve as a special appeals officer.

5. A special appeals officer appointed pursuant to subsection 4 is vested with the same powers as a regular appeals officer. A special appeals officer may hear any case in which a regular appeals officer has a conflict, or any case assigned to the special appeals officer by the senior appeals officer to assist with a backlog of cases. A special appeals officer is entitled to be paid at an hourly rate, as determined by the Department of Administration.

6. The decision of an appeals officer is the final and binding administrative decision on a claim for compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS, and the whole record consists of all evidence taken at the hearing before the appeals officer and any findings of fact and conclusions of law based thereon.

**Sec. 2.** 1. An appeals officer who has been appointed by the Governor before the effective date of this act shall continue to hold office for the remainder of the term to which he or she was



1 appointed and thereafter until his or her successor is appointed and  
2 has qualified.

3 2. A special appeals officer who has been appointed by the  
4 Governor before the effective date of this act shall continue to  
5 conduct hearings or appeals in any case that is assigned to him or  
6 her before the effective date of this act.

7 **Sec. 3.** This act becomes effective upon passage and approval.

