

Assembly Bill No. 12–Committee
on Commerce and Labor

CHAPTER.....

AN ACT relating to occupational safety; removing the requirement that an employee notify his or her employer before filing certain complaints with the Division of Industrial Relations of the Department of Business and Industry; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) prohibits any person from discharging or discriminating against an employee because the employee has filed a complaint, instituted or caused to be instituted any proceeding or testified or is about to testify in any proceeding relating to an alleged violation of any provision concerning occupational safety and health; and (2) allows an aggrieved employee to file a complaint concerning such discharge or discrimination with the Division of Industrial Relations of the Department of Business and Industry. (NRS 618.445) This bill removes the requirement that an employee notify his or her employer of his or her intention to file such a complaint with the Division before filing the complaint.

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

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

- Section 1.** NRS 618.445 is hereby amended to read as follows:
- 618.445 1. A person shall not discharge or in any manner discriminate against any employee because the employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter or has testified or is about to testify in any such proceeding or because of the exercise by the employee on behalf of himself, herself or others of any right afforded by this chapter.
2. Any employee aggrieved by a violation of subsection 1 may file a complaint for the relief afforded under subsection 3 ~~[, after first notifying his or her employer and] with~~ the Division ~~. [of his or her intention to file the complaint.]~~ Any complaint must be filed with the Division within 30 days after the violation has occurred and must set forth in writing the facts constituting the violation.
3. Upon receipt of the complaint by the Division, the Administrator shall cause such investigation to be made as the Administrator deems appropriate. If upon investigation, the Administrator determines that the provisions of subsection 1 have been violated, the Administrator shall bring an action in the name of



the Administrator in any appropriate district court against the person who has committed the violation.

4. If the court finds that the employee was discharged or discriminated against in violation of subsection 1, the employee is entitled to reinstatement and reimbursement for lost wages and work benefits.

5. Any decision reached by the Administrator relating to the filing of an action pursuant to this section must be made available to the complaining employee within 90 days after the Division's receipt of the complaint.

Sec. 2. This act becomes effective upon passage and approval.

