

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Senate Committee on Commerce and Labor

This measure may be considered for action during today's work session.

ASSEMBLY BILL 222 (R1)

Revises provisions governing employment practices. (BDR 53-739)

Sponsored By: Assemblywoman Torres
Date Heard: May 7, 2021
Fiscal Notes: Effect on Local Government: No.
Effect on the State: No.

Assembly Bill 222 codifies in statute the whistleblower protections as interpreted by the Nevada Supreme Court for employees who:

- Report to the appropriate external authority or to the employer conduct by the employer that the employee reasonably and in good faith suspects may be illegal; or
- Notify the Division of Industrial Relations for the Department of Business and Industry of a safety or health violation the employee has reason to believe exists in the workplace.

The measure further provides the same protections to employees who reasonably refuse to engage in such conduct, and revises provisions governing periods of limitation in certain civil actions concerning unlawful employment practices.

Amendments:

Assemblywoman Torres proposes the following amendments (attached):

1. Delete paragraph (c) of subsection 2 of Section 1 which expressly authorizes an employee who suffered certain unlawful employment practices and brings a civil action against the employer to obtain damages equal to the amount of the lost wages and benefits.

Proposed amendment to AB222

Proposed by Selena Torres

Section 1. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *It is an unlawful employment practice for an employer to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because the employee:*
 - (a) *Reports to his or her employer or an appropriate external authority, or reasonably refuses to engage in, conduct that the employee reasonably and in good faith suspects may violate a local, state or federal law or regulation or; or*
 - (b) *Notifies the Division of Industrial Relations of the Department of Business and Industry, pursuant to NRS 618.435, of a safety or health violation that the employee has reason to believe exists in the workplace.*

2. *An employee who is discharged, discriminated against or otherwise suffers an adverse employment action as a result of a violation of subsection 1 by his or her employer may bring a civil action against the employer and obtain:*

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

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

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

(d) Any past or future compensatory damages; and

(e) Punitive damages, if appropriate pursuant to NRS 42.005. The provisions of NRS 42.007 do not apply to an action brought pursuant to this section.

3. *The court shall award reasonable costs, including, without limitation, court costs and attorney's fees, to an employee who is the prevailing party in an action brought pursuant to this section.*

4. *The remedy provided by this section is the exclusive remedy for an action brought pursuant to this section.*