



## SNVSHRM June Happenings

### Upcoming Events

- **June 23 – 26, 2019 – SHRM '19**
  - Las Vegas Convention Center
  - 3150 Paradise Rd
  - Las Vegas, NV 89109
  - [Register Here](#)
- **August 8, 2019, 7:30 – 9:30 am – Legal Update – Active Shooter Preparation: Workplace Violence Planning and Strategies for When Shots Ring Out**
  - Opportunity Village
  - 6050 S. Buffalo Dr.
  - Las Vegas, NV 89113
  - \$25 Member | \$35 Non-Member
  - [Register Here](#)
- **August 9, 2019, 10:00 am – 1:00 pm – A Job Fair Especially for Older Workers**
  - CSN – Charleston Campus – Building D Lobby
  - 6375 W Charleston Blvd.
  - Las Vegas, NV 89149
  - [Learn More](#)
- **August 22, 2019 – SNVSHRM Summer Mixer – SAVE THE DATE**
  - Mackenzie River
  - More Information to come
- **December 12, 7:30 – 9:30 am – End of Year Legal Update**
  - Opportunity Village
  - 6050 S. Buffalo Dr.
  - Las Vegas, NV 89113
  - \$25 Member | \$35 Non-Member
  - [Register Here](#)

Don't forget to bring your business cards to SNVSHRM meetings to participate in raffle drawings for valuable prize giveaways!





~~~~~

### Your Opinion Matters – SNVSHRM Member Survey

In the effort of providing you with meeting topics and information most useful to you, we are asking you to complete this short survey to tell us the type of subject matter you prefer at our regular meetings. If there is anything not included on the survey that you are interested in, please indicate it in the comment section.

[Take the Survey Now](#)

~~~~~

### Legal Brief

#### Nevada Codifies What Constitutes “Health Benefits” for Purposes of Nevada’s Minimum Wage Laws

Little Mendelson PC

On May 21, 2019, Nevada Governor Steve Sisolak signed a bill that seeks to clarify what type of health benefits an employer must provide in order to pay its employees the lower-tier minimum wage under the Minimum Wage Amendment (MWA) Act. The enactment of Senate Bill No. 192 appears to be in response to a Nevada Supreme Court decision issued last year that addressed this issue. Although the new law effectively overrules the court decision and codifies a new standard, questions about the range of new benefits that must be provided to qualify as “health benefits” and their resulting cost will likely remain.

#### **Two-Tier Minimum Wage System**

In 2006, Nevada’s Constitution was amended to establish a two-tier minimum wage dependent on whether an employer provides “health benefits” to its employees. Employers may pay a lower minimum wage rate (currently equal to the federal minimum wage of \$7.25/hour) if qualifying

health benefits are offered. If such benefits are not offered, employers covered by this law must pay a higher minimum wage equal to one dollar more than the lower minimum. On May 31, 2018, the Nevada Supreme Court issued a unanimous decision in *MDC Restaurants, LLC v. The Eighth Judicial Dist. Court*, 134 Nev. Op. 41 (May 31, 2018) (“MDC II”), answering the question: what health benefits must an employer provide to pay employees the lower-tier minimum wage? The court concluded, “the MWA requires an employer who pays one dollar per hour less in wages to provide a benefit in the form of health insurance at least equivalent to the one dollar per hour in wages that the employee would otherwise receive.” In making this finding, the Nevada Supreme Court rejected the MDC II plaintiffs’ contention that a health benefit plan under the MWA needed to meet the substantive provisions of Nevada Revised Statutes (NRS) Chapters 689A and 689B regarding individual and group health plans. The court reasoned that because employees offered health benefits may receive one dollar less in wages, “health benefits” must mean the equivalent of one extra dollar per hour in wages to the employee but offered in the form of health insurance as opposed to cash wages. The court further held that the health benefits must also be “at a cost to the employer of the equivalent of at least an additional dollar per hour in wages ....” The court stated that this additional dollar per hour in wages was based on the “simple meaning found within the text and purpose of the MWA.”

[Read More](#)

---

## **For the 5<sup>th</sup> Consecutive Year Southern Nevada Awarded SHRM’s EXCEL Platinum Award For Elevating Human Resources, Improving Workplaces**

**Las Vegas, NV June 1, 2019** — SHRM (the Society for Human Resource Management) recently awarded Southern Nevada SHRM (SNVSHRM) its prestigious EXCEL Platinum Award for the SNVSHRM’s accomplishments in 2018. [Read More](#)

---

## **2019 Scholarship Application Dates Now Available**

The SHRM Foundation has released their 2019 scholarship overview. In 2019, they will award more than \$500,000 in certification, academic and professional development scholarships and grant to HR professionals and students. All eligible SHRM, student and chapter and state council members are encouraged to apply for one or more of the scholarships or awards. For more information, visit [shrmfoundation.org/scholarships](http://shrmfoundation.org/scholarships) or contact [misha.adams@shrm.org](mailto:misha.adams@shrm.org)

---

## **SHRM Membership Special**

Special SHRM membership offer for Southern Nevada SHRM’s members: Save \$20 on a new or renewal SHRM membership by 12/31 with promo code State20 and get access to the HR tools and resources to help you be confident, compliant and current on all things HR. <https://www.shrm.org/>

---

## **SHRM Specialty Credentials**

Build specialized knowledge and expand your influence by earning a SHRM Specialty Credential. These credentials allow HR professionals to demonstrate targeted competence in several key areas while enhancing credibility among peers and employers. Earning a SHRM Specialty Credential is an investment in your continued career development and can be accomplished by engaging in content-specific, competency-based education and achieving a successful score on an online assessment. Specialty Credentials are an approved professional development activity for recertification credits towards your SHRM-CP® or SHRM-SCP® certification. [Learn More](#)

~~~~~

## SHRM's Recertification Credit Guide

May 2019

[Your Guide to Programs Eligible for SHRM-CP and SHRM-SCP Recertification Credit](#)

~~~~~

### Legislative Update

As you know, the 80th Nevada Legislative session concluded June 3, 2019 at midnight. Below, you will see my **red highlights** indicating the most recent updates on the bills that we tracked at our Nevada Advocacy Day. Additionally, I wanted to provide an update on AB456, Nevada's minimum wage.

AB456 has been signed by both houses and has been delivered to the Governor for signature. Effective July 1, 2019, Nevada's minimum wage will increase by .75 from \$7.25 to \$8 per hour, if health insurance is offered, and .75 each year thereafter until it reaches \$11 per hour. If health insurance is not offered, the minimum wage will increase .75 from \$8.25 to \$9.00, and .75 each year thereafter until it reaches \$12 per hour.

(It will be interesting if this law is challenged in the courts because current minimum wage is written in the Nevada constitution)

AB90 & SB312: AB90 requires employers to permit employees to use accrued sick leave for the purpose of assisting sick or injured members of the immediate family. The bill passed in the Assembly, but has had no vote in the Senate. However, SB312 may be the vehicle that moves this issue forward. There have been several meetings between business and progressive groups to come to a compromise. The word "sick" has been omitted and the law would impact employers who employ 50 or more employees. SB312 has passed in the Senate and moves to the Assembly. With less than 3 weeks left in the session, expect to see some movement as this bill is felt passionately by many legislators. **SB312 has been delivered to the Governor for signature. Effective January 1, 2020, employers with 50 or more employees to provide at least 0.01923 hours of paid leave for each hour worked. Leave can be used for any purpose and requires no documentation to be submitted by the employee.**

AB132: AN ACT relating to employment; prohibiting the denial of employment because of the presence of marijuana in a screening test taken by a prospective employee with certain exceptions; authorizing an employee to rebut the results of a screening test under certain circumstances; creating a presumption that the ability of an employee to perform his or her job

and that the safety of other employees is not adversely affected if an employee has certain levels of certain prohibited substances in his or her blood; providing penalties; and providing other matters properly relating thereto. Assembly has passed the bill. At this writing, the Senate has had no discussion but will take up the measure because of Nevada's legalization of marijuana. Employers still have one protection. Marijuana is still an illegal substance under federal law. **Effective January 1, 2020, employers will be prohibited from refusing employment due to a candidate's pre-employment positive drug screening for marijuana. Exceptions to this law are: EMTs, firefighters, operators of vehicles when federal or state law is required, or a position that the employer determines would adversely affect the safety of others. Governor Sisolak has reportedly signed this bill into law.**

AB138: AN ACT relating to workers' compensation; requiring a claim for compensation under industrial insurance to be decided under a liberal construction in favor of the injured employee; revising provisions governing the duty of certain insurers to accept or deny claims for compensation; revising the standard for determining whether an injured employee is entitled to compensation; and providing other matters properly relating thereto. Current law requires an injured employee to establish by a preponderance of evidence that his/her injury arose from his/her employment. Under this proposed law, it would be presumed that employee's injury arose from his/her employment unless the employer establishes by clear and convincing evidence that it did not. The bill would also introduce significant monetary penalties for employers who deny a workers' compensation claim in the event such a denial is later overturned. **The bill appears dead. As of April 13, 2019, pursuant to Joint Standing Rule No. 14.3.1, no further action is allowed on this bill.**

AB181: To prohibit employers from requiring an employee to be physically present at the workplace in order to notify the employer that he or she is sick or injured and cannot work. This bill prohibits the requiring of employee's presence to report as unable to work, and permits the employers to require a doctor's note upon the employee's return to work. However, the imposition of criminal penalties and administrative penalties by the Nevada State Labor Commissioner is unduly punitive. The bill has been delivered to the Governor after passing both houses. **Signed into law by the Governor on 5-15-19**

AB152 & SB497: AB152 would provide exemption from filing a commerce tax return for businesses whose annual Nevada gross revenue is no greater than \$3.5 million. Currently, all Nevada businesses are required to file a commerce tax return each year, although only businesses with gross revenue of more than \$4 million must pay taxes. This bill relieves the burden on many employers by eliminating the requirement to file an annual return if gross revenue does not exceed \$3.5 million. Unfortunately, the bill did not gain traction and pursuant to Joint Resolution Rule No. 14.3.1, no further action is allowed. SB497 is a similar bill and has a little more legs. The Senate's Review and Economic Development committee voted for SB497's passage. Assembly's Ways & Means committee reviewed the contents of the bill on May 15, 2019. No update has been provided. **SB497 has been delivered to the Governor for signature on June 1, 2019.**

SB166: AN ACT relating to employment; requiring certain penalties and fines imposed by the Nevada Equal Rights Commission for certain unlawful discriminatory practices to be deposited in the State General Fund; revising provisions governing the filing of complaints of employment

discrimination with the Nevada Equal Rights Commission; revising provisions relating to unlawful employment practices; revising the relief that the Commission may order if it determines that an unlawful employment practice has occurred; revising provisions relating to the time in which a person may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto. **This bill was passed in the Senate and recently passed in the Assembly on June 1, 2019. SB166 has been delivered to the Governor for signature on June 3, 2019.**

AB399: AN ACT relating to employment; creating the Board of Trustees of the Nevada Employee Savings Trust; prescribing the membership, powers, duties and limitations of the Board; authorizing the Board to create the Nevada Employee Savings Trust Program; prescribing certain required attributes of the Program; creating the Nevada Employee Savings Administrative Fund and specifying the sources and uses of money deposited therein; creating the Nevada Employee Savings Trust and prescribing the manner of its administration; providing for the confidentiality of certain information; providing civil immunity to certain persons and entities in connection with the Program; making certain persons fiduciaries with respect to participants in the Program; prohibiting certain persons from engaging in certain financial transactions in connection with the Program; requiring the preparation and submission of certain annual reports; and providing other matters properly relating thereto. This bill provides for the establishment of a retirement savings program for private sector employees. It mandates participation by all Nevada employers. Sponsored by Assemblywoman Ellen Spiegel and passionately supported by Lieutenant Governor Kate Marshall, the bill has been heard only in committee meetings and has had no formal discussion in the Senate and Assembly. **This bill did not gain traction throughout session.**

Please feel free to contact me with any questions.

Sincerely,  
Mark Tulman  
SHRM Nevada State Council  
Government Affairs

~~~~~

## Is HR Certification Worth It?

By [Dave Rietsema](#)

To most it would seem that the HR certification tests (PHR, SPHR) through the [HR Certification Institute](#) are held in high regard. After all, can you browse through HR job postings without seeing the inevitable “PHR/SPHR Required” towards the end of the ad?

You might be asking yourself (as I did) whether or not the tests are worth it. After all, it **IS** an investment of your time and money. The certifications and tests are optional, so it’s not like you need to get them in order to get started in your HR career.

With all these things in mind, you might find yourself asking the same questions I did when I was considering HR certification: [Read More](#)

---

## SHRM Learning System Study Group

We are excited to announce that registration for the Fall 2019 Chapter Study Group is now OPEN! If you are planning to sit for any HR certification exam, participation in our Chapter Study Group will give you the edge that will make a difference.

In addition to being revised around the updated 2019 SHRM BoCK (Body of Competencies and Knowledge), the 2019 SHRM Learning System includes many new features to enhance the learners' experience:

- Competencies in Action: engaging activities to promote and differentiate the behavioral competencies.
- Online access to the Learning Modules: via an embedded e-reader, accessed within the system on a computer or device when a student is logged in. **This online access is available for 18 months after the date of your purchase.**
- Access to downloadable e-files: for use via an e-reader device, providing disconnected access for students on the go.

The SNV SHRM Chapter Study Group price of only \$495 is the lowest of all HR Certification test preparation courses even with the service fee of \$65 to cover shipping and handling. The Total fee is \$560. This fee is **only available to participants in the Chapter Study Group and is the lowest fee available anywhere.**

Plus, we provide access to local, certified HR professionals to answer your questions for no additional fee. The first session of the Fall Chapter Study Group will meet on Wednesday, September 11, 2019 from 6-9 pm and 11 weeks thereafter. In order for you to have time to receive your materials and prepare for the first session, **we will need your payment by August 17, 2019.** Your written materials will be delivered to you within one week of placing the group order.

The location for the study group meetings has not yet been decided, it could be in your office.

For more information email [connyeharper@gmail.com](mailto:connyeharper@gmail.com)

---

This Month's Happenings is Sponsored by (This could be you! Contact our Administrator for information on available sponsorships):

