

Testimony for AB179, given before the Assembly Commerce and Labor Committee Hearing, Feb25, 2025.

The Nevada Trucking Association and Nevada Manufacturers Association in **opposition to AB 179**
Presented by Terry Graves

The way the language is crafted in Section 3 subsection C, can handcuff employers by limiting their flexibility to manage staff effectively. It assumes any negative action following leave usage might be retaliatory, forcing employers to navigate a minefield.

Retaliation is Broad and Vague:

- The specific examples of retaliation (e.g., dismissing, demoting, suspending, reprimanding, or transferring an employee) but also includes a catch-all phrase: "Taking any other adverse action." This broad phrasing leaves room for interpretation, making it challenging for employers to determine what actions might unintentionally be perceived as retaliation. For instance, if an employee's use of paid leave disrupts a project and the employer adjusts their responsibilities afterward, it could be misconstrued as punitive, even if it wasn't intended that way.

Restriction on Considering Leave in Disciplinary Actions:

- Item (4) prohibits "considering, in any way, the employee's use of paid leave" in disciplinary actions. This could complicate performance management. For example, if an employee frequently uses paid leave in a way that impacts team productivity or violates company norms (e.g., taking leave without notice when it's avoidable), the employer cannot factor this into evaluations or disciplinary decisions without risking a violation. This limits the employer's ability to address patterns of behavior that might affect workplace operations.

Operational Challenges:

- Employees using paid leave is a normal part of business, but this language might hamstring employers to enforce reasonable policies—like requiring advance notice or limiting leave during critical business periods—out of fear that any enforcement could be seen as retaliation. This could lead to staffing shortages or project delays, especially in the trucking and manufacturing industries where many companies are dealing with tight schedules and small teams.

Subjective Employee Perception:

- Employees might interpret routine management decisions (e.g., a transfer to balance workloads or a performance review) as retaliation if they occur after taking leave, even if the decisions are unrelated. The language's emphasis on prohibiting adverse actions "for using paid leave" places the burden on employers to prove their intent, which can be difficult and subjective.

Conflict with Business Needs:

- While protecting employees' rights to use paid leave is important, the strict wording doesn't account for legitimate business needs. For example, if an employee's frequent or poorly timed use of leave jeopardizes a deadline, the employer's hands are tied, they can't act without risking a violation. This could frustrate efforts to maintain efficiency and fairness across a team.

Increased Legal and Compliance Burden:

- The detailed list of prohibited actions, combined with the open-ended "any other adverse action," requires employers to meticulously document decisions to avoid liability adding time and cost to workforce management. This is most burdensome on our small businesses.

Nevada Trucking Association
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