

Setting NV Volunteer "deemed" wage to 75% of NV state max wage

Currently, NV volunteer firefighters that are subject to an industrial accident or occupational exposure on the job under either the Nevada Industrial Insurance Act ("NIIA") and Nevada Occupational Disease Act ("NODA") have a deemed wage set at \$2,000 per month for the purposes of calculating compensation benefits under NIIA and NODA. See NRS 616A.145, Exhibit p. 1.

The \$2000 per month deemed wage has been in NV statute since 1991. See Exhibit p. 1. In April of 1991 when the last change was updated to a \$2000 deemed wage, the state max wage under NRS 616A.065 (previously NRS 616.027) was \$2,624.82. See Exhibit p. 3. At the time, the \$2000 deemed wage represented seventy-six percent (76%) of the (then) maximum wage calculation.

By the time of the 2019 legislature convenes, nearly three decades will have passed (28 years precisely) since the deemed wage of volunteer firefighters has been updated. This is both unfair and unjust to the volunteer firefighters of this state who are subject to industrial injuries and occupational exposures while engaging in their firefighting duties.

The proposed bill seeks to change this injustice and to set the volunteer firefighter wage to keep pace with inflation and set the deemed wage to a similar figure as was done during the last amendment in 1991; specifically, the proposed bill will tie the deemed wage of a volunteer firefighter to 75% of the NV state max wage as set forth by NRS 616A.065(1)(b).

**The proposed language seeks to amend NRS 616A.145 to read as follows:**

**NRS 616A.145 "Employee": Volunteer firefighters.** Volunteer firefighters belonging to a regular organized and recognized fire department, while engaged in their duties in any voluntary community service which they may undertake, and while acting under the direction of the fire chief or any of the assistants of the fire chief in the protection of life or property, during fire, flood, earthquake, windstorm, ambulance service or other rescue work, shall be deemed, for the purpose of chapters 616A to 616D, inclusive, of NRS, employees of the city, town, county or district so recognizing them, at the wage of, *per month, [\$2,000] equal to seventy-five percent (75%) of the amount calculated by NRS 616A.065(1)(b) and date the wage is calculated must be determined pursuant to NRS 616C.425 [per month]*, and are entitled to the benefits of those chapters upon such city, town, county or district's complying therewith.

*This bill is effective for all claims filed on or after July 1, 2019.*



## Current law as 2019 Legislative Session

**NRS 616A.145 "Employee": Volunteer firefighters.** Volunteer firefighters belonging to a regular organized and recognized fire department, while engaged in their duties in any voluntary community service which they may undertake, and while acting under the direction of the fire chief or any of the assistants of the fire chief in the protection of life or property, during fire, flood, earthquake, windstorm, ambulance service or other rescue work, shall be deemed, for the purpose of chapters 616A to 616D, inclusive, of NRS, employees of the city, town, county or district so recognizing them, at the wage of \$2,000 per month, and are entitled to the benefits of those chapters upon such city, town, county or district's complying therewith.

[Part 17:168:1947; A 1951, 485; 1953, 163] — (NRS A 1963, 745; 1965, 336; 1973, 497; 1983, 808; 1991, 168; 2005, 341)

**NRS 616A.065 "Average monthly wage" defined.**

1. Except as otherwise provided in subsection 3, "average monthly wage" means the lesser of:
  - (a) The monthly wage actually received or deemed to have been received by the employee on the date of the accident or injury to the employee, excluding remuneration from employment:
    - (1) Not subject to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act; and
    - (2) For which coverage is elective, but has not been elected; or
  - (b) One hundred fifty percent of the state average weekly wage as most recently computed by the Employment Security Division of the Department of Employment, Training and Rehabilitation during the fiscal year preceding the date of the injury or accident, multiplied by 4.33.

## 1991 Amendment to Volunteer Firefighter Deemed Wage

### CHAPTER 98

*AN ACT relating to industrial insurance; increasing the deemed wage for certain volunteer firefighters for the purpose of industrial insurance; and providing other matters properly relating thereto.*

*[Approved April 18, 1991]*

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

**Section 1.** *NRS 616.070 is hereby amended to read as follows:*

*616.070 Volunteer firemen belonging to a regular organized and recognized fire department, while engaged in their duties in any voluntary community service which they may undertake, and while acting under the direction of the fire chief or any of his assistants in the protection of life or property,*

.....  
↓1991 Statutes of Nevada, Page 169 (Chapter 98, SB 231) ↓

*during fire, flood, earthquake, windstorm, ambulance service or other rescue work, shall be deemed, for the purpose of this chapter, employees of the city, town, county or district so recognizing them, at the wage of [S900] \$2,000 per month, and are entitled to the benefits of this chapter upon such city, town, county or district's complying therewith.*

**Sec. 2.** *This act becomes effective on July 1, 1991.*

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**BRIAN SANDOVAL**  
*Governor*

WCS Contact  
Information  
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**STATE OF NEVADA**



**BRUCE BRESLOW**  
*Director*

**JOSEPH "JD" DECKER**  
*Administrator*

**CHARLES J. VERRE**  
*Chief Administrative Officer*

**DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
WORKERS' COMPENSATION SECTION  
1301 N. Green Valley Parkway, Suite 200  
Henderson, Nevada 89074**

**MEMORANDUM**

**TO:** Private Carriers  
Self-Insured Employers  
Associations of Self-Insured Employers  
Third-Party Administrators

**FROM:** Joseph "JD" Decker, Administrator

**DATE:** June 30, 2017

**SUBJECT:** Average Monthly Wage, Fiscal Year 2018

Below is the computation of the state's Fiscal Year 2018 maximum Average Monthly Wage for workers' compensation purposes, effective July 1, 2017.

Should you have any questions, please contact the Workers' Compensation Section at the following:

**Carson City**

400 West King Street  
Suite 400  
Carson City, Nevada 89703  
(775) 684-7270

**Henderson**

1301 North Green Valley Parkway  
Suite 200  
Henderson, Nevada 89074  
(702) 486-9080

**Enclosure**

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State of Nevada  
DEPARTMENT OF BUSINESS AND INDUSTRY  
Division of Industrial Relations  
*Workers' Compensation Section*  
**FISCAL YEAR MAXIMUM COMPENSATION CHART**

| <u>FISCAL YEAR</u>    | <u>MAX WAGE ALLOWED</u> | <u>66-2/3%</u> | <u>BI-WEEKLY</u> | <u>DAILY</u> |
|-----------------------|-------------------------|----------------|------------------|--------------|
| 1975 (7/1/74-6/30/75) | \$ 727.48               | \$ 485.01      | \$ 223.16        | \$ 15.94     |
| 1976 (7/1/75-6/30/76) | \$1,142.21              | \$ 761.47      | \$ 350.42        | \$ 25.03     |
| 1977 (7/1/76-6/30/77) | \$1,211.00              | \$ 807.33      | \$ 371.28        | \$ 26.52     |
| 1978 (7/1/77-6/30/78) | \$1,287.44              | \$ 858.29      | \$ 394.80        | \$ 28.20     |
| 1979 (7/1/78-6/30/79) | \$1,377.08              | \$ 918.05      | \$ 422.24        | \$ 30.16     |
| 1980 (7/1/79-6/30/80) | \$1,488.46              | \$ 992.31      | \$ 456.40        | \$ 32.60     |
| 1981 (7/1/80-6/30/81) | \$1,591.86              | \$1,061.24     | \$ 488.18        | \$ 34.87     |
| 1982 (7/1/81-6/30/82) | \$1,754.95              | \$1,169.97     | \$ 538.16        | \$ 38.44     |
| 1983 (7/1/82-6/30/83) | \$1,930.38              | \$1,286.92     | \$ 591.93        | \$ 42.28     |
| 1984 (7/1/83-6/30/84) | \$2,040.60              | \$1,360.40     | \$ 625.80        | \$ 44.70     |
| 1985 (7/1/84-6/30/85) | \$2,117.31              | \$1,411.54     | \$ 649.32        | \$ 46.38     |
| 1986 (7/1/85-6/30/86) | \$2,159.33              | \$1,439.55     | \$ 662.20        | \$ 47.30     |
| 1987 (7/1/86-6/30/87) | \$2,230.45              | \$1,486.97     | \$ 683.90        | \$ 48.85     |
| 1988 (7/1/87-6/30/88) | \$2,302.22              | \$1,534.82     | \$ 705.88        | \$ 50.42     |
| 1989 (7/1/88-6/30/89) | \$2,395.49              | \$1,596.99     | \$ 734.58        | \$ 52.47     |
| 1990 (7/1/89-6/30/90) | \$2,525.78              | \$1,683.85     | \$ 774.48        | \$ 55.32     |
| 1991 (7/1/90-6/30/91) | \$2,624.82              | \$1,750.00     | \$ 804.86        | \$ 57.49     |
| 1992 (7/1/91-6/30/92) | \$2,747.65              | \$1,831.88     | \$ 842.52        | \$ 60.18     |
| 1993 (7/1/92-6/30/93) | \$2,820.19              | \$1,880.13     | \$ 864.78        | \$ 61.77     |
| 1994 (7/1/93-6/30/94) | \$2,996.08              | \$1,997.39     | \$ 918.68        | \$ 65.62     |
| 1995 (7/1/94-6/30/95) | \$3,058.43              | \$2,038.95     | \$ 937.72        | \$ 66.98     |
| 1996 (7/1/95-6/30/96) | \$3,089.93              | \$2,059.95     | \$ 947.38        | \$ 67.67     |
| 1997 (7/1/96-6/30/97) | \$3,211.00              | \$2,140.67     | \$ 984.48        | \$ 70.32     |
| 1998 (7/1/97-6/30/98) | \$3,354.34              | \$2,236.23     | \$1,028.44       | \$ 73.46     |
| 1999 (7/1/98-6/30/99) | \$3,474.43              | \$2,316.29     | \$1,065.26       | \$ 76.09     |
| 2000 (7/1/99-6/30/00) | \$3,667.27              | \$2,444.85     | \$1,124.48       | \$ 80.32     |
| 2001 (7/1/00-6/30/01) | \$3,788.07              | \$2,525.38     | \$1,161.44       | \$ 82.96     |
| 2002 (7/1/01-6/30/02) | \$3,915.25              | \$2,610.16     | \$1,200.50       | \$ 85.75     |
| 2003 (7/1/02-6/30/03) | \$4,022.68              | \$2,681.78     | \$1,233.40       | \$ 88.10     |
| 2004 (7/1/03-6/30/04) | \$4,129.39              | \$2,752.92     | \$1,266.16       | \$ 90.44     |
| 2005 (7/1/04-6/30/05) | \$4,284.04              | \$2,856.02     | \$1,313.48       | \$ 93.82     |
| 2006 (7/1/05-6/30/06) | \$4,505.97              | \$3,003.98     | \$1,381.66       | \$ 98.69     |
| 2007 (7/1/06-6/30/07) | \$4,708.68              | \$3,139.12     | \$1,443.68       | \$103.12     |
| 2008 (7/1/07-6/30/08) | \$4,862.68              | \$3,241.78     | \$1,491.00       | \$106.50     |
| 2009 (7/1/08-6/30/09) | \$5,116.24              | \$3,410.82     | \$1,568.70       | \$112.05     |
| 2010 (7/1/09-6/30/10) | \$5,208.60              | \$3,472.40     | \$1,596.98       | \$114.07     |
| 2011 (7/1/10-6/30/11) | \$5,179.05              | \$3,452.70     | \$1,588.02       | \$113.43     |
| 2012 (7/1/11-6/30/12) | \$5,151.57              | \$3,434.38     | \$1,579.48       | \$112.82     |
| 2013 (7/1/12-6/30/13) | \$5,222.63              | \$3,481.75     | \$1,601.32       | \$114.38     |
| 2014 (7/1/13-6/30/14) | \$5,290.70              | \$3,527.13     | \$1,622.18       | \$115.87     |
| 2015 (7/1/14-6/30/15) | \$5,356.23              | \$3,570.82     | \$1,642.34       | \$117.31     |
| 2016 (7/1/15-6/30/16) | \$5,426.25              | \$3,617.50     | \$1,663.76       | \$118.84     |
| 2017 (7/1/16-6/30/17) | \$5,545.56              | \$3,697.04     | \$1,700.30       | \$121.45     |
| 2018 (7/1/17-6/30/18) | \$5,703.26              | \$3,802.17     | \$1,748.74       | \$124.91     |

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