

BRIAN SANDOVAL
GOVERNOR

C. J. MANTHE
DIRECTOR

SHANNON M. CHAMBERS
LABOR COMMISSIONER

STATE OF NEVADA
Department of Business & Industry
OFFICE OF THE LABOR COMMISSIONER
www.labor.nv.gov

OFFICE OF THE LABOR COMMISSIONER
3300 WEST SAHARA AVENUE, SUITE 225
LAS VEGAS, NEVADA 89102
PHONE: (702) 486-2650
FAX (702) 486-2660

OFFICE OF THE LABOR COMMISSIONER
1818 COLLEGE PARKWAY, SUITE 102
CARSON CITY, NV 89706
PHONE: (775) 684-1890
FAX (775) 687-6409

DOMESTIC VIOLENCE BULLETIN

Senate Bill 361 approved during the 2017 Legislative Session amends Nevada Revised Statutes (NRS) section 608 and takes effect January 1, 2018 with the following provisions:

https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB361_EN.pdf

Requirements of Senate Bill 361:

1. An employee who has been employed by an employer for at 90 days and who is a victim of an act which constitutes domestic violence, or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, is entitled to not more than 160 hours of leave in one 12-month period. Hours of leave provided pursuant to this subsection:

- (a) May be paid or unpaid by the employer;
- (b) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred;
- (c) May be used consecutively or intermittently; and
- (d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., must be deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et. seq.

2. An employee may use the hours of leave pursuant to subsection 1 as follows:

- (a) An employee may use the hours of leave only:
 - (1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence committed against the employee or a family or household member of the employee;
 - (2) To obtain counseling or assistance related to an action which constitutes domestic violence committed against the employee or a family or household member of the employee;
 - (3) To participate in court proceedings related to an act which constitutes domestic violence committed against the employee or a family or household member of the employee;
 - (4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence.
- (b) After taking any hours of leave upon the occurrence of the action which constitutes domestic violence, an employee shall give not less than 48 hours advance notice to his or her employer of the need to use additional hours of leave for any purpose listed in paragraph (a).

3. An employer shall not:

- (a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;
- (b) Require an employee to find a replacement worker as a condition of using hours of leave; or
- (c) Retaliate against an employee for using hours of leave.

4. The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

5. The Labor Commissioner shall prepare a bulletin which clearly sets forth the right to the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

6. An employer shall maintain a record of the hours of leave taken pursuant to this section for each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation.

8. As used in this section:

- (a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.
- (b) "Family or household member" means a"
 - (1) Spouse;
 - (2) Domestic Partner;
 - (3) Minor child; or
 - (4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

Exceptions (set forth in subsection 7 of Senate Bill 361):

7. The provisions of this section do not:

- (a) Limit or abridge any other rights, remedies or procedures available under the law.
- (b) Negate any other rights, remedies or procedures available to an aggrieved party.
- (c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous leave benefit or paid leave benefit.

Pursuant to NRS 608.195 (except as otherwise provided in NRS 608.0165) any person who violates provisions of NRS 608.005 to 608.195 inclusive is guilty of a misdemeanor. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each violation.