

# NEVADA Labor Laws

<section-header>      Promotion     Pr</section-header>	ntitled to at least 0.01923 hours of paid leave for each hour of work performed. d may carry over for each employee between his or her benefit years of employment, except an
<text></text>	the amount of paid leave for each employee carried over to a maximum of 40 hours per benefit II:
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<text><text><text><text><text><text><text><text><text></text></text></text></text></text></text></text></text></text>	ch use.
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<page-header></page-header>	JOE LOMBARDO
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<ul> <li>the same start and using the same conditions that apply to the employee when taking such kerse.</li> <li>A menophysical is a subscription of the same start and using the same starts and using</li></ul>	RULES TO BED SOLVED TO A DESCRIPTION OF
<ol> <li>Promotive data data data data data data data dat</li></ol>	d (n) A mechanic or workman for any hours to which the provisions of subsection 3 or 4 of <u>NRS 338.020</u> apply. worker who resides in the household where he or she works if the domestic worker and his or her employer g to exempt the domestic worker from the requirements of subsections 1 and 2. 4. As used in this section, ker" has the meaning ascribed to it in section 6 of this act.
Market Willing         SATE OF NEVADA Market Willing         Market Willing	eed upon by an employee and employer in writing to exclude from the employee's wages a regularly scheduled I not to exceed 8 hours if adequate sleeping facilities are furnished pursuant to NRS section 608.0195.
committed against the employee or a family or household member of the employee; Pursuant to NRS 608.195 (except as otherwise provided in NRS 608.0165) any person who violates provisions of such compensation on	or any person to take all or part of any tips or gratuities bestowed upon his employees. Nothing contained in all be construed to prevent such employees from entering into an agreement to divide such tips or gratuities elves. Hay not require an employee to rebate, refund or return any part of his or her wage, salary or compensation. Yer may not withhold or deduct any portion of such wages unless it is for the benefit of, and authorized by if the employee. Further, it is unlawful for any employer who has the legal authority to decrease the wage, ensation of an employee to implement such a decrease unless: (a) Not less than 7 days before the employee work at the decreased wage, salary or compensation, the employer provides the employee with written notice

#### STATE OF NEVADA

#### Office of the Labor Commissioner Paid Leave Effective January 1, 2020 – Nevada Revised Statutes (NRS) § 608

rwise provided in Senate Bill (SB) 312, every employer in private employment with not ve to each employee of the employer as follows: of paid leave for each hour of work performed. yee between his or her benefit years of employment, except an

Paid Leave

3. An employee shall, as soon as practicable, give notice to his or her employer to use the paid leave available for use by that employee.

4. An employer shall not: deny an employee the right to use paid leave available for use by that employee in accordance with the conditions of this section; require an employee to find a replacement worker as a condition of using paid leave available for use by that employee; or retaliate against an employee for using paid leave available for use by that employee

F. An employer shall maintain a record of the receipt or accrual and use of paid leave pursuant to this section for each employee for a 1-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.

G. For the first 2 years of operation, an employer is not required to comply with the provisions of this section. H. This section does not apply to: (a) An employer who, pursuant to a contract, policy, collective bargaining agreement or other agreement, provides employees with a policy for paid leave or a policy for paid time off to all scheduled employees at a rate of at least 0.01923 hours of paid leave per hour of work performed; and (b) Temporary, seasonal or on-call employees

Except as otherwise provided in NRS 608.0165, the Labor Commissioner may impose an administrative penalty of not more than \$5,000 for each violation of NRS 608.005 to 608.195 inclusive, in addition to other remedies or penalties as authorized by law.

Copies of this notice may be obtained from our website at: www.labor.nv.gov

For a copy of the SB 312: https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6553/Overview \*This bulletin is a summary of SB 312. It is for posting and information purposes and should not be considered legal advice. Please refer to SB 312 and NRS section 608 for further details.

> For more information contact the Office of the Labor Commissioner Carson City 775-684-1890 or Las Vegas 702-486-265

> > www.labor.nv.gov

DR. KRISTOPHER SANCHEZ

Director

BRETT HARRIS, ESQ

Labor Commissioner

NRS section 608.0197 subsection 2(b) states: An employer shall allow an employee to use paid leave for any use, including,

or medical care. (3) Receiving or participating in preventative care. (4) Participating in caregiving; or (5) Addressing other

personal needs related to the health of the employee. (See Senate Bill 209 – 2021 Legislative Session)

leave in one 12-month period. Hours of leave provided pursuant to this subsection:

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

against the employee or family or household member of the employee; or

(a) May be paid or unpaid by the employer;

Leave Act of 1993, 29 U.S.C. §§ 2601 et seg

(a) An employee may use the hours of leave only:

the employee or family or household member of the employee;

hours of leave for any purpose listed in paragraph (a).

(c) Retaliate against an employee for using hours of leave.

the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

the records, unless a request for a record is for the purpose of an investigation.

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

19. An employer in private employment shall post the required bulletins and notices available at:

20. Senate Bill 386. cited as the "Nevada Hospitality and Travel Workers Right to Return Act", requires certain employers

to offer job positions to certain employees under certain conditions. This bill requires that certain employees have an

opportunity to return to their jobs when circumstances permit. See this link regarding preliminary guidance on this bill.

Senate Bill 293 prohibits an employer or employment agency from seeking or relying on the wage or salary history of an

applicant for employment; prohibits an employer or employment agency from refusing to interview, hire, promote or employ

an applicant or from discriminating or retaliating against an applicant if the applicant does not provide wage or salary history.

(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.

An employer shall not:

employer pursuant to NRS 608.01

The provisions of this section do not:

(b) "Family or household member" means a:

or paid leave benefit.

As used in this section

(2) Domestic partner

(3) Minor child; or

constitutes domestic violence

(Added to NRS by 2017, 3176)

https://labor.nv.gov/Employer/Employer\_Posters/

Senate Bill 386 Preliminary Guidance (nv.gov).

SB293 Overview (state.nv.us)

(1) Spouse:

7.

(c) May be used consecutively or intermittently; and

domestic violence occurred:

without limitation: (1) Treatment of a mental or physical illness, injury, or health condition, (2) Receiving a medical diagnosis

NRS 608.0198 Employee entitled to leave related to domestic violence: uses of leave: prohibited acts: required documentation:

Labor Commissioner to prepare bulletin; posting; maintenance of records; other rights, remedies and agreements unimpaired.

An employee who has been employed by an employer for at least 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

(b) Must be used within the 12 months immediately following the date on which the act which constitutes

(d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993,

to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical

29 U.S.C. §§ 2601 et seq., must be deducted from the amount of leave the employee is entitled to take pursuant

(1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic

(2) To obtain counseling or assistance related to an act which constitutes domestic violence committed against

(3) To participate in any court proceedings related to an act which constitutes domestic violence committed

(4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or

employee shall give not less than 48 hours' advance notice to his or her employer of the need to use additional

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 act which constitutes domestic violence, an

(a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;

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

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

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

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

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous leave benefit

(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

each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the

requesting leave. Such documentation may include, without limitation, a police report, a copy of an application

subsection is confidential and must be retained by the employer in a manner consistent with the requirements of

(b) Require an employee to find a replacement worker as a condition of using hours of leave; or

violence committed against the employee or family or household member of the employee;

## REV. 6/11/2019

**STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY** 

**OFFICE OF THE LABOR COMMISSIONER** 

RULES TO BE OBSERVED BY EMPLOYERS

AND KEEP POSTED IN A VISIBLE AND OPEN AREA FOR EMPLOYEES ON THE EMPLOYER'S PREMISES/PROPERTY THESE RULES TO BE IS SUMMARIZING NEVADA WAGE AND HOUR LAWS PURSUANT TO NEVADA REVISED STATUTES (NRS) AND NEVADA ADMINISTRATIVE CODE (NAC) SECTIONS 607 AND 608

Summary of NRS and NAC Provisions and should not be considered legal advice - REVISED 7/18/2024

pociation or corporation, or any agent, servant, employee, or officer of any such firm, association, or corporation, who violates any of these NRS

and NAC provisions may be quilty of a misdemeanor and subject to penalties. at the health and welfare of workers and the employment of persons in private enterprise in this State are of concern to the State and that the health and welfare of

r own endeavors require certain safeguards as to hours of service, working conditions and compensation therefor." charges an employee, the wages and compensation earned and unpaid at 16. In addition to the leave provided in NRS section 608.0197 an employer shall provide 2 to 4 hours of paid leave to obtain a vaccination for COVID-19. Please see Senate bill 209 – 2021 Legislative Session for the full provisions. avable immediately. https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7670/Text#

or guits his employment, the wages and compensation earned and unpaid aid no later than the day on which he would have regularly been paid or 7 17.

For additional information please visit WWW.LABOR.NV.GOV

n City: 1818 E. College Parkway, Suite 102, Carson City, Nevada 89706 - Telephone (775) 684-1890 - Fax (775) 687-6409 Las Vegas: 3340 W. Sahara Avenue, Las Vegas, Nevada 89102 - Telephone (702) 486-2650 - Fax (702) 486-2660 www.labor.nv.gov mail1@labor.nv.gov

REV. 07/18/2024

Assembly Bill 307

**STATE OF NEVADA** JOE LOMBARDO DEPARTMENT OF BUSINESS AND INDUSTRY **OFFICE OF THE LABOR COMMISSIONER** 

**REQUIRED POSTING – ASSEMBLY BILL 307** 

Effective July 1, 2022 as set forth in Assembly Bill (AB) 307 passed during the 2021 Legislative Session,

> Nevada Revised Statutes (NRS) section 232 is hereby amended with a new section as follows:

Assembly Bill 307 - <u>https://www.leg.</u>state.nv.us/App/NELIS/REL/81st2021/Bill/7811/Text hapter 232 of NRS is hereby amended by adding thereto a new section to read as follows: 1. The Department (Department of Employment, Training and Rehabilitation; DETR) shall prepare one or more notices concerning job training or employment programs conducted by the Department, including, without limitation, the Career

nhancement Program and EmployNV Business/Career Hubs and provide each such notice to the Labor Commission Within 30 days following the end of each calendar quarter (October 1, January 1, April 1, and July 1), DETR will transmit to the Labor Commissioner an updated notice on the following job training and employment programs. This Notice fulfills DETR's July 1, 2024, required reporting:

#### mployment and Training Programs

Career Enhancement Program (CEP) - <a href="https://detr.nv.gov/Page/Career\_Enhancement\_Program\_(CEP">https://detr.nv.gov/Page/Career\_Enhancement\_Program\_(CEP)</a> EmployNV Business/Career Hubs - https://employnv.gov

Employment Services - <u>https://employnv.gov</u>

- Veterans Employment Services <a href="https://detr.nv.gov/Page/Veteran\_Services">https://detr.nv.gov/Page/Veteran\_Services</a> Migrant Seasonal Farm Workers (MSFW) -
- ttps://www.employnv.gov/vosnet/gsipub/documentview.aspx?enc=s0YLzxCf++EmSyMZiXZH1A==
- Eligible Training Provider List (ETPL) https://www.employnv.gov/vosnet/guest.aspx?guesttype=IND&whereto=ETPLPROGRAMS
- Nevadaworks (northern Nevada) http://nevadaworks.com/service-providers
- Workforce Connections (southern Nevada) -
- https://nvworkforceconnections.org/system-partners/eligible-training-provider-list-etpl/ evada Labor Market Information - https://nevadaworkforce.com/

## **NEVADA SAFETY AND HEALTH PROTECTION ON THE JOB**

The Nevada Occupational Safety and Health Act, NRS Chapter 618, provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State of Nevada. Requirements of the Act include the following:

#### EMPLOYERS:

Each employer shall furnish to each of his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; and shall comply with occupational safety and health standards adopted under the Act.

### EMPLOYEES:

Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his own actions and conduct on the job.

The Nevada Occupational Safety and Health Administration (Nevada OSHA) of the Division of Industrial Relations, Department of Business and Industry, has the primary responsibility for administering the Act. Nevada OSHA enforces occupational safety and health standards, and its Safety and Health Representatives/ Industrial Hygienists conduct jobsite inspections to ensure compliance with the Act.

### **INSPECTION:**

The Act requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the Nevada OSHA inspector for the purpose of aiding the inspection.

Where there is no authorized employee representative, the Nevada OSHA Safety and Health Representative/ Industrial Hygienist must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

#### COMPLAINT:

Employees, public or private, or their representatives have the right to file a complaint with the nearest Nevada OSHA office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. Nevada OSHA will hold confidential names of employees complaining.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

An employee, public or private, who believes he has been discriminated against may file a complaint within thirty (30) days of the alleged discrimination with the nearest Nevada OSHA office or with Occupational Safety and Health Administration, U.S. Department of Labor, 90 7th Street, Suite 18100, San Francisco, CA 94103.

### CITATIONS:

If upon inspection Nevada OSHA believes an employer has violated the Act, a citation alleging such violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected. The Nevada OSHA citation must be prominently displayed at or near the place of alleged violation for three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

### **PROPOSED PENALTY:**

The Act provides for mandatory penalties against employers of up to \$16,131

### EMPLOYERS: This poster must be displayed prominently in the workplace.

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	TWO wa	ays to verify poster compliance!	To updat
		Scan with phone camera:	ار ۲
	OR—( ONLINE	Go to: JJKeller.com/LLPverify Enter this code: 69442-072024	JUL

**VOLUNTARY ACTIVITY:** While providing penalties for violations, the Act also encourages efforts by labor and management, before a Nevada OSHA inspection, to reduce injuries and illnesses arising out of employment. The Nevada Occupational Safety and Health Administration of the Division of Industrial Relations, Department of Business and Industry, encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries. Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors. Further information and assistance will be provided by Nevada OSHA to employees and employers upon request

Additional information and copies of the Act, specific Nevada OSHA safety and health standards, and other applicable regulations may be obtained by calling or writing the nearest Nevada OSHA district office in the following locations:

NOTE: Persons wishing to register a complaint alleging inadequacy in the administration of the Nevada Occupational Safety and Health Plan may do so at the following address:



<u>Business Services</u>

**DR. KRISTOPHER SANCHEZ** 

Director

**BRETT HARRIS** 

Labor Commissioner

Job Order Posting - <u>https://employnv.gov</u>

Foreign Labor Certification (FLC) - <a href="https://detr.nv.gov/Page/H-2B\_Online\_Job\_Order\_Form">https://detr.nv.gov/Page/H-2B\_Online\_Job\_Order\_Form</a> Silver State Works (SSW)

http://employnv.gov/vosnet/gsipub/documentview.aspx?enc=+Xn98+WQY9h4nikSv1SOag== Rapid Response - <a href="https://detr.nv.gov/Page/Employment\_Security\_Division\_Rapid\_Response">https://detr.nv.gov/Page/Employment\_Security\_Division\_Rapid\_Response</a> Work Opportunity Tax Credit (WOTC) - <a href="https://detr.nv.gov/Page/Work\_Opportunity\_Tax\_Credit">https://detr.nv.gov/Page/Work\_Opportunity\_Tax\_Credit</a> Other Employment and Training Services

Nevada Employment and Eligibility Assessment Initiative (REAnv)/Reemployment Services and Eligibility Assessment Program (RESEA) - https://www.dol.gov/agencies/eta/american-job-centers/RESEA Trade Assistance Act (TAA) - https://www.dol.gov/agencies/eta/tradeact

Federal Bonding Program - https://bonds4jobs.com/

Vocational Rehabilitation

https://detr.nv.gov/Page/Rehabilitation\_Division\_Bureau\_of\_Vocational\_Rehabilitation Short-term Training programs -

https://www.employnv.gov/admin/gsipub/htmlarea/uploads/Short%20Term%20Training\_NV\_04142021.pdf Short-term Certificate programs - https://www.tmcc.edu/academics/certifications

Education and Training

https://www.employnv.gov/vosnet/Guest.aspx?action=indguest&guesttype=IND&whereto=LEARNING Online Learning Resources - https://www.employnv.gov/vosnet/OnlineLearning/Resources.aspx

Nevada's Displaced Homemaker Program - <u>https://detr.nv.gov/Page/Displaced\_Homemakers\_Program</u>

For additional services, resources and program details - register in EmployNV at: https://www.employnv.gov/vosnet/loginintro.aspx

Pursuant to the Stevens Amendment (https://www.gao.gov/products/gao-19-282), the employment services and training programs included in this Notice are supported by the Employment and Training Administration (ETA) and Veterans' Employment and Training Service of the U.S. Department of Labor; and the Rehabilitation Services Administration (RSA) of the U.S. Department of Labor. [Funding expenditures authorized by the Nevada Legislature, 81<sup>st</sup> Session (2021): Senate Bill (S.B.) 459]

Carson City: 1818 E. College Parkway, Suite 102, Carson City, Nevada 89706 - Telephone (775) 684-1890 -Fax (775) 687-6409

Las Vegas: 3340 W. Sahara Avenue, Las Vegas, Nevada 89102 - Telephone (702) 486-2650 - Fax (702) 486-2660 www.labor.nv.gov mail1@labor.nv.gov

for each serious violation and for optional penalties of up to \$16,131 for each nonserious violation. Penalties of up to \$16,131 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Act may be assessed penalties of up to \$161,323 for each such violation.

Criminal penalties are also provided for in the Act. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of not more than \$50,000 or by imprisonment for not more than six months, or by both. Conviction of any employer after a first conviction doubles these maximum penalties. Penalties may be proposed for public employers.

### MORE INFORMATION:

### Southern Nevada

3360 W. Sahara Avenue, Suite 200 Las Vegas, Nevada 89102 Telephone: (702) 486-9020 Fax: (702) 486-8715

### **Northern Nevada**

4600 Kietzke Lane, Suite F-153 Reno, Nevada 89502 Telephone: (775) 688-3700 Fax: (775) 688-1378

OSHA, U.S. Department of Labor 90 7th Street Suite 18100 San Francisco, CA 94103 Telephone: (415) 625-2547

REV. 01/2024

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