

NEVADA LABOR LAW POSTINGS (PART 2 OF 2)



COVID-19 VACCINATION LEAVE

STEVE SISOLAK
Governor

TERRY REYNOLDS
Director

SHANNON M. CHAMBERS
Labor Commissioner



OFFICE OF THE LABOR COMMISSIONER
1818 COLLEGE PARKWAY, SUITE 102
CARSON CITY, NEVADA 89706
PHONE (775) 684-1899
FAX (775) 687-6409

OFFICE OF THE LABOR COMMISSIONER
3300 W. SAHARA AVE., SUITE 225
LAS VEGAS, NEVADA 89102
PHONE (702) 486-2650
FAX (702) 486-2650

Department of Business & Industry
OFFICE OF THE LABOR COMMISSIONER
<http://www.labor.nv.gov>

REQUIRED POSTING – SENATE BILL 209

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7670/Text#>

Effective Immediately as set forth in Senate Bill 209 passed during the 2021 Legislative Session, Nevada Revised Statutes (NRS) section 608.0197 is hereby amended and a new section is added to Chapter 608 as follows:

AMENDED SECTION 608.0197 SUBSECTION 2(b):

- 2.(b) An employer shall allow an employee to use paid leave for any use, including, without limitation:
 - (1) Treatment of a mental or physical illness, injury, or health condition.
 - (2) Receiving a medical diagnosis 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.

NEW SECTION CHAPTER 608 OF NRS:

1. Except as otherwise provided in subsections 6 and 10, in addition to the paid leave provided pursuant to NRS 608.0197, every employer in private employment shall provide 2 or 4 hours, as determined pursuant to subsection 2 of paid leave to each employee for the purpose of the employee receiving a vaccination for COVID-19.
2. If an employee is to receive a vaccination for COVID-19 and the vaccination requires:(a) Only one dose, the employee may take 2 consecutive hours of paid leave to receive the vaccination for COVID-19. (b) Two separate doses that are administered on two separate occasions, the employee may take 2 consecutive hours of paid leave per absence for a total of 4 hours of paid leave.
3. An employee shall, at least 12 hours before using paid leave provided to the employee pursuant to this section, give notice to his or her employer that the employee intends to use the paid leave.
4. An employer, and any agent, representative, supervisory employee or other person acting on behalf of or under the authority of the employer, shall not:(a) Deny an employee the right to use the paid leave provided to the employee pursuant to this section;(b) Require an employee to find a replacement worker as a condition of using the paid leave provided to the employee pursuant to this section; or (c) Retaliate or take any adverse action against an employee for using the paid leave provided to the employee pursuant to this section. Such prohibited retaliation includes, without limitation:(1) Discharging or firing the employee;(2) Penalizing the employee in any fashion; and (3) Deducing the paid leave provided to the employee pursuant to this section from the salary or wages of the employee.
5. Any paid leave provided to an employee pursuant to this section must not be used in calculating the number of hours for which an employee is entitled to be compensated for overtime.
6. This section does not apply to an employer who provides a clinic on the premises of the employer where an employee may receive a vaccination for COVID-19 during the regular hours of work of the employee.
7. The Labor Commissioner shall prepare a bulletin which clearly sets forth 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.
8. 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.
9. 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 paid leave benefit or paid time off benefit.
10. For the first 2 years of operation, an employer is not required to comply with the provisions of this section.
11. As used in this section:(a) "COVID-19" means:(1) The novel coronavirus identified as SARS-CoV-2; (2) Any mutation or variant of the novel coronavirus identified as SARS-CoV-2; or (3) A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2. (b) "Employer" means a private employer who has 50 or more employees in private employment in this State.

DETR

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REQUIRED POSTING – ASSEMBLY BILL 307

Effective April 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 - <https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7811/Text>

Chapter 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 Enhancement Program and Nevada JobConnect, and provide each such notice to the Labor Commissioner.

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 April 1, 2022 required reporting:

Employment and Training Programs

- Career Enhancement Program (CEP) - [https://detr.nv.gov/Page/Career_Enhancement_Program_\(CEP\)](https://detr.nv.gov/Page/Career_Enhancement_Program_(CEP))
- Nevada JobConnect Career Centers - https://nevadajobconnect.com/Page/Career_Centers
 - o Employment Services - <https://nevadajobconnect.com/#>
 - o Veterans Employment Services - https://detr.nv.gov/Page/Veteran_Services
 - o Migrant Seasonal Farm Workers - https://nevadajobconnect.com/Page/Migrant_and_Seasonal_Farm_Workers
 - o Eligible Training Provider List (ETPL) - <https://www.employ.nv.gov/vosnet/guest.aspx?guesttype=IND&whereto=ETPLPROGRAMS>
 - Nevadaworks (northern Nevada) - <http://nevadaworks.com/service-providers/>
 - Workforce Connections (southern Nevada) - https://nvworkforceconnections.org/?page_id=8082
 - o Nevada Labor Market Information - <https://nevadaworkforce.com/>

Business Services

- Job Order Posting - https://nevadajobconnect.com/Page/Post_a_Job_Opening
- Foreign Labor Certification (FLC) - https://nevadajobconnect.com/page/H-2B_Online_Job_Order_Form
- Silver State Works (SSW) - <http://silverstateworks.com/>
- Rapid Response - https://nevadajobconnect.com/Page/Rapid_Response_Business_Closure_Assistance
- Work Opportunity Tax Credit (WOTC) - https://nevadajobconnect.com/Page/Work_Opportunity_Tax_Credit

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.employ.nv.gov/admin/gsinpub/htmlarea/uploads/Short%20Term%20Training_NV_04142021.pdf
- Short-term Certificate programs - <https://www.tmc.edu/academics/certifications>
- Education and Training - https://www.employ.nv.gov/vosnet/Guest.aspx?action=findguest&guesttype=IND&whereto=L_EARNING
- Online Learning Resources - <https://www.employ.nv.gov/vosnet/OnlineLearning/Resources.aspx>
- Nevada's Displaced Homemaker Program - https://detr.nv.gov/Page/Displaced_Homemakers_Program
- Grow with Google – email: growwithgoogle@detr.nv.gov

For additional services, resources and program details - register in EmployNV at: <https://www.employ.nv.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, 81st Session (2021): Senate Bill (S.B.) 459]

WORKERS' COMPENSATION

State of Nevada
DEPARTMENT OF BUSINESS & INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
Workers' Compensation Section

ATTENTION

Caution: The information below is general in nature and is not intended to be legal advice. If you have any questions regarding your status as an employer or employee or your rights and qualification for specific benefits under an industrial injury or occupational disease claim, you should consult with an attorney experienced in industrial insurance.

Brief Description of Whether the Employer is Required to Obtain Industrial Insurance and Whether a Person is a Covered Employee

Every employer ... shall provide and secure compensation ... for any personal injuries by accident sustained by an employee arising out of and in the course of the employment. See NRS 616B.612(1).

An **employer** is defined as, "Every person, firm, voluntary association and private corporation, including any public service corporation, which has in service any person under a contract of hire." See NRS 616A.230(2). "A person is not an employer ... if: (a)The person enters into a contract with another person or business which is an independent enterprise; and (b) The person is not in the same trade, business, profession or occupation as the independent enterprise." See NRS 616B.603(1).

An **employee** is broadly defined as, "... every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed" (See NRS 616A.105), but excludes casual employees not in the same trade, business, profession or occupation; musicians not lasting more than 2 consecutive days; household servants, farming and ranching employees; voluntary ski patrol, sports officials paid a nominal fee; clergy, rabbi or lay readers; real estate brokers or sales persons; and commissioned sales persons (See NRS 616A.110).

An **independent contractor** is a person who is hired and paid solely to produce a result. It is defined as, "... any person who renders service for a specified recompense for a specified result, under the control of the person's principal as to the result of the person's work only and not as to the means by which such result is accomplished." See NRS 616A.255.

Brief Description of Your Rights and Benefits If You Are Injured on the Job or have an Occupational Disease

Notice of Injury or Occupational Disease (Incident Report Form C-1) If an injury or occupational disease (OD) arises out of and in the course of employment, you must provide written notice to your employer as soon as practicable, but no later than 7 days after the accident or OD. Your employer shall maintain a sufficient supply of the forms.

Claim for Compensation (Form C-4): If medical treatment is sought, the form C-4 is available at the place of initial treatment. A completed "Claim for Compensation" (Form C-4) must be filed within 90 days after an accident or OD. The treating physician or chiropractor must, within 3 working days after treatment, complete and mail to the employer, the employer's insurer and third-party administrator, the Claim for Compensation.

Medical Treatment: If you require medical treatment for your on-the-job injury or OD, you may be required to select a physician or chiropractor from a list provided by your workers' compensation insurer, if it has contracted with an Organization for Managed Care (MCO) or Preferred Provider Organization (PPO) or providers of health care. If your employer has not entered into a contract with an MCO or PPO, you may select a physician or chiropractor from the Panel of Physicians and Chiropractors. Any **medical costs** related to your industrial injury or OD will be paid by your insurer.

Temporary Total Disability (TTD): If your doctor has certified that you are unable to work for a period of at least 5 consecutive days, or 5 cumulative days in a 20-day period, or places restrictions on you that your employer does not accommodate, you may be entitled to TTD compensation.

Temporary Partial Disability (TPD): If the wage you receive upon reemployment is less than the compensation for TTD to which you are entitled, the insurer may be required to pay you TPD compensation to make up the difference. TPD can only be paid for a maximum of 24 months.

Permanent Partial Disability (PPD): When your medical condition is stable and there is an indication of a PPD as a result of your injury or OD, within 30 days, your insurer must arrange for an evaluation by a rating physician or chiropractor to determine the degree of your PPD. The amount of your PPD award depends on the date of injury, the results of the PPD evaluation, your age and wage.

Permanent Total Disability (PTD): If you are medically certified by a treating physician or chiropractor as permanently and totally disabled and have been granted a PTD status by your insurer, you are entitled to receive monthly benefits not to exceed 66 2/3% of your average monthly wage. The amount of your PTD payments is subject to reduction if you previously received a lump-sum PPD award.

Vocational Rehabilitation Services: You may be eligible for vocational rehabilitation services if you are unable to return to the job due to a permanent physical impairment or permanent restrictions as a result of your injury or occupational disease.

Transportation and Per Diem Reimbursement: You may be eligible for travel expenses and per diem associated with medical treatment.

Reopening: You may be able to reopen your claim if your condition worsens after claim closure.

Appeal Process: If you disagree with a written determination issued by the insurer or the insurer does not respond to your request, you may appeal to the **Department of Administration, Hearing Officer**, by following the instructions contained in your determination letter. You must appeal the determination within 70 days from the date of the determination letter at 1050 E. William Street, Suite 400, Carson City, Nevada 89701, or 2200 S. Rancho Drive, Suite 210, Las Vegas, Nevada 89102. If you disagree with the Hearing Officer decision, you may appeal to the **Department of Administration, Appeals Officer**. You must file your appeal within 30 days from the date of the Hearing Officer decision letter at 1050 E. William Street, Suite 450, Carson City, Nevada 89701, or 2200 S. Rancho Drive, Suite 220, Las Vegas, Nevada 89102. If you disagree with a decision of an Appeals Officer, you may file a **petition for judicial review with the District Court**. You must do so within 30 days of the Appeal Officer's decision. You may be represented by an attorney at your own expense or you may contact the NAIW for possible representation.

Nevada Attorney for Injured Workers (NAIW): If you disagree with a hearing officer decision, you may request that NAIW represent you without charge at an Appeals Officer hearing. NAIW is an independent state agency and is not affiliated with any insurer. For information regarding denial of benefits, you may contact the NAIW at: 1000 E. William Street, Suite 208, Carson City, NV 89701, (775) 684-7555, or 2200 S. Rancho Drive, Suite 230, Las Vegas, NV 89102, (702) 486-2830.

To File a Complaint with the Division: If you wish to file a complaint with the Administrator of the Division of Industrial Relations (DIR), please contact Workers' Compensation Section, 400 West King Street, Suite 400, Carson City, Nevada 89703, telephone (775) 684-7270, or 3360 W. Sahara Ave., Suite 250, Las Vegas, NV 89102, telephone (702) 486-9080.

For Assistance with Workers' Compensation Issues: You may contact the State of Nevada Office for Consumer Health Assistance, 3320 West Sahara Avenue, Suite 100, Las Vegas, Nevada 89102, Toll Free 1- 888-333-1597, Web site: <http://dhhs.nv.gov/Programs/CHA>, E-mail cha@govcha.nv.gov

The information in this publication is derived from Chapters 616A through 616D, inclusive, and 617 of the Nevada Revised Statutes and is provided for informational purposes only. If you have any questions, regarding your injury or workers' compensation claim, please call the following:

Insurer/Administrator: _____ Contact Person: _____
 Address: _____ Telephone Number: _____
 City State Zip
 MCO/Health Care Provider: _____ Contact Person: _____
 Address: _____ Telephone Number: _____
 City State Zip

D-1 (rev. 10/20)

SICK LEAVE

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REQUIRED POSTING – ASSEMBLY BILL 190

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7578/Text#>
Effective October 1, 2021, as set forth in Assembly Bill 190 a new section is added to Chapter 608 of NRS

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if an employer provides paid or unpaid sick leave for the use of his or her employees, the employer must allow an employee to use any accrued sick leave to assist a member of the immediate family of the employee who has an illness, injury, medical appointment or other authorized medical need to the same extent and under the same conditions that apply to the employee when taking such leave.

2. An employer may limit the amount of sick leave that an employee may use pursuant to subsection 1 to an amount which is equal to not less than the amount of sick leave that the employee accrues during a 6-month period.

3. The Labor Commissioner shall prepare a bulletin which clearly sets forth an explanation of the provisions of this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of the Labor Commissioner and shall require each employer that provides sick leave to employees 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.

4. The provisions of this section shall not be construed to: (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 sick leave benefit or paid time off benefit; or (d) Extend the maximum amount of leave to which an employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

5. An employer shall not deny an employee the right to use accrued sick leave in accordance with the provisions of this section or retaliate against an employee for attempting to prosecute a violation of this section or for exercising any rights afforded by this section.

6. The provisions of this section do not apply: (a) To the extent prohibited by federal law; or (b) With regard to an employee of the employer if the employee is covered under a valid collective bargaining agreement.

7. As used in this section, "immediate family" means: (a) The child, foster child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent of an employee; or (b) Any person for whom the employee is the legal guardian.

EMERGENCY PHONE NUMBERS

EMERGENCY PHONE NUMBERS

FOR

(Please Give Exact Address of This Worksite Location)

Physicians: _____
 Hospitals: _____
 Ambulances: 911 or _____
 Fire Department: 911 or _____
 Police: 911 or _____

PLEASE POST IN A CONSPICUOUS LOCATION, IN ACCORDANCE WITH THE NEVADA OCCUPATIONAL SAFETY AND HEALTH ACT (Nevada Revised Statutes 618.235, 29 CFR 1926.50)

Nevada OSHA Enforcement
Division of Industrial Relations
Nevada Department of Business and Industry

PAYDAY NOTICE

Nevada Payday Notice

This company's regular paydays are on

(day of the week)

Our pay period is

(weekly, biweekly, twice a month)

Employees may pick up their paychecks at

(place to pick up paycheck)