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USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

## **EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL**

#### Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

| <ul> <li>Who is Protected?</li> <li>Employees (current and former), including managers and temporary employees</li> <li>Job applicants</li> <li>Union members and applicants for membership in a union</li> <li>What Organizations are Covered?</li> <li>Most private employers</li> <li>State and local governments (as employers)</li> <li>Educational institutions (as employers)</li> <li>Unions</li> <li>Staffing agencies</li> <li>What Types of Employment Discrimination are Illegal?</li> <li>Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:</li> <li>Race</li> <li>Color</li> <li>Religion</li> <li>National origin</li> <li>Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)</li> <li>Age (40 and older)</li> <li>Disability</li> <li>Genetic information (including employer requests for.</li> </ul> | <ul> <li>Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding</li> <li>Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation</li> <li>What Employment Practices can be Challenged as Discriminatory?</li> <li>All aspects of employment, including: <ul> <li>Discharge, firing, or lay-off</li> <li>Harassment (including unwelcome verbal or physical conduct)</li> <li>Hiring or promotion</li> <li>Assignment</li> <li>Pay (unequal wages or compensation)</li> <li>Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice</li> <li>Benefits</li> <li>Job training</li> <li>Classification</li> <li>Referral</li> <li>Obtaining or disclosing genetic information of employees</li> </ul> </li> </ul> | <ul> <li>Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding</li> <li>Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation</li> <li>What can You Do if You Believe Discrimination has Occurred?</li> <li>Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:</li> <li>Submit an inquiry through the EEOC's public portal: <a href="https://publicportal.eeoc.gov/Portal/Login.aspx">https://publicportal.eeoc.gov/Portal/Login.aspx</a></li> <li>Call 1-800-669-4000 (toll free) 1-804-059-6820 (TTY) 1-844-234-5122 (ASL video phone)</li> <li>Visit an EEOC field office (information at <a href="https://publicporta.eeoc.gov">www.eeoc.gov/field-office</a></li> <li>E-Mail info@eeoc.gov</li> </ul> |
|--|---|--|
| <ul> <li>Genetic information (including employer requests for,<br/>or purchase, use, or disclosure of genetic tests, genetic<br/>services, or family medical history)</li> </ul>   | of employees <ul> <li>Requesting or disclosing medical information of employees</li> </ul>  | Additional information about the EEOC,<br>including information about filing a charge<br>of discrimination, is available at <i>www.eeoc.gov</i> .  |

#### EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) Protected Veteran Status The Vietnam Era Veterans' Readjustment Assistance Act of nation and affirmative action com doing business with the Federal Government. If you are applying for a job with, or are requires affirmative action to recruit, employ, and advance in employment, disabled an employee of, a company with a Federal contract or subcontract, you are protected veterans, recently separated veterans (i.e., within three years of discharge or release under Federal law from discrimination on the following bases: Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Executive Order 11246, as service medal veterans. Retaliation Retaliation is prohibited against a person who files a amended, prohibits employment discrimination by Federal contractors based on race, complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes olor, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment. a contractor has violated its nondiscrimination or affirmative action obligations under Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, OFCCP's authorities should contact immediately: protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees. **Disability** Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access not making reasonable accommo dation to the known physical or mental limitations of an otherwise gualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal an OFCCP regional or district office, listed in most telephone directories under U.S. contractors take affirmative action to employ and advance in employment qualified Government, Department of Labor and on OFCCP's "Contact Us" webpage at individuals with disabilities at all levels of employment, including the executive level. <u>https://www.dol.gov/agencies/ofccp/contact</u>.

ments of companies 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and crimination by Federal contractors under these Federal laws. Any person who believe The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W Washington, D.C. 20210 1-800-397-6251 (toll-free ommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil which receive Federal financial assistance. Individuals with Disabilities Section 504 of Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the prohibits discrimination on the basis of race, color or national origin in programs or basis of disability in any program or activity which receives Federal financial assistance. activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, who, with or without reasonable accommodation, can perform the essential functions of or where employment discrimination causes or may cause discrimination in providing the job. If you believe you have been discriminated against in a program of any institution services under such programs. Title IX of the Education Amendments of 1972 prohibits which receives Federal financial assistance, you should immediately contact the Federal mployment discrimination on the basis of sex in educational programs or activities agency providing such assistance. (Revised 6/27/2023

## DOMESTIC VIOLENCE VICTIMS BULLETIN

## STATE OF NEVADA Department of Business & Industry - OFFICE OF THE LABOR COMMISSIONER - www.labor.nv.gov **DOMESTIC VIOLENCE & SEXUAL ASSAULT VICTIMS' LEAVE BULLETIN**

EFFECTIVE January 1, 2024

Pursuant to Assembly Bill 163 from the 82nd Legislative Session of the Nevada Legislature, NRS 608.0198 is hereby amended to include victims of sexual assault the me employment protections as domestic violence victims. Effective January 1, 2024, NRS 608.0198 reads as follows:

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 sexual assault, or whose family or household member is a victim of an act which constitutes domestic violence or sexual assault, 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 or sexual assault 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 1193, 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 o treatment of a health condition related to an act which constitutes domestic violence or sexual assault 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 or sexual assault 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 8. As used in this section: or sexual assault committed against the employee or a family or household member

of using hours of leave: or (c) Retaliate against and 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 sexual assault or documentation from a physician. An documentation provided to an employer pursuant to this subsection is confidentia and must be retained by the employer in a manner consistent with the requirement the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

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.

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. 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.

(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

Pursuant to NRS 608.195 (except as otherwise provided in NRS 608.0165) any persor

nestic violence" has the meaning ascribed to it in NRS 33.018.

act which constitutes domestic violence or sexual assault.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

(b) "Family or household member" means a

| USERRA protects the job rights of individuals who voluntarily or involuntarily leave empl service or certain types of service in the National Disaster Medical System. USERRA also p against past and present members of the uniformed services, and applicants to the uniformed services.  | próhibits employers from discriminating 🛛 🗮 🐸 🕑 🕑 💓 💓 💢 📘   |  |
|---|---|--|
| <ul> <li>REEMPLOYMENT RIGHTS You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:</li> <li>•you ensure that your employer receives advance written or verbal notice of your service;</li> <li>•you have five years or less of cumulative service in the uniformed services while with that particular employer;</li> <li>•you return to work or apply for reemployment in a timely manner after conclusion of service; and</li> <li>•you have not been separated from service with a disqualifying discharge or under other than honorable conditions.</li> <li>If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.</li> <li>RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION</li> <li>If you: • are a past or present member of the uniformed service; • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • reemployment; • retention in employment; • promotion; or • any benefit of employment, because of this status.</li> <li>In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a</li> </ul> | <ul> <li>proceeding under USERRA, even if that person has no service connection.</li> <li>HEALTH INSURANCE PROTECTION <ul> <li>If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.</li> <li>Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.</li> </ul> </li> <li>ENFORCEMENT <ul> <li>The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.</li> <li>For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra</li> <li>If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.</li> <li>You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.</li> </ul> </li> </ul> |  |
| The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <b>https://www.dol.gov/agencies/vets/programs/userra/poster</b> Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.   |   |  |

ESGR Employer Support Of The Guard And Reserve 1-800-336-4590 🛞 KIII U.S. Department of Labor 1-866-487-2365 🛞 U.S. Department of Justice 🔲 Office of Special Counsel

## EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private incident (theft, embezzlement, etc.) that resulted in economic loss to the employers from using lie detector tests either for pre-employment employer. The law does not preempt any provision of any State or local law screening or during the course of employment. or any collective bargaining agreement which is more restrictive with PROHIBITIONS Employers are generally prohibited from requiring or respect to lie detector tests.

requesting any employee or job applicant to take a lie detector test, and **EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subjective from discharging, disciplining, or discriminating against an employee or to numerous strict standards concerning the conduct and length of the prospective employee for refusing to take a test or for exercising other test. Examinees have a number of specific rights, including the right to a rights under the Act. written notice before testing, the right to refuse or discontinue a test, and

**EXEMPTIONS** Federal, State and local governments are not affected by the the right not to have test results disclosed to unauthorized persons. law. Also, the law does not apply to tests given by the Federal Government **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain to certain private individuals engaged in national security-related activities. violations and assess civil penalties against violators. Employees or job The Act permits polygraph (a kind of lie detector) tests to be administered applicants may also bring their own court actions.

in the private sector, subject to restrictions, to certain prospective employees THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE of security service firms (armored car, alarm, and guard), and of EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

pharmaceutical manufacturers, distributors and dispensers. The Act also

OLC 01.01.2024

WH1420 REV 04/2

Rev. 12.14

permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace



## NURSING MOTHER'S ACCOMMODATION ACT

**STATE OF NEVADA** Department of Business & Industry OFFICE OF THE LABOR COMMISSIONER - <u>www.labor.nv.gov</u> STATE OF NEVADA NURSING MOTHER'S ACCOMMODATION ACT Effective July 1, 2017, as set forth in Assembly Bill 113 approved during the 2017 Legislative Session,

https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB113\_EN.pdf Requirements of Assembly Bill 113:

1. Except as otherwise provided in subsections 3, 5 and 6 (see below), each employer shall provide an employee who is the mother of a child under 1 year of age with:

a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, which is protected from the view of others and free from ntrusion by others where the employee may express breast milk.

2. If break time is required to be compensated pursuant to a collective bargaining agreement entered into by an employer and an employee

be compensated.

retaliate, against any employee because that employee has: (a) Taken break time or used the space provided pursuant to subsection 1 or 3 to express breast milk; or a complaint, testifying, assisting or participating in any manner in not more than \$5,000 for each violation. an investigation, proceeding or hearing to enforce the provisions of this section.

Exceptions (set forth in subsections 3, 5, and 6 of Assembly Bill 113): 3. If an employer determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the business of the employer, the employer may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the employer may require the employee to accept a reasonable alternative selected by the employer. 5. An employer who employs fewer than 50 employees is not subject to the requirements of this section if these requirements would impose an undue hardship on the employer, considering the size, financial resources nature and structure of the business of the employer.

6. An employer who is a contractor licensed pursuant to chapter 624 of organization, any break time taken pursuant to subsection 1 by an NRS is not subject to the requirements of this section with regard to an employee which is covered by the collective bargaining agreement must employee who is performing work at a construction jobsite that is located at least 3 miles from the regular place of business of the employer. . An employer shall not retaliate, or direct or encourage another person to 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 (b) Taken any action to require the employer to comply with the of a misdemeanor. In addition to any other remedy or penalty, the Labor requirements of this section, including, without limitation, filing Commissioner may impose against the person an administrative penalty of

## **OCCUPATIONAL SAFETY AND HEALTH PROTECTION**

# **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/ Industria 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.

## The Act provides for mandatory penalties against employers of up to \$16,550 for each serious violation and for optional penalties of up to \$16,550 for each nonserious violation. Penalties of up to \$16,550 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

\$165,514 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.

#### **VOLUNTARY ACTIVITY:**

**PROPOSED PENALTY:** 

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.

#### **MORE INFORMATION:**

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:

#### 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

WH1462 REV 02/22

Nevada Revised Statutes (NRS) section 608 governing Private Employers is hereby amended with a new section as follows

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 mployee from a future act which constitutes domestic violence or sexual assault (b) After taking any hours of leave upon the occurrence of the action which constitutes domestic violence or sexual assault 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). . An employer shall not:

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 agains (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 the person an administrative penalty of not more than \$5,000 for each violation.

> OFFICE OF THE LABOR COMMISSIONER 3340 WEST SAHARA AVENUE, LAS VEGAS, NEVADA 89102 • PHONE: (702) 486-2650 • FAX: (702) 486-2660 1818 COLLEGE PARKWAY, SUITE 102. CARSON CITY, NV 89706 • PHONE: (775) 684-1890 • FAX: (775) 687-6409 JOE LOMBARDO, GOVERNOR • DR. KRISTOPHER SANCHEZ, DIRECTOR • BRETT HARRIS, LABOR COMMISSIONER

> > FMLA - FAMILY AND MEDICAL LEAVE ACT

#### Your Employee Rights Under the Family and Medical Leave Act

easons. The U.S. Department of Labor's Wage and Hour Division (ŴHĎ) enforces the FMLA 🚽 employer if FMLA leave was previously taken or approved for the same reason wher for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for: • The birth, adoption or foster placement of a child with you, • Your serious mental or physical health condition that makes you unable to work, • To care for your 🛛 FMLA does not affect any federal or state law prohibiting discrimination or supersede any spouse, child or parent with a serious mental or physical health condition, and • Certain state or local law or collective bargaining agreement that provides greater family or medica qualifying reason's related to the foreign deployment of your spouse, child or parent who is leave rights. State employees may be subject to certain limitations in pursuit of direct a military servicemember. An eligible employee who is the spouse, child, parent or next of 🛛 lawsuits regarding leave for their own serious health conditions. Most federal and certain kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember. You have the right to use FMLA leave in one block of time. When it is medically necessary or do? If you are eligible for FMLA leave, your employer must: Allow you to take job-protected otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time**, time off work for a qualifying reason, • Continue your group health plan coverage while you or on a reduced schedule by working less hours each day or week. Read Fact Sheet are on leave on the same basis as if you had not taken leave, and • Allow you to return to the #28M(c) for more information. FMLA leave is not paid leave, but you may choose, or be same job, or a virtually identical job with the same pay, benefits and other working conditions, required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave. Am I eligible to take FMLA your FMLA rights or threaten or punish you for exercising your rights under the law. For eave? You are an eligible employee if all of the following apply: • You work for a covered example, your employer cannot retaliate against you for requesting FMLA leave or cooperating employer, • You have worked for your employer at least 12 months, • You have at least 1,250 hours of service for your employer during the 12 months before your leave, and • Your may qualify under the FMLA, your **employer** must confirm whether you are eligible or not employer has at least 50 employees within 75 miles of your work location. Airline flight crew 🛛 eligible for FMLA leave. If your employer determines that you are eligi employees have different "hours of service" requirements. You work for a **covered employer** your **employer** <u>must</u> notify you in writing: • About your FMLA rights and responsibilities, and • How much of your requested leave, if any, will oyees during at least 20 workweeks in the current or previous calendar year, • You work 🛛 be FMLA-protected leave. Where can I find more informa for an elementary or public or private secondary school, or • You work for a public agency, Call 1-866-487-9243 or visit dol.gov/fmla to learn more. If such as a local, state or federal government agency. Most federal employees are covered by you believe your rights under the FMLA have been violated, you may Title II of the FMLA, administered by the Office of Personnel Management. How do I request file a complaint with WHD or file a private lawsuit against your FMLA leave? Generally, to request FMLA leave you must: • Follow your employer's normal employer in court. policies for requesting leave, Give notice at least 30 days before your need for FMLA leave, Scan the QR code to learn about

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical and determine whether the leave qualifies for FMLA protection. You <u>must also inform your</u> SCAN ME 

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR or • If advance notice is not possible, give notice as soon as possible. You do not have to our WHD complaint process.

from employment if an accommodation is available.

accommodation recommended by the physician.

#### **NEVADA PREGNANT WORKER'S FAIRNESS ACT**

ursuant to NRS 613.335 and sections 2 to 8, inclusive, of the Nevada Pregnant Workers' Fairness Act (effective October 1, 2017) employees have the right to be free om discriminatory or unlawful employment practices based on pregnancy, childbirth, or a related medical condition

#### NDER THE ACT, IT IS UNLAWFUL FOR EMPLOYERS TO:

NERCO NERC

Deny a reasonable accommodation to female employees and applicants, upon request, for a condition related to pregnancy, childbirth, or a related medical condition, unless an accommodation would impose an undue hardship on UNDER THE ACT, AN EMPLOYER MAY: the business of the employer. Require a female employee to submit written medical certification from the Take adverse employment actions against a female employee because the

employee requests or uses a reasonable accommodation. Deny an employment opportunity to a qualified female employee or applicant based on a need for a reasonable accommodation.

#### FOR FURTHER INFORMATION REGARDING THE ACT, CONTACT THE NEVADA EQUAL RIGHTS COMMISSION

1820 EAST SAHARA AVENUE SUITE 314, LAS VEGAS, NV 89104 PHONE (702) 486-7161

DISCRIMINATION

NEVADA EQUAL RIGHTS COMMISSION | NEVADA LAW PROHIBITS DISCRIMINATION

| <ul> <li>Employers may not discriminate based on race, color, national origin, age (40+), sex (including pregnancy), religion, disability, sexual orientation, genetic information, or gender identity or expression.</li> <li>Housing discrimination is prohibited based on race, color, national origin, sex, religion, disability, ancestry, familial status, sexual orientation, or gender identity or expression.</li> </ul> |  | igion, disability, sexual oriental<br>or expression.<br>sed on race, color, national origin, | <ul> <li>Businesses offering services to the public may not discriminate based on race, color, national origin, sex, religion, disability, sexual orientation or gender identity or expression.</li> <li>Persons who believe they have been discriminated against in employment, public accommodation or housing, may file a complaint with the Nevada Equal Rights Commission.</li> </ul> |  |
|---|--|--|--|--|
| NERC<br>Nevada Equal Rights Commission  | a division of the Nevada<br>Department of Employment,<br>Training and Rehabilitation | Relay 711 or<br>800.326.6868   | 1325 Corporate Blvd., Room 115, Reno, NV 89502   <b>775.823.6690</b><br>1820 East Sahara Avenue, Suite 314, Las Vegas, NV 89104   <b>702.486.7161</b>  |  |

www.nvdetr.org An equal opportunity employer/program. Auxiliary aids and services are available upon request for individuals with disabilities

## 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.

#### OFFICE OF THE LABOR COMMISSIONER

3300 WEST SAHARA AVENUE, SUITE 225. LAS VEGAS, NEVADA 89102 • PHONE: (702) 486-2650 • FAX: (702) 486-2660 1818 COLLEGE PARKWAY, SUITE 102. CARSON CITY, NV 89706 • PHONE: (775) 684-1890 • FAX: (775) 687-6409 Copies of this notice may also be obtained from the Office of the Labor Commissioner at

1818 College Parkway, Suite 102 Carson City, Nevada 89706 • (775) 684-1890 or 3300 W. W Sahara Avenue Suite 225 Las Vegas, Nevada 89102 • (702) 486-2650 STEVE SISOLAK, GOVERNOR • MICHAEL J. BROWN, DIRECTOR • SHANNON M. CHAMBERS, LABOR COMMISSIONE Or by going to our website at http://labor.nv.gov

### EARNED SICK TIME

STATE OF NEVADA - Department of Business & Industry - OFFICE OF THE LABOR COMMISSIONER - www.labor.nv.gov mail1@labor.nv.gov 

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 4. The provisions of this section shall not be construed to: (a) Limit or abridge section to read as follows:

. 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

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. . The Labor Commissioner shall prepare a bulletin which clearly sets forth an 6. The provisions of this section do not apply: (a) To the extent prohibited by 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 7. As used in this section, "immediate family" means: (a) The child, foster child, 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.

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.

federal law; or (b) With regard to an employee of the employer if the employee is covered under a valid collective bargaining agreement. 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.

## LIE DETECTOR TEST ACT

#### STATE OF NEVADA Office of the Labor Commissioner NOTICE OF LIMITATIONS AFFECTING THE APPLICATION OF LIE DETECTOR TESTS

NRS 613.460(2) requires that each employer shall post and maintain this employee. The employer may also request a polygraph examination administered notice in a conspicuous location at the place of employment where notices by a qualified person with regard to prospective employees who would be to employees and applicants for employment are customarily posted and employed to protect certain kinds of sensitive or valuable property or facilities. read. Pursuant to NRS 613.440(2), Lie detector means polygraph, voice stress The use of a polygraph examination is also permitted to employers in businesses analyzers, psychological stress evaluator or any other similar device, whether that handle controlled substances. Such permission exists only in situations mechanical or electrical, which are designed to determine the honesty or where job applicants or employees have direct access to the controlled dishonesty of an individual. NRS 613.480(1) prohibits employers or anyone substances or where suspected abuse or theft is involved. NRS 613.480(3&4) acting in the employer's behalf from requiring or requesting that an employee prohibit an employer from taking adverse action against any employee or or prospective employee take or submit to any lie detector test except as prospective employee based on the results of any lie detector test or provided in NRS 613.510. NRS 613.510 contains several exceptions which permit refusal to take any lie detector test. Employers who violate the provisions in an employer to request polygraph examinations. An employer may request that NRS 613.440 to 613.510 are subject to civil liability in court, as well as fines an employee or prospective employee take a polygraph examination imposed by the Nevada Labor Commissioner. For additional information contact administered by a qualified person as part of an investigation of theft or similar our offices at 702-486-2650 in Las Vegas or 775-684-1890 in Carson City or via Email wrongdoing affecting the employer's business which appears to involve the at mail1@labor.nv.gov

## CITATIONS:

If upon inspection Nevada OSHA believes an employer has violated the Act, a citation alleging such violations will be issued NOTE: to the employer. Each citation will specify a time period within which the alleged violation must be corrected.

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:

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.

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

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

(Rev. 1-25)

## FEDERAL MINIMUM WAGE **EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT** FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

HILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. ADDITIONAL INFORMATION Youths 14 and 15 years old may work outside school hours in various non-manufacturing, Certain occupations and est non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment. TIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a

partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against heir minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the mplover must make up the difference.

UMP AT WORK The FLSA requires employers to provide reasonable break time for a sing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from oworkers and the public, which may be used by the employee to express breast milk. ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other plations. The Department may litigate and/or recommend criminal prosecution mployers may be assessed civil money penalties for each willful or repeated violation of he minimum wage or overtime pay provisions of the law. Civil money penalties may also e assessed for violations of the FLSA's child labor provisions. Heightened civil money

The law requires employers to display this poster where employees can readily see it. penalties may be assessed for each child labor violation that results in the death or serious **OVERTIME PAY** At least 1 ½ times your regular rate of pay for all hours worked over 40 injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

> Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work

> Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must comply

with both. Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent

contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR 1-866-487-9243 www.dol.gov/agencies/whd REV 04/23

2. An employee may use paid leave available for use by that employee without

3. An employee shall, as soon as practicable, give notice to his or her employer to use

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

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

G. For the first 2 years of operation, an employer is not required to comply with the

I. 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,

REVISED 6/11/2019

JOE LOMBARDO

BRETT HARRIS, ESQ

For a copy of the SB 312:

## PAID LEAVE

#### **STATE OF NEVADA** | Office of the Labor Commissioner

## Paid Leave Effective January 1, 2020 - Nevada Revised Statutes (NRS) § 608

calendar day of his or her employment

available for use by that employee.

or inspection by the Labor Commissioner

provisions of this section.

seasonal or on-call employee:

providing a reason to his or her employer for such use.

the paid leave available for use by that employee.

Except as otherwise provided in Senate Bill (SB) 312, every employer in private E. An employee in private employment may use paid leave available for use by that employment with not less than 50 employees shall provide paid leave to each employee as follows: employee of the employer as follow 1. An employer shall allow an employee to use paid leave beginning on the 90th

A. An employee is entitled to at least 0.01923 hours of paid leave for each hour of work performed

B. Paid leave accrued may carry over for each employee between his or her benefit years of employment, except an employer may limit the amount of paid leave for each employee carried over to a maximum of 40 hours per benefit year.

An employer shall: 1. Compensate an employee for the paid leave available for use by that employee at the

rate of pay at which the employee is compensated at the time such leave is taken; and P. Pay such compensation on the same payday as the hours taken are normally paid. . An employer may set a minimum increment of paid leave, not to exceed 4 hours that

an employee may use at any one time. . An employer shall provide to each employee on each payday an accounting of the hours of paid leave available for use by that employee. An employer may use the system that the employer uses to pay its employees to provide the accounting of the hours of paid leave available for use by the employee.

2. An employer may, but is not required to, compensate an employee for any unused paid leave available for use by that employee upon separation from employment, except if the employee is rehired by the employer within 90 days after separation from that employer and the separation from employment was not due to the employee voluntarily leaving his or her employment, any previously unused paid eave hours available for use by that employee must be reinstated.

Except as otherwise provided in NRS 608.0165, the Labor Commissioner may impose Copies of this notice may be obtained from our website at: www.labor.nv.gov 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. 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. Pleaserefer 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

**RULES TO BE OBSERVED BY EMPLOYERS** STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY OFFICE OF THE LABOR COMMISSIONER DR. KRISTOPHER SANCHEZ **RULES TO BE OBSERVED BY EMPLOYERS** EVERY EMPLOYER SHALL POST AND KEEP POSTED IN A VISIBLE AND OPEN AREA FOR EMPLOYEES ON THE EMPLOYER'S PREMISES/PROPERTY THESE RULES TO BE OBSERVED BY NEVADA EMPLOYERS 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 1/16/2025 PLEASE NOTE: Every pe on, firm, association or corporation, or any agent, servant, er

PAYDAY NOTICE The regular pay days for employees of: Shall be Pay checks will be distributed at: f you have any questions regarding your paycheck please contact: (Contact Name & Phone Number Title 53, Chapter 608, NRS 608.080 Please Post in a Conspicuous Area EMERGENCY PHONE NUMBERS

(Please Give Exact Address of This Worksite Location)

Physicians:



1325 CORPORATE BLVD. ROOM 115, RENO, NV 89502 PHONE (775) 823-6690 An equal opportunity employer/program. Auxiliary aids and services are available upon request for individuals with disabilities Relay 711 or 800.326.6868

Require a female employee or applicant to accept an accommodation that the

employee's physician substantiating the need for an accommodation because

of pregnancy, childbirth, or related medical conditions, and the specific

employee or applicant did not request or chooses not to accept or to take leave

## 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; persons engaged as a theatrical or stage performer or in an exhibition; 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.

Employee's Claim for Compensation/Report of Initial Treatment (Form C-4): If medical treatment is sought, the Form C-4 is available at the place of initial treatment. A completed Form C-4 must be filed within 90 days after an accident or OD. The treating physician, chiropractic physician, physician assistant or advanced practice nurse 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 chiropractic physician 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 a contract with an MCO or PPO, you may select a physician or chiropractic physician from the Panel of Physicians and Chiropractic Physicians. 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 chiropractic physician 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 chiropractic physician 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 Appeals 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, 1886 East College Pkwy. Ste. 100, Carson City, NV 89706, telephone (775) 684-7270, or 2300 W. Sahara Ave, Suite 300, 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, 7150 Pollock Drive, Las Vegas, NV 89119, Toll Free 1-888-333-1597, Website: https://adsd.nv.gov/Programs/CHA/Office for Consumer Health Assistance (OCHA)/, 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:

| ·                       |      |  |
|-------------------------|------|--|
| Fire Department: 911 or | <br> |  |
| -                       |      |  |

Ambulances: 911 or\_

Police: 911 or

PLEASE POST IN A CONSPICUOUS LOCATION, IN ACCORDANCE WITH THE NEVADA OCCUPATIONAL SAFETY AND HEALTH ACT. (Nevada Revised Statutes 618.295; 29 CFR 1926.50) ement Division of Industrial Relations Nevada Department of Business and Industri

## TIME OFF FOR ILLNESS OR INJURY

STATE OF NEVADA Office of the Labor Commissione Notice to Employer that Employee is Sick or Sustained Injury Nevada Revised Statutes (NRS) § 613

Effective May 15, 2019, as set forth in Assembly Bill Commissioner may impose an administrative penalty o (AB) 181 approved during the 2019 Legislative Session, Nevada Revised Statutes (NRS) section 613 is hereby to 608.195 inclusive, in addition to other remedies or amended with a new section as follows: penalties as authorized by law. Copies of this notice may be obtained from our website at (a) Shall not require an employee to be physically present www.labor.nv.gov For a copy of the AB 181: https://www.leg.state.nv.us/ Session/80th2019/Bills/AB/AB181\_EN.pdf at his or her place of work in order to notify his or her

employer that he or she is sick or has sustained an injury that is not work-related and cannot work. b) May require an employee to notify the employer that he b) May require an employee to notify the employer that he or she is sick or injured and cannot report for work. NRS section 613

Except as otherwise provided in NRS 608.0165, the Labor -or more information contact the Office of the Labor Commissioner Carson City 775-684-1890 or Las Vegas 702-486-2650 Toll Free:

1-800-992-0900 Ext. 4850 Internet: **www.labor.nv.gov** REVISED 6/11/2019

## MINIMUM WAGE BULLETIN

STATE OF NEVADA Department of Business & Industry - OFFICE OF THE LABOR COMMISSIONE STATE OF NEVADA MINIMUM WAGE 2024 ANNUAL BULLETIN POSTED APRIL 1, 2024

PURSUANT TO ARTICLE 15, SECTION 16(A) OF THE CONSTITUTION OF THE NEVADA BALLOT QUESTION 2, PASSED STATE OF NEVADA AND ASSEMBLY BILL (AB) 456 PASSED IN 2019 DURING NOVEMBER 2022, ELIMINATES TWO-TIER THE 80TH REGULAR SESSION OF THE NEVADA LEGISLATURE, THE ABOVE MINIMUM WAGE AS OF JULY 1, 2024: MINIMUM WAGE RATE SHALL APPLY TO ALL EMPLOYEES IN THE STATE OF NEVADA UNLESS OTHERWISE EXEMPTED. THIS RATE IS EFFECTIVE AS OF Effective Date Minimum Wage JULY 1, 2024, AND APPLIES TO ALL EMPLOYEES REGARDLESS OF OFFERED July 1, 2024 \$12.00

EMPLOYER HEALTH BENEFITS. Copies of this notice may be obtained from our website at: www.labor.nv.gov or by contacting the addresses and phone numbers listed above.

Assembly Bill 456 https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6870/Text Senate Bill 192 https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6334/Text

Carson City: Las Vegas: 3340 WEST SAHARA AVENUE, LAS VEGAS, NV 89102 1818 COLLEGE PARKWAY SUITE 102 CARSON CITY NV 89706 ELEPHONE: (775) 684-1890 FACSIMILE: (775) 687-6409 TELEPHONE: (702) 486-2650 FACSIMILE: (702) 486-2660

<u>mail1@labor.nv.gov</u> www.labor.nv.gov JOE LOMBARDO, GOVERNOR • DR, KRISTOPHER SANCHEZ, DIRECTOR • BRETT HARRIS, LABOR COMMISSION

EMPLOYERS MUST PAY 1.5 TIMES AN EMPLOYEE'S REGULAR WAGE RATE WHENEVER AN EMPLOYEE WHO IS PAID LESS THAN 1.5 TIMES THE APPLICABLE MINIMUM WAGE RATE WORKS MORE THAN 40 HOURS IN ANY WORKWEEK OR MORE THAN 8 HOURS IN ANY WORKDAY, UNLESS OTHERWISE EXEMPTED, EMPLOYERS SHOULD REFER TO NRS 608.018 FOR FURTHER DETAILS ON OVERTIME REQUIREMENTS

NEVADA BALLOT QUESTION 2 PASSED NOVEMBER 2022 ELIMINATES TWO-TIER MINIMUM WAGE AS OF JULY 1, 2024:

#### Effective Date Minimum Wage July 1, 2024 \$12.00

EFFECTIVE JULY 1, 2024, EMPLOYEES WHO EARN LESS THAN \$18.00 PER HOUR ARE ELIGIBLE FOR OVERTIME AT ONE AND A HALF (1.5) TIMES THE EMPLOYEE'S REGULAR RATE OF PAY FOR:

> OVER 8 HOURS OF WORK IN A 24-HOUR PERIOD; OR > OVER 40 HOURS OF WORK IN A WORK WEEK.

FMPI OYFES THAT MAKE MORE THAN THE HOURLY RATE ABOVE ARE ELIGIBLE FOR OVERTIME AT 1.5 TIMES THE EMPLOYEE'S REGULAR RATE OF PAY FOR OVER 40 HOURS OF WORK IN A WORK WEEK

Copies may be obtained at <u>www.labor.nv.gov</u> or from the Labor Commissioner's Offices listed above. Carson City: Las Vegas: 3340 WEST SAHARA AVENUE, LAS VEGAS, NV 89102

1818 COLLEGE PARKWAY, SUITE 102, CARSON CITY, NV 89706 FACSIMILE: (702) 486-2660 TELEPHONE: (775) 684-1890 FACSIMILE: (775) 687-6409 TELEPHONE: (702) 486-2650 mail1@labor.nv.gov www.labor.nv.gov

JOE LOMBARDO, GOVERNOR • DR. KRISTOPHER SANCHEZ, DIRECTOR • BRETT HARRIS, LABOR COM

## UNEMPLOYMENT INSURANCE

EMPLOYER: THIS NOTICE IS TO BE POSTED AT EACH WORK PLACE (NRS 612.455) State of Nevada Department of Employment, Training & Rehabilitation EMPLOYMENT SECURITY DIVISION NOTICE TO EMPLOYEES To be eligible for unemployment benefits an The employees of this establishment are protected by unemployed person must Unemployment Insurance. This employer is required by law to contribute to the Nevada Unemployment 1. Be unemployed through no fault of your own and meet all other conditions of the law regarding unemployment Compensation Fund. No part of the contribution is benefits leducted from the wages of employees. 2. File a claim online or with the Nevada Telephone Clain If you are separated from your job or if your hours have Center been substantially reduced, immediately: 3. Be physically able to work 4. Be available and willing to accept suitable employment i • File an unemployment insurance claim online or by calling offered the nearest Nevada Telephone Claim Center, as shown 5. Make a reasonable and sincere effort to find a job. below, for full or partial unemployment benefits. Reasons an unemployed person may not be eligible for Request employment services from the nearest

#### or corporation, who violates any of these NRS and NAC provisions may be guilty of a misdemeanor and subject to penaltie

"The Legislature hereby finds and declares that 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 persons required to earn their livings by their own endeavors require certain safeguards as to hours of service, working conditions and compensation therefor.

1. Discharge of employee: Whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and oavable immediatelv.

2. Quitting employee: Whenever an employee resigns or quits his employment, the wages and compensation earned and unpaid at the time of his resignation or quitting must be paid no later than the day on which he would have regularly been paid or 7 days after he resigns or quits, whichever is earlier.

An employer shall not employ an employee for a continuous period of 8 hours without permitting the employee to have an uninterrupted meal period of at least one-half hour. Every employer shall authorize and permit covered employees to take rest periods in the middle of each work period or as close to the middle of the work period as possible. The duration of the rest periods shall be based on the total hours worked daily at the rate of 10 minutes for each 4 hours or major fraction thereof. Authorized rest periods shall be ounted as hours worked, for which there shall be no deduction from wages.

4. Effective July 1, 2024, each employer shall pay a wage to each employee of not less than \$12.00 per hour worked. Pursuant to Article 15, Section 16(a) of the Constitution of the State of Nevada, and Assembly Bill (AB) 456 passed in 2019 during the 80th regular session of the Nevada Legislature, the above minimum wage rate shall apply to all employees in the State of Nevada unless otherwise exempted. This rate applies to all employees regardless of offered employer health benefits. Tips or gratuities received by employees shall not be credited as being any part of or offset against the minimum wage rates. For Annual Minimum Wage notice, see https://labor.nv.gov/Employer/Employer\_Posters/.

5. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee whose wage rate is less than 1 1/2 times the minimum wage: (a) Works more than 40 hours in any scheduled week of work; or (b) Works more than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee whose wage rate is 1 /2 times, or more than the minimum wage works more than 40 hours in any scheduled week of work. See https://labor.nv.gov/Employer/Employer\_Posters/ for Annual Daily Overtime notice. The above provisions do not apply to: (a) Employees who are not covered by the minimum wage provisions of the Constitution (b) Outside buyers; (c) Employees n a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than one month; (d) Employees who are employed in bona fide executive, administrative or professional capacities; (e) Employees covered by collective bargaining agreements which provide otherwise for overtime; (f) Drivers, lrivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended; (g) Employees of a railroad; (h) Employees of a carrier by air; (i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan; (j) Drivers of taxicabs or limousines; (k) Agricultural employees; (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year; (m) Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or arm equipment; and (n) A mechanic or workman for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply. (O) A domestic worker who resides in the household where he or she works if the domestic worker and his or her employer agree in writing to exempt the domestic worker from the requirements of subsections 1 and 2.4. As used in this section, "domestic worker" has the meaning ascribed to it in section 6 of this act.

6. If mutually agreed upon by an employee and employer in writing to exclude from the employee's wages a regularly scheduled sleeping period not to exceed 8 hours if adequate sleeping facilities are furnished pursuant to NRS section 608.0195.

Every employer shall establish and maintain records of wages for the benefit of his employees, showing for each pay period the following information for each employee: (a) Gross vage or salary; (b) Deductions agreed to in writing by the employer and employee for a specific purpose, pay period, and amount; (c) Net cash wage or salary; (d) Total hours mployed in the pay period by noting the number of hours per day; (e) Date of payment. . Wages must be paid semimonthly or more often

. Every employer shall establish and maintain regular paydays and shall post a notice setting forth those regular paydays in 2 conspicuous places. After an employer establishes regular paydays and the place of payment, the employer shall not change a regular payday or the place of payment unless, not fewer than 7 days before the change is made, the employer provides the employees affected by the change with written notice in a manner that is calculated to provide actual notice of the change to each such employee. 10. It is unlawful for any person to take all or part of any tips or gratuities bestowed upon his employees. Nothing contained in this section shall be construed to prevent such

employees from entering into an agreement to divide such tips or gratuities among themselves. 1. An employer may not require an employee to rebate, refund or return any part of his or her wage, salary or compensation. Also, an employer may not withhold or deduct any portion of such wages unless it is for the benefit of and authorized by written order of the employee. Further, it is unlawful for any employer who has the legal authority to decrease the wage, salary or compensation of an employee to implement such a decrease unless: (a) Not less than 7 days before the employee performs any work at the decreased wage, salary or compensation, the employer provides the employee with written notice of the decrease; or

(b) The employer complies with the requirements relating to the decrease that are imposed on the employer pursuant to the provisions of any collective bargaining agreement or any contract between the employer and the employee

2. All uniforms or accessories distinctive as to style, color or material shall be furnished, without cost, to employees by their employer. If a uniform or accessory requires a special cleaning process, and cannot be easily laundered by an employee, such employee's employer shall clean such uniform or accessory without cost to such employee 13. An employer: (a) Shall not require an employee to be physically present at his or her place of work in order to notify his or her employer that he or she is sick or has sustained an injury that is not work-related and cannot work; (b) May require an employee to notify the employer that he or she is sick or injured and cannot report for work.

4. An employer in private employment with not less than 50 employees shall provide paid leave to each employee of the employer pursuant to the provisions of NRS section 608.0197 as follows: A. An employee is entitled to at least 0.01923 hours of paid leave for each hour of work performed. B. Paid leave accrued may carry over for each employee petween his or her benefit years of employment, except an employer may limit the amount of paid leave for each employee carried over to a maximum of 40 hours per benefit year. C. An employer shall: (1) Compensate an employee for the paid leave available for use by that employee at the rate of pay at which the employee is compensated at the time such leave is taken; and (2) Pay such compensation on the same payday as the hours taken are normally paid. (See NRS section 608.0197 and Senate Bill 312 (2019) for full requirements and exceptions

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

6. NRS section 608.0197 subsection 2(b) states: An employer shall allow an employee to use paid leave for any use, including, without limitation: (1) Treatment of a mental or hysical 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. (See Senate Bill 209 – 2021 Legislative Session

7. NRS 608.0198: Employee entitled to leave related to domestic violence or sexual assault; uses of leave; prohibited acts; required documentation; Labor Commissioner to prepare pulletin; posting; maintenance of records; other rights, remedies and agreements unimpaired.

1. 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 sexual assault, or whose family or household member is a victim of an act which constitutes domestic violence or sexual assault, and the employee is not the alleged perpetrator, is entitled to not more than 160 nours of leave in one 12-month period. Hours of leave provided pursuant to this subsection (a) May be paid or unpaid by the employer;

) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence or sexual assault 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 or sexual assault committed against the employee or family or household member of the employee:

(2) To obtain counseling or assistance related to an act which constitutes domestic violence or sexual assault committed against the employee or family or household member of the employee

(3) To participate in any court proceedings related to an act which constitutes domestic violence or sexual assault committed against the employee or family or household member f the employee; or

(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 or sexual assault.

(b) After taking any hours of leave upon the occurrence of the act which constitutes domestic violence or sexual assault, 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).

An employer shall not:

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

) 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.

. 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 sexual assault or documentation from a physician. Any documentation provided to an mployer 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 993, 29 U.S.C. §§ 2601 et seq.

. 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 nternet 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 request for a record is for the purpose of an investigation.

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.

8. As used in this section

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

) "Family or household member" means a: Spouse:

2) Domestic partner 3) Minor child: or

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

| DAILY OVERTIME BULLETIN  |
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| STATE OF NEVADA  |
| Department of Business & Industry - OFFICE OF THE LABOR COMMISSIONER |
| STATE OF NEVADA DAILY OVERTIME 2024 ANNUAL BULLETIN                  |
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POSTED APRIL 1, 202

| Address:                   | Telephone Number:                     | Nevada JobConnect Career Center or find employment unemployment benefits are:<br>information online at www.NevadaJobConnect.com. 1. Separation from employment due to quitting without   | employee at the time of the act which constitutes domestic violence or sexual assault.<br>(c) "Sexual assault" has the meaning ascribed to it in <b>NRS 200.366</b> . (Added to NRS by <b>2017, 3176</b> ; A <b>2023, 1230</b> ) An employer in private employment shall post the required bulletins  |
|----------------------------|---------------------------------------|--|---|
| City State Zip             |                                       | If you are disabled and require assistance, contact the<br>Nevada JobConnect Career Center prior to your visit to<br>arrange special accommodations.   | and notices available at: https://labor.nv.gov/Employer/Employer Posters/<br>1. 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<br>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.                |
| MCO/Health Care Provider:  | Contact Person:                       | To file a claim for unemployment benefits call the Telephone Claim Center:<br>In Southern Nevada call (702) 486-0350 • In Northern<br>Southern Nevada call (702) 486-0350 • In Northern  | Senate Bill 386 Preliminary Guidance (nv.gov).<br>2. 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<br>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<br>wage or salary history. SB293 Overview (state.nv.us) |
| Address:<br>City State Zip | Telephone Number:<br>D-1 (rev. 09/24) | Nevada call (7/5) 684-0350         In Rural Nevada call toll-free (888) 890-8211 OR File<br>online at http://ui.nv.gov/         • An equal opportunity employer/program • Auxiliary aids and services available upon request for individuals with disabilities<br>• Relay Nevada 711 or (800) 326-6868 (TTY)         • To report suspected fraud, go to: https://uifraud.nvdetr.org OR call (775) 684-0475 | For additional information please visit: <u>WWW.LABOR.NV.GOV</u><br>Carson City: 1818 E. College Parkway, Suite 102, Carson City, Nevada 89706 - Telephone (775) 684-1890 - Fax (775) 687-6409<br>Las Vegas: 3340 W. Sahara Avenue, Las Vegas, Nevada 89102 - Telephone (702) 486-2650 - Fax (702) 486-2660<br><u>www.labor.nv.gov</u> <u>mail1@labor.nv.gov</u>  |

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