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Department of Business & Industry

## OFFICE OF THE LABOR COMMISSIONER

<http://www.labor.nv.gov>

### NOTICE & AGENDA OF PUBLIC MEETING

#### TASK FORCE ON EMPLOYEE MISCLASSIFICATION

The Department of Business and Industry, Task Force on Employee Misclassification will conduct a meeting on the following day, time, and location.

**Monday, January 25, 2021, at 9:00 a.m.**

**Online Meeting:** Join from your computer, tablet, or smartphone.  
**Task Force on Employee Misclassification**  
**Mon, Jan 25, 2021 9:00 AM - 11:00 AM (PST)**

**Please join my meeting from your computer, tablet, or smartphone.**

**<https://www.gotomeet.me/jcjenkins/task-force-on-employee-misclassification>**

**New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/992203141>**

**Pursuant to the Governor of Nevada's Declaration of Emergency Directive 006, section 1, issued on March 22, 2020, which suspended certain requirements of Nevada' Open Meeting Law, there will be no physical location for this meeting.**

**As required by the Governor's Declaration of Emergency Directive 006, section 2, members of the public may submit public comment by logging into the GoToMeeting webinar by accessing the following link: <https://www.gotomeet.me/jcjenkins/task-force-on-employee-misclassification>. This option will require a computer with audio capabilities. Additionally, public comment can be submitted prior to, during, and up to 30 minutes after the meeting is adjourned via email to: [mail1@labor.nv.gov](mailto:mail1@labor.nv.gov). Public comment received prior to the meeting will be read into the record. Public comment received during the meeting and within 30 minutes of meeting adjournment will be added to the record.**

Attached is an agenda of all items scheduled to be considered. Items may be taken out of the order presented on the agenda; items may be combined for consideration by the public body; discussion on items may be delayed; and items may be pulled or removed from the agenda at any time.

The Task Force on Employee Misclassification may put reasonable restrictions on time, place, and manner of public comment. Comments based upon viewpoint may not be restricted. Public comment will be limited to five (3) minutes per person, per item.

## AGENDA

1. Call to Order and Roll Call.
2. Public Comment
3. Overview of Task Force on Employee Misclassification.  
Shannon M. Chambers, Nevada Labor Commissioner.
4. Election of Chair and Vice-Chair.
5. Overview of current state and federal laws on Independent Contractors.  
Shannon M. Chambers, Nevada Labor Commissioner.  
<http://labor.nv.gov/uploadedFiles/labornvgov/content/Employer/Independent%20Contractor%20-%20Information%20Sheet.pdf>  
  
[Final Rule: Independent Contractor Status under the Fair Labor Standards Act | U.S. Department of Labor \(dol.gov\)](#)
6. Comments from Task Force members and discussion of possible subcommittees.
7. Agenda Items for next meeting (for discussion).
8. Public Comment.
9. Adjournment.

This meeting has been properly noticed and posted at the following locations: Department of Business and Industry Director's Offices in Las Vegas and Carson City; Nevada Office of the Labor Commissioner; as well as online at [www.labor.nv.gov](http://www.labor.nv.gov) and [notices.nv.gov](http://notices.nv.gov).

Note: We are pleased to make reasonable accommodations for members of the public with a disability. If special arrangements for the meeting are necessary, please notify Rosalind Hooper at (775) 684-1890 or [RMcCloud@labor.nv.gov](mailto:RMcCloud@labor.nv.gov) or [mail@labor.nv.gov](mailto:mail@labor.nv.gov) as soon as possible.

**NRS 607.216 “Employee misclassification” defined.** As used in [NRS 607.216](#) to [607.2195](#), inclusive, unless the context otherwise requires, “employee misclassification” means the practice by an employer of improperly classifying employees as independent contractors to avoid any legal obligation under state labor, employment and tax laws, including, without limitation, the laws governing minimum wage, overtime, unemployment insurance, workers’ compensation insurance, temporary disability insurance, wage payment and payroll taxes.

(Added to NRS by [2019, 3157](#))

**NRS 607.217 Communication of information relating to employee misclassification among Labor Commissioner, certain state agencies and the Attorney General.** The offices of the Labor Commissioner, Division of Industrial Relations of the Department of Business and Industry, Employment Security Division of the Department of Employment, Training and Rehabilitation, Department of Taxation and Attorney General:

1. Shall communicate between their respective offices information relating to suspected employee misclassification which is received in the performance of their official duties and which is not otherwise declared by law to be confidential.

2. May communicate between their respective offices information relating to employee misclassification which is received in the performance of their official duties and which is otherwise declared by law to be confidential, if the confidentiality of the information is otherwise maintained under the terms and conditions required by law.

(Added to NRS by [2019, 3157](#))

**NRS 607.218 Task Force on Employee Misclassification: Creation; appointment, qualifications and terms of members; vacancies; meetings; Chair and Vice Chair; quorum; compensation; administrative support.**

1. The Task Force on Employee Misclassification is hereby created.

2. The Governor shall appoint to serve on the Task Force:

(a) One person who represents an employer located in this State that employs more than 500 full-time or part-time employees.

(b) One person who represents an employer located in this State that employs 500 or fewer full-time or part-time employees.

(c) One person who is an independent contractor in this State.

(d) Two persons who represent organized labor in this State.

(e) One person who represents a trade or business association in this State.

(f) One person who represents a governmental agency that administers laws governing employee misclassification.

3. The Governor may appoint up to two additional members to serve on the Task Force as the Governor deems appropriate.

4. After the initial terms, the members of the Task Force serve a term of 2 years and until their respective successors are appointed. A member may be reappointed in the same manner as the original appointments.

5. Any vacancy occurring in the membership of the Task Force must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

6. The Task Force shall meet at least twice each fiscal year and may meet at such additional times as deemed necessary by the Chair.

7. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.

8. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.

9. The Task Force shall comply with the provisions of [chapter 241](#) of NRS, and all meetings of the Task Force must be conducted in accordance with that chapter.

10. Members of the Task Force serve without compensation.

11. The Labor Commissioner shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out its duties.

(Added to NRS by [2019, 3157](#))

**NRS 607.219 Task Force on Employee Misclassification: Duties; annual report.** The Task Force on Employee Misclassification created by [NRS 607.218](#) shall:

1. Evaluate the policies and practices of the Labor Commissioner, Division of Industrial Relations of the Department of Business and Industry, Employment Security Division of the Department of Employment, Training and Rehabilitation, Department of Taxation and Attorney General relating to employee misclassification.

2. Evaluate any existing fines, penalties or other disciplinary action relating to employee misclassification that are authorized to be imposed by a state agency.

3. Develop recommendations for policies, practices or proposed legislation to reduce the occurrence of employee misclassification.

4. On or before July 1, 2020, and on or before July 1 of each subsequent year, submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and recommendations for legislation concerning employee misclassification.

(Added to NRS by [2019, 3158](#))

**NRS 607.2195 Task Force on Employee Misclassification: Authority to appoint subcommittee.**

1. The Task Force on Employee Misclassification created by [NRS 607.218](#) may create a subcommittee to the Task Force for any purpose that is consistent with [NRS 607.216](#) to [607.2195](#), inclusive.

2. The Task Force shall appoint the members of the subcommittee and designate one of the members of the subcommittee as chair of the subcommittee. The chair of the subcommittee must be a member of the Task Force.

3. The subcommittee shall meet at the times and places specified by a call of the chair of the subcommittee. A majority of the members of the subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the subcommittee.

(Added to NRS by [2019, 3158](#))