



Office of the Nevada Labor Commissioner

Nevada Department of Business and Industry
“Growing Business in Nevada”

Updates on Public Works and Prevailing Wage; The Apprenticeship Utilization Act; Project Labor Agreements; and Reminders About Nevada Labor Laws.

(Nevada Revised Statutes (NRS) and Nevada Administrative Code(s) (NAC) 607, 608, 613 and 338)

Shannon M. Chambers - Labor Commissioner

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Office of the Labor Commissioner

Major Responsibilities

- Private Sector Employment
- Public Works Projects, Prevailing Wages On Public Works Projects, and Apprenticeship Utilization on Public Works Projects
- Regulate Private Employment Agencies

Statutory and Regulatory Authority Pursuant to Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC):

NRS 607 – Office of the Labor Commissioner

NRS 608 – Compensation, Wages and Hours

NRS 609 – Employment of Minors

NRS 610 – *Apprenticeship (OWINN)

NRS 611 – Private Employment Agencies

NRS 613 – Employment Practices**

NRS 614 – Organized Labor and Labor Disputes

NRS 338 – Public Works

NAC 607 – Rules of Practice

NAC 608 – Compensation, Wages and Hours

NAC 609 – Employment of Minors

NAC 610 – *Apprenticeship (OWINN)

NAC 611 – Private Employment Agencies

NAC 613 – Employment Practices

NAC 338 – Public Works

** *NRS 613.040-13.070 and NRS 613.310-613.435 are not enforced by the Labor Commissioner.*



Office of the Nevada Labor Commissioner

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Overview of Public Works and Prevailing Wage Laws Nevada Revised Statutes (NRS) 338 and Nevada Administrative Code (338)

General Responsibilities of the Public Body/Awarding Body & Charter School Construction over \$100K

1. Request for Public Works Project (PWP) number.
2. Request for Waiver – Apprenticeship Utilization Act
3. Notification of canceled/delayed Public Works Projects.
4. Bid Project (See NRS 338.013; NRS 338.1385 et. seq.) – Prevailing Wage Rates in effect at the time of opening of bids remain in effect for the duration of the project (See NAC 338.040). *Projects over 36months.
5. Notice of award for Public Works Projects
6. Project begins and Prevailing Wages are posted on jobsite (See NRS 338.020)
7. Monitor Certified Payroll Reports (CPR's).
8. Investigate Prevailing Wage Claims/Complaints (if necessary NRS 338.070)
9. Notice of completion for Public Works Project.

General Responsibilities of the Contractors

1. Contractors report subcontractors working on Public Works Project 10 days after the subcontractor commences work. (See NRS 338.013)
2. Determine Need for Request for Waiver with Public/Awarding Body Apprenticeship Utilization Act.
3. Contractors engaged on public works projects must submit certified payroll reports within 15 days after the end of the month. (See NRS 338.070)
4. General contractor is responsible for wages. (See NRS 608.150)
5. The contractor and any subcontractor must maintain payroll records. (See NAC 338.092 – 338.100)
6. ***NRS 608.150 Original contractor liable for indebtedness for labor incurred by subcontractor or contractor acting under, by or for original contractor; exceptions; civil action to recover.***

[1:208:1931; 1931 NCL § 2824] + [2:208:1931; 1931 NCL § 2825] — (NRS A [1967, 623](#); [1985, 580](#); [1999, 206](#); [2015, 1931](#); [2017, 1212](#))

Prevailing Wage

PREVAILING WAGE: Published each odd numbered year by October 1st. (See also SB 243 – 2019 Legislative Session) The rates will be calculated by four Prevailing Wage Regions: Washoe County (Urban Region); Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Mineral, Storey, Pershing and White Pine (Northern Rural); Clark County (Urban Region); and Esmeralda, Lincoln and Nye (Southern Rural). (NRS 338.030; NAC 338.010) See SB243 passed 2019 Legislative Session.

<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6411/Text>

90% Rate on School Projects – Eliminated pursuant to AB 136 – Effect July 1, 2019. See AB 136 passed during the 2019 Legislative Session.

<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6203/Text>

Charter Schools: Charter Schools - Pursuant to AB 136 passed during the 2019 Legislative Session, Charter Schools are now subject to Public Works and Prevailing Wage laws.

<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6203/Text>

PROJECTS OVER 36 MONTHS – Adjustment of rates if project goes over 36 months.

<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6293/Overview>

Who must be paid the Prevailing Wage Rate?

NAC 338.009 Workers deemed to be employed on public works: Interpretation of certain statutory terms. (See NRS 338.012; NRS 338.020; and NRS 338.040)

1. As used in NRS 338.040, the Labor Commissioner will interpret:

(a) “Employed at the site of a public work” to mean the performance of work in the execution of a contract for a public work at the physical place or places at which the work is performed or at which a significant portion of the public work is constructed, altered or repaired if such place is established specifically for the execution of the contract for the public work or dedicated exclusively, or nearly so, to the execution of the contract for the public work.

(b) “Necessary in the execution of the contract for the public work” to mean the performance of duties required to construct, alter or repair the public work and without which the public work could not be completed.

2. As used in this section, “site of a public work” includes job headquarters, a tool yard, batch plant, borrow pit or any other location that is established for the purpose of executing the contract for the public work or that is dedicated exclusively, or nearly so, to executing the contract for the public work. The term does not include a permanent home office, branch plant establishment, fabrication plant, tool yard or any other operation of a contractor, subcontractor or supplier if the location or the continued existence of the operation is determined without regard to a particular public work.

NRS 338.020 - Hourly and daily rate of wages must not be less than Prevailing Wage Rate set for County.

NRS 338.050 – Prevailing Wage applies to contract and temporary workers.

NAC 338.0095 Workers and apprentices: Payment of applicable prevailing rate of wage for type of work actually performed and in accordance with recognized class of workers; identification of employer.

Exemptions From Payment of Prevailing Wage Rate

- **Apprentices** - Workers who are enrolled in a bona fide apprenticeship program and registered with the Nevada State Apprenticeship Council are exempt from being paid the prevailing wage rate. (See NAC 338.0095 above)
- See also Advisory Opinion on Apprenticeship Wages – Apprenticeship Wages can be established by Collective Bargaining Agreement.

<http://labor.nv.gov/uploadedFiles/labornvgov/content/About/AO%20Apprentice%20Wages%20on%20Public%20Works%20Projects.pdf>

- **Design Professionals** The exception being a design professional. A design professional is defined as a person who is licensed as a professional engineer or a professional land surveyor, pursuant to chapter 625 of the NRS; a person who holds a certificate of registration to engage in the practice of architecture, interior design, or residential design, pursuant to chapter 623 of the NRS; or a person who holds a certificate of registration to engage in the practice of landscape architecture, pursuant to chapter 623A of the NRS. (See NRS 338.010(7))
- **Service Providers** – See Advisory Opinion.

<http://labor.nv.gov/uploadedFiles/labornvgov/content/About/AO%20SERVICE%20PROVIDERS%20AO%202015%2005.pdf>

* Different rates may also apply for Foreman, General Foreman and Journeyman.

Complaint Process

1. Acceptance/initial review of a Prevailing Wage Claim/Complaint. (See NAC 338.105- NAC 338.116)
2. Office of the Labor Commissioner Investigation. (See NAC 338.114) or;
3. Referral of Prevailing Wage Claim/Complaint to Awarding/Public body for Investigation.
 - Notice to awarding body
 - Awarding bodies investigate complaints or wage claims pursuant to NAC 338.110
4. Receipt of Determination.
5. Action on Determination – Objections Filed. (See NAC 338.105 - NAC 338.116)
6. Hearing Process. (If Necessary)
 - Pre-Hearing
 - Final Hearing
 - Final Order and Decision
 - Petition for Judicial Review
 - Possible Appeal to Appellate Court, etc.

(See NAC 338.107 Complaint of violation: Filing with Labor Commissioner; contents; service.)

Senate Bill (SB) 207
Apprenticeship
Utilization Act (AUA)

APPRENTICESHIP UTILIZATION ACT – SENATE BILL 207 (2019)

The Legislature hereby finds and declares that: 1. A skilled workforce in construction is essential to the economic well-being of this State; 2. Apprenticeship programs are a proven method of training a skilled workforce in construction; and 3. Requiring the use of apprentices on the construction of public works will ensure the availability of a skilled workforce in construction in the future for this State.

Sec. 1.7. 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed.

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed.

Horizontal Construction NRS 338.010 - Subdivision 12. “Horizontal Construction” means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

Vertical Construction NRS 338.010 - Subdivision 23. “Vertical Construction” means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

Complex or Hazardous Work - The Labor Commissioner will view complex and hazardous work to include, but not be limited to, work performed on a public work project that is traditionally not performed by Apprentices pursuant to their Apprentice Agreement, Collective Bargaining Agreement, and/or any other written justification demonstrating that the work to be performed should not be performed by Apprentices.

A Public Body/Awarding Body, upon the request of a contractor or subcontractor, **MAY** submit a request for a modification or waiver of the percentage of hours of labor of one or more apprentices prior to (1) the bid advertisement; (2) the bid opening; or (3) the award of the contract if, “Good Cause” exists. The Labor Commissioner may also grant a waiver from the requirements of SB 207 after work on the public work has commenced.

Sample Forms and information on SB 207 can be found at:

http://labor.nv.gov/Apprenticeship_Utilization_Act/Apprenticeship_Utilization_Act/

Additional information on Public Works Projects and Prevailing Wages by region can be found at www.labor.nv.gov or by following the links below.

http://labor.nv.gov/PrevailingWage/Public_Works_Prevailing_Wages/

<http://labor.nv.gov/uploadedFiles/labornvgov/content/home/features/PWP%20Handbook%20June%202019.pdf>

GUIDELINES FOR AWARDING BODIES AND CONTRACTORS/SUBCONTRACTORS

1. Senate Bill 207 applies to Public Works Projects (NRS 338.010 – Subdivision 23) over \$100,000. (Exemptions may apply – See NRS sections 338.011 and 338.090.)
2. For each Public Works Project (PWP) Bid Advertisement, Bid Opening, and Contract, the Public Body/Awarding Body should include the requirements of Senate Bill 207. The Public Body/Awarding Body should also determine if the PWP requires the performance of uniquely complex or hazardous work.
3. Contractors/Subcontractors should determine if they can meet the Apprentice % requirements set forth in SB 207 or need to request Apprentices from a Registered Apprenticeship Program. Contractors/Subcontractors can request Apprentices using the Apprentice Request Form or request Apprentices in writing from a Registered Apprenticeship Program. *(Written documentation will be required by the Labor Commissioner if a Request for Waiver is submitted.)*
4. If the Apprentice Request is approved and Apprentices are dispatched, an Apprentice Agreement may need to be executed between the Registered Apprenticeship Program and the Contractor/Subcontractor.
5. Apprentice Issues - Issues and/or complaints regarding the qualifications and/or work of an Apprentice that is dispatched should be directed to the Registered Apprenticeship Program or the State of Nevada Apprenticeship Council. Please follow link <http://owim.nv.gov/Apprenticeship/AboutSAC/>.
6. A Request for Waiver MAY be submitted by the **PUBLIC BODY/AWARDING BODY** to the Office of the Labor Commissioner if: (1) No Registered Apprentice Programs exist in the jurisdiction for the craft/type of work required for the PWP; (2) A request for Apprentices was denied or not acted upon within 5 business days; or (3) The PWP requires the performance of uniquely complex or hazardous work.
7. **ONLY THE PUBLIC BODY/AWARDING BODY CAN SUBMIT A REQUEST FOR WAIVER. REQUESTS FOR WAIVERS SHOULD BE SUBMITTED AS SOON AS POSSIBLE.**
8. Within 15 days of receipt of the Request for Waiver, the Office of the Labor Commissioner will issue a Decision/Determination granting or denying the Request for Waiver on the form that was submitted.
9. The Public Body/Awarding Body, Contractor, or Subcontractor can appeal the Decision/Determination within 10 days of issuance.
10. The Public Body/Awarding Body shall monitor the PWP consistent with the laws and regulations set forth in Nevada Revised Statutes (NRS) section 338 and Nevada Administrative Code (NAC) section 338. If a Waiver has not been granted the Public Body/Awarding Body shall ensure that certified payroll reports and any other required documentation are submitted and maintained demonstrating compliance with SB 207.

For additional information please contact us at:

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*For informational purposes only and not to be considered legal advice. * See NRS and NAC 338 and Senate Bill 207. OLC 12/19

AUA STATISTICS & REMINDERS

During the period covering January 1, 2020, through September 30, 2020, there were 111 Request for Waivers submitted to the Labor Commissioner. Of those Request for Waivers, 107 were granted and 4 were denied. For the period covering January 1, 2020, through September 30, 2020, there were 677 public works project numbers (PWP #'s) issued.

A few reminders:

- Only the awarding/public body can submit the Request for Waiver.
- If there are more than 3 workers per craft or type of work performed, even for limited periods of time, the contractor(s)/subcontractor(s) needs to document this and work with the awarding/public body to request an apprentice and/or document why an apprentice is not required.
- Awarding/public bodies should also work with the Registered Apprenticeship Programs on apprentice ratios and contact the Registered Apprenticeship Program directly about the ratios and establish those at the start of the PWP.
- Awarding/public bodies are expected to conduct a review of project hours upon the completion of a PWP and verify that contractor(s)/subcontractor(s) have complied with the Apprenticeship Utilization Act and/or that a Request for Waiver was submitted to the Labor Commissioner.
- Violations of the Apprenticeship Utilization Act may result in a \$5,000.00 administrative penalty against the awarding/public body and/or the contractor(s)/subcontractor(s).
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- Please visit the following link for more information.
- http://labor.nv.gov/Apprenticeship_Utilization_Act/Apprenticeship_Utilization_Act/

PROJECT LABOR AGREEMENTS

Project Labor Agreement (PLA) Definition

A common definition for a project labor agreement is the following. A project labor agreement (PLA) is a pre-hire collective bargaining agreement typically with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project. They are typically negotiated between a public body or contracting agency, and an appropriate contractor and labor organizations (such as an area or state building and construction trades councils and relevant local unions). As a condition of being awarded a contract, the contractor, which could be a non-union contractor must sign the negotiated PLA.

Senate Bill (SB) 231 of the 80th Session of the Nevada Legislature (2019) eliminated the prohibitions on PLA's in the State of Nevada. Specifically, SB 231 eliminated Nevada Revised Statutes (NRS) section 338.1405.

NRS 338.1405 Requirements regarding agreements with labor organizations prohibited; exceptions. Repealed. (See chapter 132, [Statutes of Nevada 2019, at page 722](#), and chapter 175, [Statutes of Nevada 2019, at page 936](#).)

A Public Body can now enter into PLA's and a contractor or subcontractor can now enter into or adhere to any agreement with one or more labor organizations in regard to a public work. PLA's still have certain criteria that must be met and are project specific.

PLA's are also authorized under the [National Labor Relations Act](#) (NLRA), 29 U.S.C. §§ 151-169. Sections 8(e) and (f) of the NLRA, 29 U.S.C. §§ 158(e) and (f) make special exceptions from other requirements of the NLRA in order to permit employers to enter into pre-hire agreements with labor unions in the construction industry. The following Executive Order 13502 is also still in effect.

Reminder About Nevada Labor Laws, Required Postings & Extensions

STEVE SISOLAK
Governor
TERRY REYNOLDS
Director
SHANNON M. CHAMBERS
Labor Commissioner

STATE OF NEVADA



Department of Business & Industry
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MARCH 24, 2020

REMINDER ABOUT NEVADA LABOR LAWS AND REQUIRED POSTINGS & EXTENSIONS MAY BE GRANTED FOR EMPLOYER AND EMPLOYEE RESPONSES

REMINDER ABOUT NEVADA LABOR LAWS

The Office of the Labor Commissioner is the principal wage and hour and labor regulatory agency for the State of Nevada. Our office is responsible for ensuring that minimum wage, prevailing wage, and overtime are paid to employees in Nevada, and that employee rest, break, and lunch periods are provided.

The recent events related to COVID-19 have generated multiple questions regarding Nevada labor laws and ongoing enforcement. **Please be advised that Nevada labor laws are still being enforced by the Nevada Labor Commissioner and will continue to be enforced. Employers **MUST** continue to follow Nevada labor laws.** Information about Nevada labor laws can be found on our website at www.labor.nv.gov and questions can be submitted to mail1@labor.nv.gov.

REQUIRED POSTINGS

The following postings are required to be posted by private employers in Nevada. The Nevada Labor Commissioner does conduct inspections to verify postings.

Required Postings can be obtained at www.labor.nv.gov

- Annual Minimum Wage and Overtime Bulletin(s)
- Rules to be Observed by Employers
- Notice of Limitations Affecting the Application of Lie Detector Tests
- Domestic Violence Victim's Rights Bulletin
- Domestic Worker's Bill of Rights
- Paid Leave

EXTENSIONS MAY BE GRANTED FOR EMPLOYER AND EMPLOYEE RESPONSES

Based on recent events and the Governor's decision to have non-essential businesses shut down, it is possible that an employer or employee may not be able to respond to wage claims/complaints within 15-days. Even a business that is deemed essential may not be able to respond within 15-days due to circumstances outside of their control. The Labor Commissioner may extend the time for response pursuant to Nevada Administrative Code (NAC) section 607.040 based on good cause and the public health emergency relating to COVID-19. This may be done on a case by case basis.

Required Postings

Required Postings can be obtained at www.labor.nv.gov

- Annual Minimum Wage and Overtime Bulletin(s)
- Rules to be Observed by Employers
- Notice of Limitations Affecting the Application of Lie Detector Tests
- Domestic Violence Victim's Bulletin – Senate Bill 361, 2017 Legislative Session
- Domestic Worker's Bill of Rights – Senate Bill 232, 2017 Legislative Session
- Paid Leave – Senate Bill 312, 2019 Legislative Session
- Minimum Wage Bulletin – Assembly Bill 456, 2019 Legislative Session

Minimum Wage Increase

AB 456 (Passed 2019 Legislative Session)

| Effective Date | Lower Tier | Higher Tier |
|----------------|------------|-------------|
| July 1, 2020 | \$8.00 | \$9.00 |
| July 1, 2021 | \$8.75 | \$9.75 |
| July 1, 2022 | \$9.50 | \$10.50 |
| July 1, 2023 | \$10.25 | \$11.25 |
| July 1, 2024 | \$11.00 | \$12.00 |

How Minimum Wage Impacts The Daily Overtime Rates? (AB 456 Will Change These Rates Starting July 1, 2020)

➤ Employers must pay 1-1/2 times an employee's regular wage rate whenever an employee who is paid less than 1-1/2 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. (NRS 608.018)

❖ EMPLOYEE OFFERED QUALIFIED HEALTH BENEFITS

Pay Overtime at 1-1/2 times an Employee's Regular Rate if:

- (1) Employee works over 8 hours in a 24-hour period or over 40 hours in a week;
- (2) Employee is offered qualified health benefits;
- (3) Employee Makes Less than \$12.00 per hour.

❖ EMPLOYEE NOT OFFERED QUALIFIED HEALTH BENEFITS

Pay Overtime at 1-1/2 times an Employee's Regular Rate if:

- (1) Employee works over 8 hours in a 24-hour period or over 40 hours in a week;
- (2) Employee Makes Less than \$13.50 per hour.

*Four-Tens (4/10's) exception - By mutual agreement, the employee can work a schedule of four ten (4/10's) hour days in a workweek. Must be a regular and consistent schedule. If the 4/10 schedule is not followed it will revert to overtime. (See Advisory Opinion AO 2013-04)

NRS and NAC section 608 Overview

- **Non Standard Deductions (NAC 608.160):**
 - The employer is required to have the employee voluntarily authorize in writing the specific purpose, pay period, and amount of deduction.
 - May not use a blanket authorization.
- **Record Keeping (NRS 608.115 and NAC 608.140):**
 - Gross wage or salary, deductions, net cash or salary, number of hours per day, date of payment); the records have to be kept for 2 years from the date the information was recorded.
- **Uniforms (NRS 608.165):**
 - If the uniforms clearly identify the employee with the business, the employer shall provide the uniform at no cost or deposit.
 - The employer must also pay for any cost that is required for special cleaning of the uniform.
- **Payment (NRS 608.060, NRS 608.070 and NRS 608.080):**
 - At least semimonthly and maintain the same scheduled paydays.
- **Paystub (NRS 608.110 and NRS 608.115):**
 - Itemized list of deductions showing the respective deductions made from the total amount of wages or compensation; any additional deduction should be authorized by the employee.
- **Breaks & Lunches (NRS 608.019 and NAC 608.145):**
 - Provide 10 minutes for each 3 1/2 hours worked and at least 30 minutes uninterrupted lunch break for employee working a continuous period of 8 hours.
- **Employee Terminated or Resigned/Quit Payment (NRS 608.020 and NRS 608.030):**
 - Immediately or within three days – terminated by the employer.
 - Next regular payday or within 7 days – resign or quit.

Bulletins and Guides

Bulletins and Guides can be obtained at www.labor.nv.gov

- Nursing Mothers Accommodations – Assembly Bill 113, 2017 Legislative Session
- Tip Guide
- Notice to Employer of Sick or Injured Employee – Assembly Bill 181, 2019 Legislative Session
- Independent Contractor – Information Sheet
- Meal and Rest Period Notice
- Request for Meal and Rest Period Waiver Form
- AB 132 Guide to the Marijuana Testing Bill

Telework Guide

STEVE SISOLAK
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TELEWORK GUIDE

Nevada labor laws do not prevent employers from encouraging employees to work from home or to reach an agreement with their employees to work from home. These types of work arrangements have become necessary due to the COVID-19 Public Health Emergency. However, it is important to recognize that Nevada Labor Laws still apply.

Employees **may not** be classified as Independent Contractors merely because they are performing work at a different location other than their regular place of work, or from their home.

For information regarding determining Independent Contractor status please refer to Nevada Revised Statutes (NRS) section 608.0155 and Nevada Administrative Code (NAC) section 608.155(4). Pursuant to NRS section 608.400, willful misclassification may result in a fine of \$5,000.00 for each employee who is misclassified.

- Employees must be paid for each hour worked. (NRS section 608.016) Employers may not elect to have employees work without pay and claim the work was performed on a voluntary basis.
- Employees must be paid for Overtime Hours worked unless there is a specific exemption that applies. (NRS section 608.018)
- Employers must maintain Daily Time Records reflecting how many hours each employee worked. (NRS section 608.115) There are **no** special provisions that provide an exemption to this requirement and it applies to all employees regardless of the pay structure.
- Employees should maintain a Telework Log documenting the hours worked during the Workweek.
- Employees must be permitted to take a 10-minute Paid Rest Period for every 4-hours of work or fraction thereof and a 30-minute unpaid Meal Period for every continuous 8-hours of work. (NRS section 608.019)
- Employers may not reduce the Rate of Pay unless the employee has been provided with a written 7-day notice prior to the new rate taking effect. (NRS 608.100)
- Employees may not be paid less than the applicable Minimum Wage unless there is a specific exemption that applies. (NRS section 608.250 & NAC section 608.100)
- Employers must establish and maintain a Regular Pay Day. (NRS section 608.080)
- Employees must be paid at least Semi-Monthly. (NRS section 608.070) However, the employer may choose to pay wages more frequently.

Release(s) of Liability as a Condition of Employment

STEVE SICILAK
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COVID-19 Release(s) of Liability as a Condition of Employment Information for Employers and Employees

An Employer Cannot Ask an Employee to Waive Rights or Benefits Under Nevada's Industrial Insurance Act (Workers' Compensation)

Pursuant to statute, a contract requiring an employee to waive rights or benefits under Nevada's Industrial Insurance Act is void. (Nevada Revised Statutes (NRS) section 616B.609)

Employers Need to Determine if the Potential Release of Liability Violates Public Policy

Employees in Nevada are presumed to be "at-will" which potentially gives an employer the right to discharge an employee for any reason so long as the reason does not violate public policy. However, an employer should work with their available human resources staff and legal counsel if possible and review the applicable laws and regulations and available legal authority to determine if a release of liability violates public policy.

Employee Working Environments and Conditions

NRS Chapter 618 sets forth the Nevada Occupational Safety and Health Act. The purpose of the Nevada Occupational Safety and Health Act and the purpose of the chapter is "to provide safe and healthful working conditions for every employee." (NRS 618.015.) Employers should review these provisions when considering a release of liability.

Contract Enforcement and a Release of Liability

Depending upon the language and provisions contained in a release of liability, it is possible that the principles of contract interpretation and contract law could come into play in terms of the enforcement and applicability of a release of liability. Again, it is recommended that an employer work with their available human resources staff and legal counsel if possible, to review the applicable laws and regulations and available legal authority to determine if a release of liability can be enforced as a contract based on its terms.

Future Federal or State Statutory or Regulatory Changes Regarding Employer Liability and COVID-19

The Office of the Labor Commissioner will continue to monitor any changes at the federal and state level regarding employer liability and release(s) of liability as they relate to the COVID-19 public health emergency. If new laws and regulations are enacted that address the issue of employer liability as it relates to COVID-19, they will be posted on the Office of the Labor Commissioner website at www.labor.nv.gov along with existing labor laws and regulations.

Nevada Roadmap to Recovery: **Important Links**

Nevada Health Response

- <https://nvhealthresponse.nv.gov/nevada-united/>

Full Document Phase One Initial – Guidance

- <https://nvhealthresponse.nv.gov/wp-content/uploads/2020/05/Roadmap-to-Recovery-Phase-One-Initial-Guidance.pdf>

CDC Reopening Guidance: Cleaning and Disinfecting Public Spaces Including Your Workplace, School, Home, and Business

- <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

Industry-Specific Guidance Released for Phase 1 Reopening in Nevada

- <https://nvhealthresponse.nv.gov/wp-content/uploads/2020/05/Industry-specific-Guidance-Documents-1.pdf>

Office of the Labor Commissioner

- http://labor.nv.gov/Employer/Bulletins_Guides/

Additional Guidance from the Office of the Labor Commissioner

Request for Advisory Opinion – NAC 607.650

Petition for Declaratory Order – NAC 607.670

Training and Seminars for Employees and Employers

Employer Association and Employee Associations

Awarding/Public Body Working Groups

Awarding/Public Body Handbook/Guide

Labor Commissioner Website and Contact Information

www.labor.nv.gov - Website

Mail1@labor.nv.gov – General Questions

PublicWorks@labor.nv.gov – Public Works/Prevailing Wage Questions

AUA@labor.nv.gov – Apprenticeship Utilization Act Questions

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- Lupe Martinez, Chief Investigator, (702) 486-2650

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