



Department of Business & Industry
OFFICE OF THE LABOR COMMISSIONER

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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.