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REQUIRED POSTING – SENATE BILL 209

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

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

AMENDED SECTION 608.0197 SUBSECTION 2(b):

- 2.(b) An employer shall allow an employee to use paid leave for any use, including, without limitation:
- (1) Treatment of a mental or physical illness, injury, or health condition.
 - (2) Receiving a medical diagnosis or medical care.
 - (3) Receiving or participating in preventative care.
 - (4) Participating in caregiving; or
 - (5) Addressing other personal needs related to the health of the employee.

NEW SECTION CHAPTER 608 OF NRS:

1. Except as otherwise provided in subsections 6 and 10, in addition to the paid leave provided pursuant to NRS 608.0197, every employer in private employment shall provide 2 or 4 hours, as determined pursuant to subsection 2 of paid leave to each employee for the purpose of the employee receiving a vaccination for COVID-19.
2. If an employee is to receive a vaccination for COVID-19 and the vaccination requires:(a) Only one dose, the employee may take 2 consecutive hours of paid leave to receive the vaccination for COVID-19. (b) Two separate doses that are administered on two separate occasions, the employee may take 2 consecutive hours of paid leave per absence for a total of 4 hours of paid leave.
3. An employee shall, at least 12 hours before using paid leave provided to the employee pursuant to this section, give notice to his or her employer that the employee intends to use the paid leave.
4. An employer, and any agent, representative, supervisory employee or other person acting on behalf of or under the authority of the employer, shall not:(a) Deny an employee the right to use the paid leave provided to the employee pursuant to this section;(b) Require an employee to find a replacement worker as a condition of using the paid leave provided to the employee pursuant to this section; or (c) Retaliate or take any adverse action against an employee for using the paid leave provided to the employee pursuant to this section. Such prohibited retaliation includes, without limitation:(1) Discharging or firing the employee;(2) Penalizing the employee in any fashion; and (3) Deducting the paid leave provided to the employee pursuant to this section from the salary or wages of the employee.

5. Any paid leave provided to an employee pursuant to this section must not be used in calculating the number of hours for which an employee is entitled to be compensated for overtime.
6. This section does not apply to an employer who provides a clinic on the premises of the employer where an employee may receive a vaccination for COVID-19 during the regular hours of work of the employee.
7. The Labor Commissioner shall prepare a bulletin which clearly sets forth the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.
8. An employer shall maintain a record of the receipt or accrual and use of paid leave pursuant to this section for each employee for a 1-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner.
9. The provisions of this section do not:(a) Limit or abridge any other rights, remedies, or procedures available under the law. (b) Negate any other rights, remedies, or procedures available to an aggrieved party. (c) Prohibit, preempt, or discourage any contract or other agreement that provides a more generous paid leave benefit or paid time off benefit.
10. For the first 2 years of operation, an employer is not required to comply with the provisions of this section.
11. As used in this section:(a) "COVID-19" means:(1) The novel coronavirus identified as SARS-CoV-2; (2) Any mutation or variant of the novel coronavirus identified as SARS-CoV-2; or (3) A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2. (b) "Employer" means a private employer who has 50 or more employees in private employment in this State.