

Nevada Mandates Paid Time Off for Workers

Monday, June 17, 2019

On June 13, 2019, Nevada Governor Steve Sisolak signed [SB 312](#) into law to require Nevada employers to provide paid leave to workers. Specifically, the bill requires that employees receive 0.01923 hours of paid leave for each hour worked. Under this formula, a worker who works 40 hours per week for 52 weeks will be entitled to approximately 40 hours of paid leave. Workers must receive the same rate of pay for the paid leave as paid for hours worked, and be paid at the same time they would have been paid had the hours been worked.

With passage of the bill, Nevada joins seven other states that have mandated paid time off: Arizona, California, Connecticut, [Massachusetts](#), Oregon, Vermont, and Washington.



Article By [Greenberg Traurig, LLP](#)
[Tami D. CowdenAlerts](#)

[Labor & Employment](#)
[Nevada](#)

Who will be required to provide paid time off to employees?

Nevada employers with at least 50 employees are subject to the requirement.

However, the following are exempted from the requirement:

- An employer in its first two years of operation;
- Employers who, pursuant to a contract, policy, collective bargaining agreement or other agreement, provide employees with a policy for paid leave or paid time off of at least 0.01923 hours per hour worked.

Additionally, the paid leave requirement does not apply to temporary, seasonal, or on-call employees.

What obligations are placed on employers?

Employers must:

- Provide employees a minimum of 0.1923 hours of paid leave for each hour worked;
- Pay the employees for the paid leave at the same time and the same rate the employees receive for hours worked. If an employee is paid by salary, commission, piece rate, or any other method other than hourly, then the rate for paid time off must be determined by dividing the wages received for the previous 90 days by the number of hours worked. Any agreed upon bonuses earned and paid must be included, but discretionary bonuses, holiday pay, overtime, hazardous duty pay, or tips need not be included. If the worker is paid on an hourly basis, then that hourly rate is the required rate of pay;
- Provide, on each payday, an accounting of the paid leave available to the employee, which accounting may be done through the payroll system;
- Maintain a record of each employee's accrual and use of paid leave for a period of one year following the entry of such data;
- Reinstate any accrued but unused paid leave by an employee who is involuntarily separated from employment but rehired within 90 days;
- Post the bulletin explaining the paid leave requirements that the Labor Commissioner publishes

What rules may employers impose?

Employers may:

- Credit employees with the total amount of paid leave for a benefit year at the beginning of the benefit year, or require paid leave to be accrued over the course of the benefit year. If the latter method is used, then employees may carry over accrued but unused paid leave from a prior year, but employers may limit such carry over to 40 hours;
- Set a minimum increment that an employee may use accrued leave at any one time, not to exceed four hours;
- Limit the use of paid time off to a maximum of 40 hours within a benefit year;
- Limit eligibility for use of paid time off to employees who have been employed for a minimum of 90 days;
- Decline to compensate an employee for accrued but unused paid leave upon separation from employment.

What restrictions are imposed on employers?

Employers must not:

- Deny an employee the right to use paid leave as permitted by the statute;
- Require the employee to explain the reason for using the paid leave;
- Require an employee to find a replacement worker as a condition for using paid leave;
- Retaliate against an employee who uses paid leave.

What obligations do employees have?

Employees must give notice of intent to use paid leave as soon as practicable.

How will the requirement be enforced?

Violation of the requirement is a misdemeanor.

The Labor Commissioner is charged with enforcement of the requirements, and may impose an administrative penalty of \$5,000 for each violation, in addition to any other remedy or penalty.

When does the requirement for paid leave go into effect?

The bill is immediately effective for purposes of adopting necessary regulations and other preparatory administrative tasks. It is effective for all other purposes on Jan. 1, 2020.

© 2019 Greenberg Traurig, LLP. All rights reserved.

Source URL: <https://www.natlawreview.com/article/nevada-mandates-paid-time-workers>