

OCCUPATIONAL SAFETY AND HEALTH PROTECTION

NEVADA SAFETY AND HEALTH

DATA COLLECTION AND THE

PROTECTION ON THE JOB

The Nevada Occupational Safety and Health Act, NRS Chapter 618, provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State of Nevada. Requirements of the Act include the following:

EMPLOYERS:	PROPOSED PENALTY:
Each employer shall furnish to each of his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; and shall comply with occupational safety and health standards adopted under the Act.	The Act provides for mandatory penalties against employers of up to \$16,131 for each serious violation and for optional penalties of up to \$16,131 for each nonserious violation. Penalties of up to \$16,131 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Act may be assessed penalties of up to \$16,131 per day.
EMPLOYEES:	

Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his own actions and conduct on the job.

The Nevada Occupational Safety and Health Administration (Nevada OSHA) of the Division of Industrial Relations, Department of Business and Industry, has the primary responsibility for administering the Act. Nevada OSHA enforces occupational safety and health standards, and its Safety and Health Representatives/Industrial Hygienists conduct jobsite inspections to ensure compliance with the Act.

INSPECTION: The Act requires that a representative of the employer and a

Criminal penalties are also provided for in the Act. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of not more than \$50,000 or by imprisonment for not more than six months, or by both. Conviction of any employer after a first conviction doubles these maximum penalties. Penalties may be proposed for public employers.

VOLUNTARY ACTIVITY:

While providing penalties for violations, the Act also encourages efforts by labor and management, before a Nevada OSHA inspection, to reduce injuries and illnesses arising out of employment.

The Nevada Occupational Safety and Health Administration of the

representative authorized by the employees be given an opportunity to accompany the Nevada OSHA inspector for the purpose of aiding the inspection.

Where there is no authorized employee representative, the Nevada OSHA Safety and Health Representative/ Industrial Hygienist must consult with a reasonable number of employees

representatives of industrial relations, legal affairs, or business and industry, encourage employers and employees to reduce workplace hazards, voluntarily and to develop and improve safety and health programs in all workplaces and industries.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness

to employees and supervisors

COMPLAINT: Employees, public or private, or their representatives have the right to file a complaint with the nearest Nevada OSHA office requesting an inspection if they believe unsafe or unhealthful

Further information and assistance will be provided by Nevada OSHA to employees and employers upon request.

MORE INFORMATION: Additional information and copies of the Act, specific Nevada

conditions exist in their workplace. Nevada OSHA will hold confidential names of employees complaining.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act. An employee, public or private, who believes he has been discriminated against may file a complaint within thirty (30) days of the alleged discrimination with the nearest Nevada OSHA office or with Occupational Safety and Health Administration.

Nevada safety and health standards, and other applicable regulations may be obtained by calling or writing the nearest Nevada OSHA district office in the following locations:

**3360 W. Sahara Avenue, Suite 200
Las Vegas, Nevada 89102
Telephone: (702) 468-6920
Fax: (702) 468-8715**

**4600 Kietz Lake Lane, Suite F-153
North Las Vegas, Nevada 89134**

18100, San Francisco, CA 94103.

CITATIONS:

If upon inspection Nevada OSHA believes an employer has violated the Act, a citation alleging such violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected.

The Nevada OSHA citation must be prominently displayed at or near the place of alleged violation for three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

NOTE:

Persons wishing to register a complaint alleging inadequacy in the administration of the Nevada Occupational Safety and Health Plan may do so at the following address:

OSHA, U.S. Department of Labor
90 7th Street
Suite 18100
San Francisco, CA 94103
Telephone: (415) 625-2547

Reno, Nevada 89502
Telephone: (775) 688-3700
Fax: (775) 688-1378

EMPLOYERS: This poster must be displayed prominently in the workplace.

(Rev. 1-24)

FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR
BEGINNING JULY 24, 2009

- **Law requires employers to display this where employees can readily see it.**
 - **15 hours** = workers in normal circumstances
 - **16 hours** = regular rate of earnings for 16 hours work
- **CHILD LABOUR** An employee must be at least 16 years old to be in most non-farm jobs
 - **16-17 years** = normal hours of work, but no overtime
 - **14-15 years** = may work outside school hours in domestic non-manufacturing, non-hazardous work with certain work restrictions. Different rules for agricultural employment.
- **CREDIT** Employers of "tipped employees" who meet certain conditions may claim a credit
 - **Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands.**

Some states have provided greater employee protections; employers must comply with the law that provides the greatest protection for the employee.

Some states provide independent class workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between independent contractors and employees. Independent contractors are not entitled to minimum wage and overtime pay protections and correctly classified independent contractors are not.

Some states, such as the student teachers, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the state.

Minimum Wage and Overtime: The Department may litigate and/or recommend criminal prosecution if an employer has authority to require a minimum wage and overtime, and the employer fails to pay minimum wage and overtime.

Minimum Wage and Overtime Division
UNITED STATES DEPARTMENT OF LABOR



www.dol.gov/agencies/eis/whd

minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil penalties

REV 04/23

EMERGENCY PHONE NUMBERS

(Please Give Exact Address of This Worksite Location)

Physicians: _____ Fire Department: 911 or _____ Police: 911 or _____

Hospitals: _____ Ambulances: 911 or _____

PAID LEAVE

STATE OF NEVADA | Office of the Labor Commissioner

Paid Leave Effective January 1, 2020 - Nevada Revised Statutes (NRS) 5 608

As otherwise provided in Senate Bill (SJR) 312, every employer in Nevada... An employee in private employment may use paid leave available for use by that

Employment with not less than 50 employees shall provide paid leave for each employee as follows:

1. An employee is entitled to not less than 0.01923 hours of paid leave for each hour of work performed

2. An employee may carry over for each employee between his or her benefit years for employment, except an employer may limit the amount of paid leave for each employee to carry over to a maximum of 40 hours per benefit year.

3. An employer shall:

- a. Provide an employee an opportunity to use paid leave beginning on the 90th calendar day of his or her employment.**
- b. An employee may use paid leave available for use by that employee without providing a reason for the use of such leave.**
- c. An employer shall, as soon as practicable, give notice to his or her employee to use paid leave available for use by that employee.**
- d. An employer shall not deny an employee the right to use paid leave available for use by that employee in accordance with the conditions of this section; require an employee to use paid leave for a specific purpose; or**

Pay for such compensation on the same paydays as the hours taken are normally paid.

F. An employer that maintains a record of paid leave, not to exceed 4 hours that an employee may use at any one time.

G. For use by that employee, or relative against an employer for unpaid leave, pursuant to this section for each employee for a 1-year period following the entry into effect of this section, upon request, shall make those records available for inspection by the Labor Commissioner.

H. For the first 2 years of operation, an employer is not required to comply with the provisions of this section.

I. This section does not apply to: (a) An employer who, pursuant to a contract, policy,

from that employer and the separation from employment was not due to the employee voluntarily leaving his or her employment, any previously unpaid paid time off must be paid to the employee. The Labor Commissioner will also consider a policy for paid leave or a policy for paid time off to scheduled employees at the rate of at least 0.01923 hours of paid leave per hour of work performed, and (6) Temporary employees must be paid for the time they are not working.

Copies of this notice may be obtained from our website at: www.labor.nv.gov
For a copy of the SB 312: <http://www.labor.nv.state.nv.us/App/News/RE-Both2019/Bill/665/Overview>

No Bulletin is in effect of this Bill. It is for parties and employers to know the correct legal language of the Bill and NRS section 608 for their reference. For more information contact the Office of the Labor Commissioner | Carson City 775-686-1900 or Las Vegas 702-466-3651 | info@labor.nv.gov

REVISED 6/1/2019

RULES TO BE OBSERVED BY EMPLOYERS

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE LABOR COMMISSIONER

RULES TO BE OBSERVED BY EMPLOYERS

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

BRETT HARRIS, ESQ.
Labor Commissioner

EVERY EMPLOYER SHALL POST AND KEEP POSTED IN A VISIBLE AND OPEN AREA FOR EMPLOYEES ON THE EMPLOYER'S PREMISES/PROPERTY THESE RULES TO BE OBSERVED BY NEVADA EMPLOYERS SUMMARIZING NEVADA WAGE AND HOUR LAWS PURSUANT TO NEVADA REVISED 53-02-01 AND NEVADA ADMINISTRATIVE CODE CHAPTER 607 AND 608

Summary of NRS and NAC Provisions should not be considered legal advice - REVISED 5/30/2024

PLEASE NOTE: Every person, firm, association or corporation, or any agent, servant, employee, or officer of any such firm, association, or corporation, who violates any of these NRS and NAC provisions may be guilty of a misdemeanor and subject to penalties.

Discharge of employee: Whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable immediately.

Quitting employee: Whenever an employee quits or quits his employment, the wages and compensation earned and unpaid at the time of his resignation or quitting shall become due and payable immediately.

Unemployment: Whenever an employee resigns or is discharged from his employment, he shall be entitled to receive from the employer, within a period of at least one month after the date of his resignation or discharge, a statement of the reasons for his resignation or discharge, and a statement of the wages and compensation earned and unpaid at the time of his resignation or discharge.

half hour. Every employer shall authorize and permit covered employees to take rest periods in the middle of each work period or as close to the middle of the work period as possible. The duration of the rest periods shall be based on the total hours worked weekly at the minimum wage rate of 10 minutes for each 4 hours or major fraction thereof. The rest periods shall be counted as working time for which there shall be no reduction in gross wages.

Effective July 1, 2023, every employer shall pay a wage to an employee of not less than \$10.25 per hour worked if the employer offers qualified health benefits, or \$11.25 per hour if the employer does not offer qualified health benefits. Offering health benefits means making qualified health benefits available to the employee for the employee and the employee's dependents at a total cost to the employer for premiums of not more than 10 percent of the employee's gross taxable income from all sources. The cost of health benefits for the employee shall be based on the employee's gross wages at the minimum wage rates or the 10 percent premium for qualified health benefits. See https://labor.mv.gov/Employer/Employer_Posters for Annual Minimum Wage notice.

Effective July 1, 2024, each employer shall pay a wage to each employee of not less than \$12.00 per hour worked. Pursuant to Article 15, Section (b)(6) of the Constitution, the minimum wage shall be the same for all employees in the State of Nevada unless otherwise exempted. This rate applies to all employees regardless of offered employee benefit benefits. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee whose wage rate is less than 1 1/2 times the minimum wage:

- (a) Works more than 4 hours in any scheduled week of work; or
- (b) Works more than 8 hours in any workday unless by mutual agreement the employee works a longer workday.

An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee whose wage rate is 1 1/2 times, or more than the minimum wage works more than 40 hours in any scheduled week of work. See https://labor.nv.gov/Employer/Employer_Posters/ for Annual Daily Overtime notice.

(m) Employees who are employed by an employer for less than 72 months at minimum wage, and more than half their compensation for a representative period from commissions on goods or services, with the representative period to be the extent allowed pursuant to federal law, not less than one month; (n) Employees who are employed in bona fide executive, administrative or professional capacities; (o) Employees covered by collective bargaining agreements which provide otherwise as to overtime; (p) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended; (q) Employees of a railroad; (r) Employees of a common carrier by air; (s) Employees of a common carrier by water; (t) Employees of a common carrier by rail, canal or inland waterway; (u) Agricultural employees; (v) Employees of business enterprises having a gross sales volume of less than \$250,000 per year; (w) Any salesman or mechanic permanently engaged in selling or servicing automobiles, trucks or farm equipment; and (x) A mechanic or workman for any hours to which the provisions of subsection (c) do not apply.

except the domestic worker from the requirements of subsections 1 and 2. 4. As used in this section, "domestic worker" has the meaning ascribed to it in section 6 of is exempt.

mutually agreed upon by an employee and employer in writing to exclude from the employee's wages a regularly scheduled sleeping period not to exceed 8 hours

adequate sleeping facilities are furnished pursuant to NRS section 508.015.

Every employer shall establish and maintain records of wages for the benefit of his employees, showing for each pay period the following information for each employee: (a) Gross wage or salary; (b) Deductions agreed to in writing by the employer and employee for a specific purpose, pay period, and amount; (c) Net cash wage or salary; (d) Total hours employed in the pay period by noting the number of hours per day; (e) Date of payment.

Every employer shall establish and maintain regular paydays and shall post a notice setting forth those regular paydays in 2 conspicuous places. After an employer establishes regular paydays and the place of payment, the employer shall not change a regular payday or the place of payment unless, not fewer than 7 days before such change is made, the employer provides the employees affected by the change with written notice in a manner that is calculated to provide actual notice of the change to each employee.

It is unlawful for any person to take all or part of any types or gratuities bestowed upon his employees. Nothing contained in this section shall be construed to prevent such employees from entering into an agreement to divide such types or gratuities among themselves.

An employer may not require an employee to rebate, refund or return any part of his or her wage, salary or compensation. Also, an employer may not withhold or deduct from an employee's wages, salary or compensation for any reason other than that is unlawful for any employer when he has the

legal authority to decrease the wage, salary or compensation of an employee to implement such a decrease unless: (a) Not less than 7 days before the employee performs any work at the decreased wage, salary or compensation, the employer provides the employee with written notice of the decrease; or (b) The employee is a member of a bargaining unit and the decrease that is imposed on the employer pursuant to the provisions of any collective bargaining agreement or of a contract between the employer and the employee.

All uniforms or accessories distinctive as to style, color or material shall be furnished, without cost, to employees by their employer. If a uniform or accessory requires a special cleaning process, and cannot be easily laundered by an employee, such employee's employer shall notify such uniform or accessory without cost to such employee.

An employer: (a) Shall not require an employee to be physically present at his or her place of work in order to fulfill his or her employer that he or she is sick or has a medical condition; and

An employer in private employment with not less than 50 employees shall provide paid leave to each employee of the employer pursuant to the provisions of NRS section 608.0197 as follows: A. An employee is entitled to at least 0.01923 hours of paid leave for each hour of work performed. B. Paid leave accrued may carry over for each employee between his or her benefit years of employment, except an employer may limit the amount of paid leave for each employee carried over to a maximum of 16 hours. C. An employer may require an employee for the paid leave available to be used by that employee at the rate of pay at which the employee is compensated (the standard pay rate is taken, and D) Pay such compensation on the same pay scale as the hours taken are normally paid. (See NRS section 608.0197 and Senate Bill 312 (2019) for full requirements and exceptions)

NPS Section 168.0171 subsection 2(b) states: An employer shall allow an employee to use paid leave for any cause, 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. (See Senate Bill 209 – 2021 Legislative Session)

Additional information regarding the bill is available at <https://legis.la.gov/legis/Details.aspx?docID=115581&docType=Bill> or for the full provisions, <http://www.legis.state.nv.us/App/Info.nx.asp?Navigation=Home&Page=Bill&DocID=115581&docType=Bill&Text>.

Senate Bill 386, titled "Nevada Hospital and Travel Workers Right to Return Act," requires certain employers to offer job positions to certain employees under certain conditions. This bill requires that certain employers have an opportunity to return to their jobs when circumstances permit. See this link regarding preliminary

Senate Bill 293 prohibits an employer from employment agency from seeking or relying on the wage or salary history of an applicant for employment; prohibits an employer or employment agency from refusing to interview, hire, promote or employ an applicant or from discriminating or retaliating against an applicant if the applicant does not provide wage or salary history. [SB293 Overview \(state.nv.gov\)](#)

For additional information please visit: WWW.LABOR.NV.GOV

Carson City: 1818 E. College Parkway, Suite 102, Carson City, Nevada 89706 - Telephone: (775) 684-1890 - Fax: (775) 687-6400
Las Vegas: 3340 W. Sahara Avenue, Las Vegas, Nevada 89102 - Telephone: (702) 486-2650 - Fax: (702) 486-2660

NV-0724-F04

