

Nevada Expands Paid Leave Rights for Employees, Including for COVID-19 Vaccination

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COVID-19

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Since 2019, private employers with at least 50 employees have been required in most instances, pursuant to NRS 608.0197, to provide 0.01923 hours of paid leave to their employees for each hour worked. Now, Nevada has enacted new law requiring employers to provide additional paid leave to allow employees to receive a COVID-19 vaccination and clarifying that employees may use existing paid leave to care for themselves and their family members.

Paid COVID-19 Vaccination Leave

Under [Senate Bill 209](#), private employers with at least 50 employees must provide paid leave to employees for the purposes of receiving a COVID-19 vaccination until December 31, 2023. If an employee requires one dose of the vaccination, the employer must provide two consecutive hours of paid leave. For a two-shot vaccination, the employer must provide two consecutive hours per absence, for a total of four hours of paid leave. Employees must give their employers advance notice of at least 12 hours to take the leave.

These requirements do not apply to employers that provide a clinic on their premises, where an employee may receive the vaccination during regular work hours or to new employers within the first two years of operation.

Employers must retain records for each employee “of the receipt or accrual and use of paid leave” for one year “following the entry of such information in the record.” These records must be made available to the state Labor Commissioner upon request. The Labor Commissioner is charged with creating an informational bulletin that employers must post in a “conspicuous location” in the workplace.

Employers cannot deny an employee the right to use the paid leave or require an employee to find a replacement as a condition of using the leave. In addition, they cannot retaliate or take any adverse action against an employee. The law defines “prohibited retaliation” as including, but not limited to, “discharging or firing the employee,” “penalizing the employee in any fashion,” and “deducting the paid leave provided to the employee” from their wages.

Use of Paid Leave for Medical Purposes

NRS 608.0197(2) already allowed an employee to take paid leave “without providing a reason to his or her employer for such use.” Senate Bill 209 has amended NRS 608.0197 to mandate that employees may use paid leave for *any* reason, including, but not limited to:

- Treatment of a mental or physical illness, injury, or health condition;
- Receiving a medical diagnosis or medical care;
- Receiving or participating in preventive care;
- Participating in caregiving; or
- Addressing other personal needs related to the health of the employee.

Leave to Assist Family Members

Under [Assembly Bill 190](#), which goes into effect on October 1, 2021, private employers, regardless of size, that offer paid or unpaid sick leave must allow an employee to use accrued sick leave to assist a member of the employee's "immediate family" who has:

- An illness or injury;
- Medical appointment; or
- Other authorized medical need.

The law defines "immediate family" as the employee's:

- Child
- Foster child
- Spouse
- Domestic partner
- Sibling
- Parent
- Mother-in-law
- Father-in-law
- Grandchild
- Grandparent
- Stepparent
- Any person for whom the employee is the legal guardian

Employers must permit an employee to use this leave "to the same extent and under the same conditions that apply" when the employee takes sick leave to care for themselves, but employers may limit the amount of sick leave used for this purpose to an amount equal to what the employee would accrue in a six-month period. Further, the law does not apply to employees covered by a collective bargaining agreement and does not extend any amount of leave an employee may be entitled to under the Family and Medical Leave Act.

Employers may not prohibit an employee from using leave or retaliate against them for attempting to prosecute a violation or for otherwise exercising their rights under the law. The Labor Commissioner will prepare a bulletin advising employees of their rights to use leave to care for an immediate family member that employers are required to post in a "conspicuous location" in the workplace. Any person violating the law may be convicted of a misdemeanor and the Labor Commissioner may impose an administrative penalty of up to \$5,000 for each violation.

Next Steps

Covered employers should review their policies and handbooks to ensure proper procedures are in place to address compliance with the new laws. Additionally, they should prepare to post the upcoming bulletins from the Labor Commissioner.

Please contact your Jackson Lewis attorney to discuss these developments and your specific organizational needs.

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