



NEVADA

QUICK AND EASY GUIDE TO LABOR & EMPLOYMENT LAW

PROVIDED BY BAKER DONELSON

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At-Will Employment

Nevada is an at-will employment state. *Harris v. M.G.M. Enters.*, No. 78056-COA (Nev. App. Dec. 20, 2019). This means that employees can be terminated at any time for any reason, unless an exception applies, such as discrimination or retaliation. *Id.*

Exceptions to At-Will Employment

The at-will employment rule is subject to narrow exceptions founded upon strong public policy. *Hansen v. Harrah's*, 100 Nev. 60, 675 P.2d 394 (Nev. 1984). For example, terminating employment as retaliation for an employee filing for workers' compensation is considered a public policy violation. *Id.*

Immigration Verification

Nevada places no additional employment verification procedures on employers beyond federal I-9 compliance. There is no requirement to use E-Verify under Nevada state laws.

Drug Testing

As of January 1, 2020, Nevada prohibits employers who conduct pre-employment drug screenings as a condition of employment from denying employment due to testing positive for marijuana. Nev. Rev. Stat. § 613.132.

Jury Duty Leave

It is unlawful for an employer to persuade or attempt to persuade any juror to avoid jury service; intimidate or to threaten any juror in that respect; or remove or otherwise subject an employee to adverse employment action as a result of jury service if the employee provides reasonable notice of their absence. Additionally, it is unlawful for an employer to require or request an employee to use annual, vacation, or sick leave for time spent responding to a summons for jury duty. Employers may not require any employee who serves on a jury to work:

- Within eight hours of the employee appearing for jury duty; or
- If the jury duty lasts four hours or more (including travel), between 5:00 p.m., on the day of jury duty and 3:00 a.m., the following morning.

Nev. Rev. Stat. § 6.190. No Nevada state law requires the employer to pay wages while an employee is on jury duty.

Voting Leave

Nevada law requires employers to provide paid voting leave to employees for whom it is impractical to vote before or after work. The employer must provide such employees with a sufficient amount of time to vote, as follows:

- One hour – if the voting place is two miles or less from the employee's workplace;
- Two hours – if the voting place is more than two miles but not more than ten miles from the employee's workplace; or
- Three hours – if the voting place is more than ten miles from the employee's workplace.

The employee must request a leave of absence from their employer prior to the day of the election. The employer can set the time for leave to vote to minimize the impact on business operations.

An employee who needs time off to vote cannot be discharged, disciplined, or penalized for the time off, and no deduction can be made from their usual salary or wages because of the absence. Nev. Rev. Stat. § 293.463.

Parental Leave

Nevada does not have a law requiring private employers to provide parental leave to employees in excess of the amount required by the Family and Medical Leave Act (FMLA). Nevada does have a more blanket paid leave requirement as described below that could be used for parental leave.

An employer cannot terminate, demote, suspend, or discriminate against a parent or guardian for participation in certain school conferences and school-related activities. Nev. Rev. Stat. § 394.1795.

Paid Leave

Nevada labor laws require employers with 50 or more employees to provide employees with at least 0.01923 hours of paid leave for each hour worked, which may be used for a wide variety of purposes, including sick time and caring for others. Employees must be compensated at the rate of pay at which they are compensated at the time such leave is taken. Nev. Rev. Stat. § 608.0197.

An employer shall allow an employee to use paid leave beginning on the 90th calendar day of his or her employment. Nev. Rev. Stat. § 608.0197.

An employer may not require an employee to find a replacement worker as a condition of using paid leave available for use by that employee or retaliate against an employee for using paid leave available for use by that employee. Nev. Rev. Stat. § 608.0197.

An employee may use paid leave available for use by that employee without providing a reason to his or her employer for such use. Nev. Rev. Stat. § 608.0197.

An employer may set a minimum increment of paid leave, not to exceed four hours, that an employee may use at any one time. Nev. Rev. Stat. § 608.0197.

Paid leave 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 40 hours per benefit year. Nev. Rev. Stat. § 608.0197.

Employers are not required to provide leave pursuant to Nev. Rev. Stat. § 608.0197 for temporary, seasonal, or on-call employees.

For the first two years of operation, an employer is not required to comply with the provisions of this section. Nev. Rev. Stat. § 608.0197.

Other Leave

Nevada law does not specifically require employers to provide employees with sick leave benefits. However, the following rules apply related to sick leave:

- Employers may require employees to notify them if the employee will not be able to report to work due to sickness or injury. Nev. Rev. Stat. § 613.155.
- Employers may not require employees to be physically present to notify employers they will not be able to report to work due to a nonwork-related sickness or injury. Nev. Rev. Stat. § 613.155.
- If an employer provides paid or unpaid sick leave for the use of its employees, the employer is required to allow the employee to use sick leave to assist members of immediate family. However, employers may limit the amount of sick leave used in this way to an amount that is equal to and not less than the amount of sick leave that the employee accrues during a six-month period. Nev. Rev. Stat. § 608.01975.

Nevada law does not require private employers to provide employees with either paid or unpaid holiday leave.

Smoking Laws

Nevada enforces Smoker Protection laws, which prohibit an employer from discriminating against an employee who engages in the lawful use of any product outside the employer's premises during the employee's nonworking hours if that use does not adversely affect the employee's ability to perform their job or the safety of other employees. Nev. Rev. Stat. § 613.333.

Nevada prohibits smoking in any indoor place of employment, with very limited exceptions. Nev. Rev. Stat. § 202.2483.

Break Time to Express Milk

Nevada requires employers to provide any employee who is a mother with a child under the age of one, with reasonable break time, with or without compensation, for the employee to express breast milk as needed, at a place other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others, and free from intrusion by others. An employer may not take retaliatory action toward the employee for using such breaks or for bringing suit to encourage the employer to comply with the law. Employers with fewer than 50 employees are not subject to this law if it would impose an undue hardship on the employer. Further, pursuant to Nev. Rev. Stat. Ch. 624, licensed contractors are not subject to this law. Nev. Rev. Stat. § 608.0193.

Meal and Rest Breaks

Nevada law requires employers to provide an unpaid meal period of at least one-half hour (30 minutes) if the employee works for a continuous eight-hour period.

Employers are also required by law to provide all employees a paid rest period of at least ten minutes for every four-hour segment worked or portion thereof.

- For employees working less than three and one-half continuous hours, employers do not need to provide a rest period.
- For employees working at least three and one-half (but less than seven) continuous hours, employers must provide one rest break.
- For employees working at least seven (but less than 11) continuous hours, employers must provide two rest breaks.
- For employees working at least 11 (but less than 15) continuous hours, employers must provide three rest breaks.
- For employees working at least 15 (but less than 19) continuous hours, employers must provide four rest breaks.

Unpaid lunch breaks do not count towards the hours worked for purposes of calculating the number of required rest breaks. Nev. Rev. Stat. § 608.019.

Minimum Wage, Overtime, and Wage Recordkeeping

Nevada voters approved a ballot measure in November 2022 to eliminate the prior two-tiered minimum wage system, which allowed employers to pay a reduced minimum wage if they offered employees certain qualified health benefits. Effective July 1, 2024, the Nevada minimum wage increased to \$12.00 per hour, regardless of whether the employer offers employees qualified health benefits.

Unless otherwise exempted by law, the \$12.00 minimum wage applies to all employees in the State of Nevada.

The minimum wage increase also impacted overtime rates for employees except those exempted from overtime requirements under Nev. Rev. Stat. § 608.018. Employees who earn less than one and one-half times the minimum wage (meaning less than \$18.00) are eligible for daily overtime pay. Specifically, employees who earn less than \$18.00 per hour are eligible for overtime pay at one and one-half times their regular rate for over eight hours worked in a workday or over 40 hours worked in a workweek. For employees earning \$18.00 per hour or more, the standard overtime rules apply (overtime at one and one-half times their regular rate of pay for over 40 hours of work in a workweek).

Employers must retain records of wages for their employees for at least two years, including wages paid, deductions, net wages, total hours employed, and date of payments. Employees may request the required information to be retained by the employer, which must be furnished to the employee within ten days after the employee submits the request. Nev. Rev. Stat. § 608.115.

Employers May Not Inquire About an Applicant's Salary History

Employers may not inquire about salary history when interviewing prospective employees. The employer may ask an applicant what their salary expectation is, but may not ask about earnings at previous jobs. Employers may not refuse to interview, hire, promote, or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

In addition, the employer must provide an applicant who has completed an interview for a position with a wage or salary range or rate for the position. Employers must also provide the wage or salary range or rate for a promotion or transfer to a new position if an employee meets the following criteria: (1) the employee has applied for the promotion or transfer; (2) the employee has completed an interview for the promotion or transfer or has been offered the promotion or transfer; and (3) the employee has requested the wage or salary range or rate for the promotion or transfer. Nev. Rev. Stat. § 613.133.

Final Payments

Nevada requires an employer to issue a final paycheck immediately after an involuntarily discharged employee's last day of employment. Nevada also requires employers to issue a final paycheck immediately when an employee is placed in nonworking status through a temporary layoff (e.g., situations where the employee remains employed and may be called back to work by the employer at a future date). Nev. Rev. Stat. § 608.020.

When an employee resigns or quits, the employee must be paid on the day on which the employee would have regularly been paid the wages or compensation, or seven days after the employee resigns or quits, whichever is earlier. Nev. Rev. Stat. § 608.030.

Unemployment Insurance

Unemployment insurance benefits provide income to individuals who have lost work through no fault of their own. The benefits are intended to partially offset the loss of wages while an unemployed worker searches for suitable work or until an employer can recall the employee to work. Nothing is deducted from the employee's wages to pay for this coverage. Unemployment benefits are administered by the Department of Employment, Training, and Rehabilitation. Additional information regarding the benefits may be accessed at Nev. Rev. Stat. Ch. 612.

Workers' Compensation

The Nevada Workers' Compensation Act, Nev. Rev. Stat. § 616A *et seq.*, applies to every employer in Nevada with three or more employees, or to those in the construction industry. Employees who suffer injuries and/or occupational diseases arising out of and in the course of their employment may be eligible to receive several types of benefits under the Act. Under the Act, a workplace injury must be reported immediately to the employer; failing to report an injury in a timely manner may result in a denial of benefits.

The Act is administered by the Nevada Division of Industrial Relations. Additional information regarding the Act may be accessed at dir.nv.gov/WCS/home.

Finally, unlike some states, Nevada does recognize a private cause of action for workers' compensation retaliation under the Act.

Child Labor

Generally, 14 years of age is the minimum age for employment under Nevada state law, and at 16 years of age, a child can be employed for most work except particularly dangerous work such as manufacturing, mining, and similar professions. Nev. Rev. Stat. § 609.190.

There are restrictions for places of work dealing with minors, as well as restrictions on the hours of the day the minor may work. These laws may be found at Nev. Rev. Stat. § 609.185 *et seq.*

Gun Laws

Nevada is an open carry state, which means an individual can carry a gun openly (i.e., not concealed) without a permit. Nevada employers may prohibit employees from possessing firearms at work, including in company parking lots.

Changes to Non-Competition Law

Employers may not bring an action against a former employee to prevent them from providing service to a former customer or client under the terms of a non-compete agreement if the former employee did not solicit the prior customer or client; the customer or client voluntarily chose to seek the services of the former employee; and the former employee is otherwise acting in accordance with the non-compete agreement as agreed upon between the parties. Nev. Rev. Stat. § 613.195(2). A non-compete agreement may not apply to employees who are paid solely on an hourly wage basis, exclusive of any tips or gratuities. Nev. Rev. Stat. § 613.195(3).