

Paid Leave Effective January 1, 2020 – Nevada Revised Statutes (NRS) § 608

Except as otherwise provided in Senate Bill (SB) 312, every employer in private employment with not less than 50 employees shall provide paid leave to each employee of the employer 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 40 hours per benefit year.
- C. An employer shall:
1. Compensate an employee for the paid leave available for use by that employee at the rate of pay at which the employee is compensated at the time such leave is taken; and
 2. Pay such compensation on the same payday as the hours taken are normally paid.
- D. An employer may set a minimum increment of paid leave, not to exceed 4 hours that an employee may use at any one time.
1. An employer shall provide to each employee on each payday an accounting of the hours of paid leave available for use by that employee. An employer may use the system that the employer uses to pay its employees to provide the accounting of the hours of paid leave available for use by the employee.
 2. An employer may, but is not required to, compensate an employee for any unused paid leave available for use by that employee upon separation from employment, except if the employee is rehired by the employer within 90 days after separation from that employer and the separation from employment was not due to the employee voluntarily leaving his or her employment, any previously unused paid leave hours available for use by that employee must be reinstated.
- E. An employee in private employment may use paid leave available for use by that employee as follows:
1. An employer shall allow an employee to use paid leave beginning on the 90th calendar day of his or her employment.
 2. An employee may use paid leave available for use by that employee without providing a reason to his or her employer for such use.
 3. An employee shall, as soon as practicable, give notice to his or her employer to use the paid leave available for use by that employee.
 4. 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 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.
- F. 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.
- G. For the first 2 years of operation, an employer is not required to comply with the provisions of this section.
- H. This section does not apply to: (a) An employer who, pursuant to a contract, policy, collective bargaining agreement or other agreement, provides employees with a policy for paid leave or a policy for paid time off to all scheduled employees at a rate of at least 0.01923 hours of paid leave per hour of work performed; and (b) Temporary, seasonal or on-call employees.

Except as otherwise provided in NRS 608.0165, the Labor Commissioner may impose an administrative penalty of not more than \$5,000 for each violation of NRS 608.005 to 608.195 inclusive, in addition to other remedies or penalties as authorized by law.

Copies of this notice may be obtained from our website at: www.labor.nv.gov

For a copy of the SB 312: <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6553/Overview>

**This bulletin is a summary of SB 312. It is for posting and information purposes and should not be considered legal advice. Please refer to SB 312 and NRS section 608 for further details.*

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