

SENATE BILL NO. 196—SENATORS FORD, WOODHOUSE, SPEARMAN,
RATTI, FARLEY; ATKINSON, CANCELA, CANNIZZARO,
DENIS, MANENDO, PARKS AND SEGERBLOM

FEBRUARY 16, 2017

JOINT SPONSORS: ASSEMBLYMEN FRIERSON, BENITEZ-THOMPSON,
YEAGER, CARRILLO, ELLIOT ANDERSON; ARAUJO,
BILBRAY-AXELROD, COHEN, DALY, DIAZ, FLORES, FUMO,
JAUREGUI, JOINER, NEAL, SPIEGEL, SPRINKLE, SWANK AND
THOMPSON

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Requires an employer in private employment to
provide paid sick leave to employees under certain
circumstances. (BDR 53-682)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment; requiring an employer in private
employment to provide paid sick leave to each employee
of the employer under certain circumstances; providing an
exception; providing a penalty; and providing other
matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires employers in private employment to pay employees
2 certain minimum compensation and to provide certain benefits, including overtime
3 compensation and meal and rest breaks. (NRS 608.018, 608.019, 608.250) **Section**
4 **1** of this bill requires such an employer to, at a minimum, provide employees paid
5 sick leave that must be earned at a rate of not less than 1 hour per 30 hours worked
6 and may be used by an employee beginning on the 90th calendar day of
7 employment. **Section 1** also provides that an employer may: (1) limit the use of the
8 paid sick leave to 24 hours per year; (2) limit the accrual of paid sick leave to a
9 maximum of 48 hours per year; and (3) set a minimum increment that an employee
10 may use the accrued sick leave at any one time, not to exceed 2 hours. **Section 1**



11 additionally requires an employer to maintain records of the accrual and use of paid
12 sick leave for each employee for a 3-year period and to make those records
13 available for inspection by the Labor Commissioner. **Section 1** requires the Labor
14 Commissioner to prepare a bulletin setting forth these benefits and requires
15 employers to post the bulletin in the workplace. Finally, **section 1** provides an
16 exception for employers who provide at least an equivalent amount of sick leave or
17 paid time off that may be used for the same purposes and under the same conditions
18 as required by this bill.

19 **Section 2** of this bill requires the Labor Commissioner to enforce the
20 provisions of **section 1**, and **section 3** of this bill makes a violation of the
21 provisions of **section 1** a misdemeanor and authorizes the Commissioner to impose,
22 in addition to any other remedy or penalty, a penalty of up to \$5,000 for each
23 violation. (NRS 608.180, 608.195)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 608 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in this section, every*
4 *employer in private employment shall provide paid sick leave to*
5 *each employee of the employer as follows:*

6 *(a) An employee is entitled to accrue paid sick leave at a rate*
7 *of not less than 1 hour for every 30 hours worked by the employee.*
8 *For the purposes of this calculation, a salaried employee shall be*
9 *deemed to work 40 hours per week, unless the employee's normal*
10 *week of work is less than 40 hours, in which case paid sick leave*
11 *must accrue based upon the hours worked in that employee's*
12 *normal week of work.*

13 *(b) Accrued paid sick leave must carry over for each employee*
14 *between his or her years of employment, except an employer may*
15 *limit the accrual of paid sick leave for each employee to a*
16 *maximum of 48 hours per year.*

17 *(c) Paid sick leave must be compensated at the rate of pay at*
18 *which the employee is compensated at the time such leave is taken,*
19 *and paid on the same payday as the hours taken are normally*
20 *paid. For the purposes of this calculation, the compensation rate*
21 *for an employee who is paid by salary, commission, piece rate or a*
22 *method other than an hourly wage must be calculated by dividing*
23 *the employee's total wages paid for the immediately preceding 90*
24 *days by the number of hours worked during that period.*

25 *(d) An employer may limit the amount of paid sick leave an*
26 *employee uses to 24 hours per year.*

27 *(e) An employer may set a minimum increment of paid sick*
28 *leave, not to exceed 2 hours, that an employee may use at any one*
29 *time.*



1 (f) An employer shall provide to each employee on each
2 payday a written accounting of the hours of accrued sick leave
3 available for use by that employee.

4 (g) An employer is not required to compensate an employee for
5 any accrued unused sick leave upon separation from employment,
6 except if an employee is rehired by the employer within 1 year
7 after separation from that employer, any previously accrued
8 unused sick leave hours must be reinstated.

9 2. An employee in private employment may use accrued sick
10 leave as follows:

11 (a) An employee must be allowed to use accrued sick leave
12 beginning on the 90th calendar day of his or her employment.

13 (b) An employee may use accrued paid sick leave:

14 (1) For the diagnosis, care or treatment of an existing
15 health condition of, or preventive care for, the employee or a
16 member of the employee's family or household; or

17 (2) To obtain counseling or assistance or to participate in
18 any court proceedings related to domestic violence or sexual
19 assault.

20 (c) To the extent possible, an employee shall give reasonable
21 advance notice to his or her employer of the need to use accrued
22 paid sick leave.

23 (d) An employer shall not:

24 (1) Deny an employee the right to use accrued sick leave in
25 accordance with the conditions of this section;

26 (2) Require an employee to find a replacement worker as a
27 condition of using sick leave; or

28 (3) Retaliate against an employee for using sick leave.

29 3. The Labor Commissioner shall prepare a bulletin which
30 clearly sets forth the benefits created by this section. The Labor
31 Commissioner shall post the bulletin on the Internet website
32 maintained by the Office of Labor Commissioner, if any, and shall
33 require all employers to post the bulletin in a conspicuous location
34 in each workplace maintained by the employer. The bulletin may
35 be included in any printed abstract posted by the employer
36 pursuant to NRS 608.013.

37 4. An employer shall maintain records of the accrual and use
38 of paid sick leave for each employee for a 3-year period following
39 the entry of such information in the record and, upon request,
40 shall make those records available for inspection by the Labor
41 Commissioner.

42 5. The provisions of this section do not:

43 (a) Limit or abridge any other rights, remedies or procedures
44 available under the law.



1 ***(b) Negate any other rights, remedies or procedures available***
2 ***to an aggrieved party.***

3 ***(c) Prohibit, preempt or discourage any contract or other***
4 ***agreement that provides a more generous sick leave benefit or paid***
5 ***time off benefit.***

6 ***6. This section does not apply to an employer who, pursuant***
7 ***to a collective bargaining agreement, contract, policy or other***
8 ***agreement, provides employees with a paid sick leave policy or a***
9 ***paid time off policy that provides for at least 24 hours of paid leave***
10 ***per year that may be used for the same purposes and under the***
11 ***same conditions as specified in this section.***

12 **Sec. 2.** NRS 608.180 is hereby amended to read as follows:

13 608.180 The Labor Commissioner or the representative of the
14 Labor Commissioner shall cause the provisions of NRS 608.005 to
15 608.195, inclusive, ***and section 1 of this act*** to be enforced, and
16 upon notice from the Labor Commissioner or the representative:

17 1. The district attorney of any county in which a violation of
18 those sections has occurred;

19 2. The Deputy Labor Commissioner, as provided in
20 NRS 607.050;

21 3. The Attorney General, as provided in NRS 607.160 or
22 607.220; or

23 4. The special counsel, as provided in NRS 607.065,
24 ➔ shall prosecute the action for enforcement according to law.

25 **Sec. 3.** NRS 608.195 is hereby amended to read as follows:

26 608.195 1. Except as otherwise provided in NRS 608.0165,
27 any person who violates any provision of NRS 608.005 to 608.195,
28 inclusive, ***and section 1 of this act***, or any regulation adopted
29 pursuant thereto, is guilty of a misdemeanor.

30 2. In addition to any other remedy or penalty, the Labor
31 Commissioner may impose against the person an administrative
32 penalty of not more than \$5,000 for each such violation.

33 **Sec. 4.** This act becomes effective:

34 1. Upon passage and approval for the purpose of adopting any
35 regulations and performing any other preparatory administrative
36 tasks necessary to carry out the provisions of this act; and

37 2. On January 1, 2018, for all other purposes.

