

ASSEMBLY BILL NO. 235—ASSEMBLYMEN NEAL, BUSTAMANTE
ADAMS, DIAZ, BENITEZ-THOMPSON, CARLTON; ELLIOT
ANDERSON, ARAUJO, CARRILLO, FLORES, JOINER,
KIRKPATRICK, MUNFORD, OHRENSCHALL, SPIEGEL,
SPRINKLE, SWANK AND THOMPSON

MARCH 6, 2015

JOINT SPONSORS: SENATORS FORD, WOODHOUSE, KIHUEN,
ATKINSON, PARKS; MANENDO AND SPEARMAN

Referred to Committee on Commerce and Labor

SUMMARY—Requires an employer to provide paid sick leave to
each employee of the employer under certain
circumstances. (BDR 53-1059)

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 to provide
paid sick leave to each employee of the employer under
certain circumstances; providing a penalty; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for certain minimum compensation and benefits for
2 employees in private employment, including overtime compensation and meal and
3 rest breaks. (NRS 608.018, 608.019) This bill provides that an employer must
4 provide paid sick leave to an employee of the employer. Such leave must be earned
5 at a rate of not less than 1 hour per 40 hours worked and may be used by an
6 employee after working 168 hours. This bill provides that an employer may limit
7 the accrual of such leave to 40 hours per year and must allow 40 hours of accrued
8 and unused sick leave to carry over between years. This bill also requires the Labor
9 Commissioner to prepare a bulletin setting forth the benefits provided under this
10 bill and requires employers to post the bulletin in the workplace.



* A B 2 3 5 *

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

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

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

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

(b) An employer may limit the annual accrual of paid sick leave to a maximum of 40 hours, and shall allow at least 40 hours of accrued unused time to carry over between calendar years.

(c) Paid sick leave must be compensated at the rate of pay at which the employee is compensated at the time such leave is taken, and paid on the same payday as the hours taken are normally paid. For the purposes of this calculation, the compensation rate for an employee who is paid by salary, commission, piece rate or other method other than an hourly wage must be calculated by dividing the employee's total wages paid for the immediately preceding 15 days by the number of hours worked during that period.

(d) An employer is not required to compensate an employee for any accrued unused sick leave upon separation from employment.

2. An employee may use accrued sick leave as follows:

(a) An employee must be allowed to use accrued sick leave after completing 168 hours of employment.

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

(1) The diagnosis, care or treatment of an existing health condition of, or preventive care for, the employee or the employee's child or spouse; or

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

(c) An employer may require an employee to provide:

(1) Written notice not more than 7 days before the foreseeable use of sick leave;

(2) Notice of the unforeseeable use of sick leave as soon as practicable; and



1 (3) Reasonable documentation justifying the use of 3 or
2 more consecutive days of sick leave.

3 (d) An employer shall not:

4 (1) Deny an employee the right to use accrued sick leave; or

5 (2) Retaliate against an employee for requesting or using
6 sick leave.

7 3. The Labor Commissioner shall prepare a bulletin which
8 clearly sets forth the benefits created by this section. The Labor
9 Commissioner shall post the bulletin on the Internet website
10 maintained by him or her, if any, and shall require all employers
11 to post the bulletin in a conspicuous location in each workplace
12 maintained by the employer. The bulletin may be included in any
13 printed abstract posted by the employer pursuant to NRS 608.013.

14 4. The provisions of this section do not:

15 (a) Limit or abridge any other rights, remedies or procedures
16 available under the law;

17 (b) Negate any other rights, remedies or procedures available
18 to an aggrieved party; or

19 (c) Prohibit, preempt or discourage any contract or other
20 agreement that provides a more generous sick leave benefit.

21 5. This section does not apply to an employer who, pursuant
22 to a collective bargaining agreement, contract, policy or other
23 agreement, provides employees with a paid leave policy that
24 provides for at least 40 hours of paid leave per year and allows for
25 the usage of sick leave in a manner consistent with this section.

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

27 608.180 The Labor Commissioner or the representative of the
28 Labor Commissioner shall cause the provisions of NRS 608.005 to
29 608.195, inclusive, *and section 1 of this act* to be enforced, and
30 upon notice from the Labor Commissioner or the representative:

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

33 2. The Deputy Labor Commissioner, as provided in
34 NRS 607.050;

35 3. The Attorney General, as provided in NRS 607.160 or
36 607.220; or

37 4. The special counsel, as provided in NRS 607.065,
38 ↪ shall prosecute the action for enforcement according to law.

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

40 608.195 1. Except as otherwise provided in NRS 608.0165,
41 any person who violates any provision of NRS 608.005 to 608.195,
42 inclusive, *and section 1 of this act*, or any regulation adopted
43 pursuant thereto, is guilty of a misdemeanor.



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

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

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

8 2. On January 1, 2016, for all other purposes.

