

SENATE BILL NO. 259—SENATORS FORD, SMITH, SPEARMAN,
ATKINSON, PARKS; DENIS, KIHUEN, MANENDO AND
WOODHOUSE

MARCH 12, 2015

JOINT SPONSORS: ASSEMBLYMEN NEAL, KIRKPATRICK, ELLIOT
ANDERSON, CARILLO, FLORES; ARAUJO, BENITEZ-
THOMPSON, BUSTAMANTE ADAMS, CARLTON, DIAZ,
JOINER, MUNFORD, OHRENSCHALL, SPRINKLE, SWANK AND
THOMPSON

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Requires an employer to provide paid sick leave to
each employee of the employer under certain
circumstances. (BDR 53-973)

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 an
2 employee 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 30 hours worked and may be used by an
6 employee beginning on the 90th calendar day of employment. This bill provides that
7 an employer may limit the usage of such leave to 24 hours per year and may limit
8 the accrual of paid sick leave to a maximum of 48 hours. This bill also requires the
9 Labor Commissioner to prepare a bulletin setting forth the benefits provided under
10 this bill and requires employers to post the bulletin in the workplace.



* S B 2 5 9 *

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 30 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) Accrued paid sick leave must carry over between years, except an employer may limit the accrual of paid sick leave to a maximum of 48 hours per year.

(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 a method other than an hourly wage must be calculated by dividing the employee's total wages paid for the immediately preceding 90 days by the number of hours worked during that period.

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

(e) An employer may set a minimum increment of paid sick leave to be used at one time, not to exceed 2 hours.

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

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

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

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

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

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



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

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

7 (d) *An employer shall not:*

8 (1) *Deny an employee the right to use accrued sick leave;*

9 (2) *Require an employee to find a replacement worker as a*
10 *condition of using sick leave; or*

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

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

19 4. *An employer shall, for at least 3 years after hiring an*
20 *employee, keep records of the accrual and usage of sick leave by*
21 *that employee, and shall make those records available for*
22 *inspection by the Labor Commissioner, upon request.*

23 5. *The provisions of this section do not:*

24 (a) *Limit or abridge any other rights, remedies or procedures*
25 *available under the law;*

26 (b) *Negate any other rights, remedies or procedures available*
27 *to an aggrieved party; or*

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

30 6. *This section does not apply to an employer who, pursuant*
31 *to a collective bargaining agreement, contract, policy or other*
32 *agreement, provides employees with a paid sick leave policy that*
33 *provides for at least 24 hours of paid sick leave per year and*
34 *allows for the usage of sick leave in a manner consistent with this*
35 *section.*

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

37 608.180 The Labor Commissioner or the representative of the
38 Labor Commissioner shall cause the provisions of NRS 608.005 to
39 608.195, inclusive, *and section 1 of this act* to be enforced, and
40 upon notice from the Labor Commissioner or the representative:

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

43 2. The Deputy Labor Commissioner, as provided in
44 NRS 607.050;



1 3. The Attorney General, as provided in NRS 607.160 or
2 607.220; or

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

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

6 608.195 1. Except as otherwise provided in NRS 608.0165,
7 any person who violates any provision of NRS 608.005 to 608.195,
8 inclusive, *and section 1 of this act*, or any regulation adopted
9 pursuant thereto, is guilty of a misdemeanor.

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

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

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

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

