

ASSEMBLY BILL NO. 181—ASSEMBLYMEN ASSEFA, MCCURDY, FUMO; BACKUS, BILBRAY-AXELROD, CARLTON, CARRILLO, COHEN, DURAN, FLORES, GORELOW, JAUREGUI, MARTINEZ, MILLER, MONROE-MORENO, MUNK, NGUYEN, SPIEGEL, SPRINKLE, THOMPSON, TORRES, WATTS AND YEAGER

FEBRUARY 18, 2019

JOINT SPONSOR: SENATOR HARRIS

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing employment attendance practices. (BDR 53-833)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; establishing specific provisions governing practices of employers relating to employee attendance; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits certain employment practices and prohibits employers
2 and their agents or representatives from engaging in such practices. (Chapter 613 of
3 NRS) This bill prohibits an employer from requiring an employee to be physically
4 present at his or her place of employment to report that the employee is sick or
5 injured and cannot work. In addition, this bill specifically allows an employer to
6 require an employee to: (1) notify the employer that the employee is sick or injured
7 and cannot work; and (2) provide documentation of the illness or injury from a
8 clinic, physician's office or other medical facility. This bill makes a violation of
9 **section 1** a misdemeanor and provides for administrative penalties.



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

1 **Section 1.** Chapter 613 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. An employer:***

4 ***(a) Shall not require an employee to be physically present at***
5 ***his or her place of work in order to notify his or her employer that***
6 ***he or she is sick or injured and cannot work.***

7 ***(b) May require an employee to notify the employer that he or***
8 ***she is sick or injured and cannot report for work.***

9 ***(c) May require, upon the employee's return to work, a note***
10 ***from a clinic, physician's office or other medical facility***
11 ***documenting the employee's illness or injury.***

12 ***2. Any employer, or agent or representative thereof, violating***
13 ***any provision of this section is guilty of a misdemeanor and shall***
14 ***be punished by a fine of not more than \$5,000.***

15 ***3. In addition to any other remedy or penalty, the Labor***
16 ***Commissioner may impose against each culpable party that is***
17 ***found to have violated any provision of this section an***
18 ***administrative penalty of not more than \$5,000 for each such***
19 ***violation.***

20 ***4. If a fine or an administrative penalty is imposed pursuant***
21 ***to this section, the costs of the proceeding, including without***
22 ***limitation, investigative costs and attorney's fees, may be***
23 ***recovered by the Labor Commissioner.***

