

ASSEMBLY BILL NO. 246—ASSEMBLYMAN FLORES

MARCH 12, 2021

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Referred to Committee on Commerce and Labor

**SUMMARY**—Revises provisions governing employment practices relating to employee safety. (BDR 53-781)

**FISCAL NOTE:** Effect on Local Government: May Have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 9, 11)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

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AN ACT relating to employment practices; requiring an employer to notify certain employees, principal contractors, subcontractors and independent contractors of a potential exposure to COVID-19; requiring such notice to be provided within 1 business day and include certain information; prohibiting an employer from taking retaliatory actions against an employee who is diagnosed with COVID-19 or who has to quarantine or isolate himself or herself; authorizing an employee to file a complaint with the Labor Commissioner regarding a retaliatory action; requiring an employer to establish, implement and maintain a written COVID-19 prevention program that complies with certain standards; requiring the prevention program to be provided to employees upon employment and upon request; requiring the employer to train its employees on the prevention program; authorizing an employee to file a complaint with the Division of Industrial Relations of the Department of Business and Industry for certain violations by an employer; requiring the Division to review the prevention program in certain circumstances; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

Existing law requires the Director of the Department of Health and Human Services and a district board of health in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt by regulation requirements to reduce and prevent the transmission of SARS-CoV-2 in public accommodation facilities under certain circumstances. (NRS 447.300-447.355) Specifically, existing law requires the Director to adopt regulations requiring public accommodation facilities to: (1) establish standards for cleaning to reduce the transmission of SARS-CoV-2; (2) establish protocols to limit transmission of SARS-CoV-2, including the training of staff concerning prevention and mitigation of SARS-CoV-2 transmission; and (3) establish, implement and maintain a written SARS-CoV-2 response plan. (NRS 447.335, 447.340 and 447.345)

This bill defines "COVID-19" to include SARS-CoV-2, mutations thereof and diseases caused by those viruses and: (1) requires employers to provide to employees a written notice of a potential exposure to COVID-19; (2) prohibits an employer from retaliating against an employee for being diagnosed with COVID-19; and (3) requires employers to establish, implement and maintain a written COVID-19 prevention program. **Section 8** of this bill provides that these provisions do not apply to public accommodation facilities governed by existing law.

**Section 9** of this bill requires an employer who is informed of a potential exposure to COVID-19 to notify in writing certain employees, principal contractors, subcontractors and independent contractors that they may have been exposed to COVID-19. **Section 9** requires the notice to be provided: (1) within 1 business day after being informed of the potential exposure; (2) to the representative of the employee, if applicable; (3) in both English and the language understood by the majority of the employees; and (4) in the manner the employer normally uses to communicate with the employee, including through personal service, electronic mail or text message. **Section 9** requires the notice to include information concerning: (1) certain benefits relating to COVID-19 that may be available to the employee; and (2) the plan and standards used for disinfecting and cleaning that the employer maintains.

**Section 10** of this bill prohibits an employer from taking retaliatory actions against an employee who has been diagnosed with COVID-19 or who has to quarantine or isolate himself or herself. If an employee believes that retaliatory action has been taken by an employer, **section 10** authorizes the employee to file a complaint with the Labor Commissioner, who may enforce **section 10** or institute proceedings as set forth in existing law. (NRS 607.205-607.215)

**Section 11** of this bill requires an employer to establish, implement and maintain a written COVID-19 prevention program that complies with any standards for COVID-19 set forth by the Occupational Safety and Health Administration of the United States Department of Labor, the Division of Industrial Relations of the Department of Business and Industry or the Occupational Safety and Health Review Board. **Section 11** requires the employer to: (1) provide a copy of the prevention program to an employee upon employment; and (2) train its employees on the prevention program. **Section 11** authorizes an employee to file a complaint with the Division if his or her employer does not provide the copy or training. **Section 11** also requires the employer to provide a copy of the prevention program to an employee upon request within 1 business day. Finally, **section 11** requires the Division to review the prevention program if the employer is inspected for a violation of any standards concerning COVID-19 set forth by the Occupational Safety and Health Administration of the United States Department of Labor, the Division or the Board.

**Section 12** of this bill authorizes the Division to adopt regulations to carry out the provisions of this bill.



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

**Section 1.** Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“COVID-19” means:*

*1. The novel coronavirus identified as SARS-CoV-2;*

*2. Any mutation of the novel coronavirus identified as SARS-CoV-2; or*

*3. A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2 or a mutation thereof.*

**Sec. 4.** *“Independent contractor” has the meaning ascribed to it in NRS 617.120.*

**Sec. 5.** *“Potential exposure to COVID-19” means:*

*1. When a person interacts with an employer, employee, principal contractor, subcontractor or independent contractor; and*

*2. That person:*

*(a) Has been diagnosed with COVID-19;*

*(b) Is diagnosed with COVID-19 not more than 14 days after interacting with an employer, employee, principal contractor, subcontractor or independent contractor;*

*(c) Is experiencing symptoms of COVID-19 and has not yet received a positive or negative diagnosis for COVID-19; or*

*(d) Died due to COVID-19.*

**Sec. 6.** *“Principal contractor” means a person who:*

*1. Coordinates all the work on an entire project;*

*2. Contracts to complete an entire project;*

*3. Contracts for the services of any subcontractor or independent contractor; or*

*4. Is responsible for payment to any contracted subcontractors or independent contractors.*

**Sec. 7.** *“Public accommodation facility” has the meaning ascribed to it in NRS 447.320.*

**Sec. 8.** *The provisions of sections 2 to 12, inclusive, of this act do not apply to a public accommodation facility.*

**Sec. 9.** *1. If an employer is informed of a potential exposure to COVID-19, the employer shall notify in writing each employee who was on the premises or worksite of the employer and each principal contractor, subcontractor or independent*



1 contractor that is contracted with the employer who was on the  
2 premises or worksite of the employer or has employees who were  
3 on the premises or worksite of the employer that the person or  
4 employee may have been exposed to COVID-19.

5 2. An employer who provides the notice pursuant to  
6 subsection 1 shall provide the notice:

7 (a) Within 1 business day after being informed of the potential  
8 exposure to COVID-19;

9 (b) To the representative of the employee, if applicable;

10 (c) In both English and the language understood by the  
11 majority of the employees; and

12 (d) In the manner the employer normally uses to communicate  
13 with the employee, including, without limitation, personal service,  
14 electronic mail or text message, so long as the notice can be  
15 received by the employee within 1 business day of the employer  
16 being informed of a potential exposure to COVID-19.

17 3. In addition to the written notice required pursuant to  
18 subsection 1, an employer shall include, without limitation,  
19 information concerning:

20 (a) Any benefits relating to COVID-19 to which the employee  
21 may be entitled under applicable federal or state laws or local  
22 ordinances, including, without limitation, worker's compensation,  
23 leave available for illness from COVID-19, sick leave, state-  
24 mandated leave, supplemental sick leave, negotiated leave,  
25 antidiscrimination protections and the retaliation prohibitions set  
26 forth in section 10 of this act; and

27 (b) The plan and standards used for disinfecting and cleaning  
28 that the employer maintains or plans to implement and maintain.  
29 Such plan and standards shall comply with the guidelines set forth  
30 by the Centers for Disease Control and Prevention and by the  
31 COVID-19 prevention program established pursuant to section 11  
32 of this act.

33 **Sec. 10.** 1. An employer shall not discharge, reduce the  
34 compensation of, increase the workload of, impose fees or charges  
35 on, change the duties of or otherwise take adverse action against  
36 an employee in retaliation for the employee being diagnosed with  
37 COVID-19 or for the employee having to quarantine or isolate  
38 himself or herself in response to a potential exposure to  
39 COVID-19.

40 2. If an employee believes that subsection 1 has been violated,  
41 the employee may file a complaint with the Labor Commissioner.  
42 The Labor Commissioner may enforce the provisions of this  
43 section pursuant to NRS 607.160 and may institute the  
44 proceedings set forth in NRS 607.205 to 607.215, inclusive.



**Sec. 11.** *1. An employer shall establish, implement and maintain a written COVID-19 prevention program. Such a prevention program must comply with any standards concerning COVID-19 set forth by the Occupational Safety and Health Administration of the United States Department of Labor, the Division and the Board, as applicable.*

*2. An employer shall:*

*(a) Provide a copy of the COVID-19 prevention program to an employee upon the employment of the employee; and*

*(b) Train its employees on the COVID-19 prevention program.*

*3. An employee may file a complaint with the Division if his or her employer does not comply with subsection 2.*

*4. If an employee makes a request for a copy of the COVID-19 prevention program, the employer shall provide the copy within 1 business day of the request.*

*5. If an inspection of the employer occurs for a violation of any standards concerning COVID-19 set forth by the Occupational Safety and Health Administration of the United States Department of Labor, the Division or the Board, as applicable, the Division shall review the COVID-19 prevention program established, implemented and maintained by the employer.*

**Sec. 12.** *The Division may adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act.*

**Sec. 13.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 14.** *1. This section becomes effective upon passage and approval.*

*2. Sections 1 to 13, inclusive, of this act become effective:*

*(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and*

*(b) On July 1, 2021, for all other purposes.*

