ASSEMBLY BILL NO. 388–ASSEMBLYMEMBERS LA RUE HATCH, GONZÁLEZ, ANDERSON, ROTH, MILLER; FLANAGAN, GOULDING, HUNT, JACKSON, KARRIS, MOORE, ORENTLICHER AND WATTS

MARCH 10, 2025

JOINT SPONSOR: SENATOR FLORES

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to employment. (BDR 23-1027)

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

CONTAINS UNFUNDED MANDATE (§§ 7, 8)
(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.

AN ACT relating to employment; requiring certain public and private employers to establish certain procedures and forms relating to paid family leave; requiring the Human Resources Commission and Labor Commissioner to establish certain regulations relating to paid family leave; requiring certain public and private employers to provide notice relating to paid family leave; revising provisions relating to paid family leave for certain state employees and employees of private employers; repealing certain provisions relating to leave; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an employee of the Executive Department of the State Government who has been employed for not less than 12 consecutive months is entitled to take 8 weeks of paid family leave over a 12-month period, under certain circumstances, to: (1) bond with a newborn child of the employee or a newborn child of the domestic partner of the employee; (2) bond with a newly adopted child of the employee; (3) recover from or undergo treatment for a serious illness; (4)

care for a seriously ill member of the immediate family of the employee; or (5) participate in a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee. (NRS 284.356) **Section 4** of this bill: (1) provides such entitlements to officers of the Executive Department of the State Government; (2) decreases the time an employee must be employed to receive the entitlement from 12 consecutive months to 90 days; (3) increases the entitlement from 8 weeks to 12 weeks; (4) entitles an employee to take paid family leave to bond with a newly placed fostered child of the employee, complete any necessary preparatory tasks before the anticipated adoption of a child or placement of a foster child in certain circumstances, to recover from certain serious health conditions, including pregnancy or the loss or end of a pregnancy and for certain purposes resulting from an act of domestic violence, stalking, aggravated stalking, harassment or sexual assault against the employee or an immediate family member of the employee; and (5) revises certain terms relating to paid family leave.

Existing law further requires an appointing authority to pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave. (NRS 284.356) **Section 4** instead requires an appointing authority to pay: (1) 100 percent of the regular wage the employee would have earned if the employee was not on leave, if the employee earns not more than 110 percent of the state average weekly wage; or (2) 60 percent of the regular wage the employee would have earned if the employee was not on leave but not more than 150 percent of the state average weekly wage, if the employee earns more than 110 percent of the state average weekly wage.

Section 4 also: (1) requires an employee to provide certain notice to the appointing authority of the employee's intent to take paid family leave and make a reasonable effort to take paid family leave in a manner that does not unduly disrupt the operations of the appointing authority, in certain circumstances; (2) authorizes the Division of Human Resource Management of the Department of Administration to investigate any instance in which it has reason to believe that an employee has taken paid family leave to which the employee is not entitled, and after notice and a hearing, authorizes the Human Resources Commission to take certain remedial actions; and (3) establishes that paid family leave taken that also meets the requirements for eligibility for the Family and Medical Leave Act of 1993 runs concurrently and authorizes an appointing authority to require any payment made for paid family leave to be made concurrently or otherwise coordinated with certain other policies and agreements. (29 U.S.C. §§ 2601, et seq.)

Section 7 of this bill establishes substantially similar provisions relating to the entitlement to paid family leave for certain state employees in the public service for employees of private employers and local government employers that have 50 or more employees in private employment in this State, thereby entitling the employees of the private employers to paid family leave.

Sections 2 and 8 of this bill require an appointing authority, a private employer and a local government employer to establish reasonable procedures and forms for an employee to take paid family leave, which may not be unduly burdensome to the employee and are required to meet certain language requirements. **Sections 2 and 8** also require the Commission and Labor Commissioner to establish by regulation the documentation that an employee may be required to provide to an appointing authority, a private employer or a local government employer to take paid family leave, place certain restrictions on the establishment of the regulations and make the documentation confidential.

Sections 3 and 9 of this bill require an appointing authority, a private employer and a local government employer to provide to an employee certain written notice relating to paid family leave in certain circumstances and subject to certain conditions.

Section 10 of this bill authorizes an employee of a private employer to bring a civil action, and prescribes the remedies a court is authorized and required to award if an employer fails to take certain actions relating to paid family leave required by **section 7**.

Section 11 of this bill requires the Labor Commissioner to enforce the provisions of **sections 7, 8 and 9**, and **section 12** of this bill makes a violation of the provisions of **sections 7, 8 and 9** a misdemeanor and authorizes the Labor Commissioner to impose, in addition to any other remedy or penalty, a penalty of up to $5,000 for each violation.

Section 14 of this bill repeals the provisions in existing law requiring a private employer to provide certain leave to employees relating to domestic violence and sexual assault, as these provisions are supplanted by the provisions of **sections 7, 8 and 9**. **Section 13** of this bill makes a conforming change to make a provision prohibiting certain actions relating to the repealed provisions instead apply to **section 7**.

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. An appointing authority shall establish reasonable procedures and forms for an employee to take paid family leave pursuant to NRS 284.356, which may not be unduly burdensome to the employee. The forms must be written in English, each other language typically used in communications between an appointing authority and an employee and any other language that is the primary language of at least 10 percent of the employees at the workplace.***

2. The Commission shall by regulation establish the documentation that an employee may be required to provide to an appointing authority in support of a request for paid family leave pursuant to NRS 284.356. The regulations adopted by the Commission:

(a) Must use a liberal approach to the granting of paid family leave to an employee and not be unduly burdensome to the employee.

(b) Must not require the disclosure of information that is confidential, privileged or protected under federal law.

3. Any documentation provided to an appointing authority pursuant to subsection 2 is confidential and must be retained by the appointing authority in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

Sec. 3. ***1. An appointing authority shall provide written notice of the provisions of NRS 284.356 to an employee:***

(a) Upon the hiring of the employee, and annually thereafter;

(b) When the employee requests leave pursuant to NRS 284.356; and

(c) When the appointing authority has reasonable knowledge that any leave request made by the employee may be for a qualifying reason entitling the employee to take paid family leave pursuant to subsection 1 of NRS 284.356.

2. The written notice required to be provided to an employee by an appointing authority pursuant to subsection 1 must include, without limitation:

(a) The entitlement of the employee to paid family leave pursuant to NRS 284.356, and the terms under which it may be taken;

(b) The amount of paid family leave available to the employee;

(c) The procedures for taking the paid family leave;

(d) The requirement that an appointing authority or his or her designee may not deny an eligible employee the right to take paid family leave, retaliate or take any adverse action against an employee for requesting, taking or filing a complaint against an appointing authority relating to paid family leave as set forth in subsection 5 of NRS 284.356; and

(e) The manner in which an employee may file a complaint for any violations of the provisions of NRS 284.356 committed by an appointing authority.

3. Each appointing authority shall conspicuously post and keep so posted in a location in each workplace maintained by the appointing authority a bulletin with the information required by this section in a form approved by the Commission. If an appointing authority does not maintain a physical workplace or employs an employee whose work consists solely of remote work or telework, the appointing authority shall post the bulletin in a conspicuous location on the Internet website maintained by the appointing authority, if any.

4. All notices required by this section must be written in English, each other language typically used in communications between an appointing authority and an employee and any other language that is the primary language of at least 10 percent of the employees at the workplace. The Commission may adopt regulations to establish the means by which an appointing authority must provide the notice required by this section.

Sec. 4. NRS 284.356 is hereby amended to read as follows:

284.356 1. Except as otherwise provided in this section, an ***officer or*** employee of the Executive Department of the State Government who has been employed for not less than ~~[12 consecutive months]~~ ***90 days*** is entitled to take ~~[8]~~ ***12*** weeks of paid family leave:

(a) To bond with a newborn child of the employee or a newborn child of the domestic partner of the employee ~~[.]~~ ***, if taken not later than 12 months after the birth of the child;***

(b) To bond with a newly adopted ***or placed fostered*** child of the employee ~~[;]~~ ***or spouse or domestic partner of the employee, if taken not later than 12 months after the adoption or placement of the child;***

(c) ***To complete any necessary preparatory tasks before the anticipated adoption or placement of a child pursuant to paragraph (b);***

(d) To recover from or undergo treatment for a serious illness ~~[;~~ ~~(d)]~~ ***or serious health condition, as defined by 29 U.S.C. § 2611, including, without limitation, pregnancy or the loss or end of a pregnancy;***

(e) To care for a seriously ill member of the immediate family of the employee; ~~[or~~ ~~(e)]~~ ***(f)*** For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee ~~[.]~~ ***; or***

(g) For safe leave.

2. ~~[An employee eligible for paid family leave pursuant to subsection 1 must have not less than 40 hours of sick leave accrued pursuant to NRS 284.355 before taking paid family leave.]~~ Any sick leave accrued ***pursuant to NRS 284.355*** in excess of 40 hours must be used before taking paid family leave.

3. An appointing authority shall pay an employee on paid family leave ~~[50]~~ ***:***

(a) One hundred percent of the regular wage the employee would have earned if the employee was not on leave ~~[.]~~ ***, if the employee earns not more than 110 percent of the state average weekly wage; or***

(b) Sixty percent of the regular wage the employee would have earned if the employee was not on leave but not more than 150 percent of the state average weekly wage, if the employee earns more than 110 percent of the state average weekly wage.

4. An employee that is entitled to take paid family leave pursuant to subsection 1 is not required to take paid family leave consecutively and may take paid family leave over the course of a 12-month period.

5. ***An employee shall:***

(a) Give notice, as soon as practicable, to the appointing authority of the employee's intent to take paid family leave in accordance with the provisions of this section; and

(b) Make a reasonable effort to take paid family leave in accordance with the provisions of this section in a manner that

does not unduly disrupt the operations of the appointing authority, if the paid family leave is taken for events that are foreseeable to the employee.

6. An appointing authority or his or her designee shall not deny an eligible employee the right to take paid family leave in accordance with the provisions of this section or retaliate or take any adverse action against an employee for ***requesting,*** taking ***or filing a complaint against an appointing authority relating to*** paid family leave pursuant to ~~[subsection 1.]~~ ***this section.***

~~[6.]~~ ***7. The Division may investigate any instance in which it has reason to believe that an employee has taken paid family leave to which the employee is not entitled. If, after notice to the employee and a hearing, the Commission determines that the employee has taken paid family leave to which the employee was not entitled, the Commission may take any of the following actions:***

(a) Direct the appointing authority to seek repayment of funds relating to the paid family leave; or

(b) Disqualify the employee from paid family leave benefits for a period not more than 1 year.

8. Paid family leave taken in accordance with the provisions of this section and that meets the requirements for eligibility for the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., runs concurrently. An appointing authority may require that any payment made pursuant to this section be made concurrently or otherwise coordinated with the terms of a short-term disability policy or collective bargaining agreement. An appointing authority shall provide an employee notice of the provisions of this subsection.

9. Officers and members of the faculty of the Nevada System of Higher Education are entitled to paid family leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

10. The provisions of this section do not:

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

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

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

11. Any agreement by an employee to abridge, waive or forego any rights or remedies afforded by this section is void as contrary to public policy and the employee may recover any actual

damages incurred through the inclusion of the prohibited provision.

12. As used in this section:

(a) ***"Child" includes, regardless of age, a biological, adopted or foster child, stepchild or minor protected person under guardianship of a person or the person's spouse or domestic partner. The term includes any child for whom the person or the person's spouse or domestic partner is a person standing in loco parentis or who stood in loco parentis and for which a biological or legal relationship between the person or person's spouse or domestic partner and child is not necessary.***

(b) "Domestic partner" means a person who is in a domestic partnership which is registered or recognized pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

~~[(b)]~~ ***(c)*** "Immediate family" means a parent, sibling, child ***,*** ~~[by blood, adoption or marriage,]~~ spouse, grandparent ***,*** ~~[or]~~ grandchild ~~[.~~

~~(c)]~~ ***or any other person related by blood or whose close association is the equivalent of a family relationship to a person or the person's spouse or domestic partner.***

(d) "Parent" includes a biological parent, adoptive parent, foster parent or legal guardian of a person or a person's spouse or domestic partner. The term includes a person standing in loco parentis or who stood in loco parentis for a person or the person's spouse or domestic partner and for which a biological or legal relationship between the person or person's spouse or domestic partner and parent is not necessary.

(e) "Qualifying event" means any military event or essential need resulting from the military deployment of an immediate family member. The term includes, without limitation ~~[, arranging]~~ ***:***

(1) Arranging for child care or parental care during deployment ~~[, representing]~~ ***;***

(2) Arranging for care of an immediate family member who is incapable of self-care, if the deployment of the military family member necessitates a change in the existing care arrangements for the family member who is incapable of self-care;

(3) Providing care to an immediate family member incapable of self-care on an immediate and urgent basis, and not on a routine, regular or daily basis, if the need for care arises from the active duty, call to active duty status or deployment of the military family member;

(4) Attending appointments, but not regular or routine appointments, with care providers, including, without limitation, at a health care facility, as defined in NRS 449.2414, and provider

of public assistance, as defined in NRS 422A.065, for an immediate family member of the military family member if the need for the appointments arises from the active duty, call to active duty status or deployment of the military family member;

(5) Making financial or legal arrangements for the military family member;

(6) Spending time with the military family member during a rest and recuperation leave or return from deployment;

(7) Representing the military family member at a federal, state or local event during deployment ***;*** and ~~[addressing]~~

(8) Addressing issues due to the death of the military family member.

~~[(d)]~~ ***(f) "Safe leave" means leave resulting from an act of domestic violence, stalking, aggravated stalking, harassment or sexual assault against the employee or an immediate family member of the employee, and the employee is not the alleged perpetrator, for any of the following purposes:***

(1) Seeking an order for protection;

(2) Obtaining medical care or counseling, or both, as a result of the act;

(3) Securing existing housing or obtaining alternative housing or shelter;

(4) Seeking legal assistance and preparing for and attending court proceedings relating to the act; and

(5) Any other necessary action to restore the victim of the act to his or her same or similar condition before the occurrence of the act.

(g) "Serious illness" has the meaning ascribed to it in NRS 232.4854.

(h) "State average weekly wage" means the state average weekly wage as most recently computed by the Employment Security Division of the Department of Employment, Training and Rehabilitation.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,

130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063,

481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 2 and 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in

any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 6. Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 10, inclusive, of this act.

Sec. 7. ***1. Except as otherwise provided in this section, every employer in private employment and every local government employer shall provide paid family leave to each employee of the employer who has been employed for not less than 90 days. An***

employee is entitled to 12 weeks of paid family leave each benefit year:

(a) To bond with a newborn child of the employee or a newborn child of the domestic partner of the employee, if taken not later than 12 months after the birth of the child;

(b) To bond with a newly adopted or placed fostered child of the employee or spouse or domestic partner of the employee, if taken not later than 12 months after the adoption or placement of the child;

(c) To complete any necessary preparatory tasks before the anticipated adoption or placement of a child pursuant to paragraph (b);

(d) To recover from or undergo treatment for a serious illness or serious health condition, as defined by 29 U.S.C. § 2611, including, without limitation, pregnancy or the loss or end of a pregnancy;

(e) To care for a seriously ill member of the immediate family of the employee;

(f) For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee; or

(g) For safe leave.

2. If an employer provides paid sick leave for the use of his or her employees, any sick leave accrued in excess of 40 hours must be used before taking paid family leave.

3. An employer shall pay an employee on paid family leave:

(a) One hundred percent of the regular wage the employee would have earned if the employee was not on leave, if the employee earns not more than 110 percent of the state average weekly wage; or

(b) Sixty percent of the regular wage the employee would have earned if the employee was not on leave but not more than 150 percent of the state average weekly wage, if the employee earns more than 110 percent of the state average weekly wage.

4. An employee that is entitled to take paid family leave pursuant to subsection 1 is not required to take paid family leave consecutively and may take paid family leave over the course of a 12-month period.

5. An employee shall:

(a) Give notice, as soon as practicable, to the employer of the employee's intent to take paid family leave in accordance with the provisions of this section; and

(b) Make a reasonable effort to take paid family leave in accordance with the provisions of this section in a manner that does not unduly disrupt the operations of the employer, if the paid

family leave is taken for events that are foreseeable to the employee.

6. An employer shall not deny an eligible employee the right to take paid family leave in accordance with the provisions of this section or retaliate or take any adverse action against an employee for requesting, taking or filing a complaint against an employer relating to paid family leave pursuant to this section.

7. The Labor Commissioner may investigate any instance in which he or she has reason to believe that an employee has taken paid family leave to which the employee is not entitled. If, after notice to the employee and a hearing, the Labor Commissioner determines that the employee has taken paid family leave to which the employee was not entitled, the Labor Commissioner may take any of the following actions:

(a) Direct the employer to seek repayment of funds relating to the paid family leave; or

(b) Disqualify the employee from paid family leave benefits for a period not more than 1 year.

8. Paid family leave taken in accordance with the provisions of this section and that meets the requirements for eligibility for the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., runs concurrently. An employer may require that any payment made pursuant to this section be made concurrently or otherwise coordinated with the terms of a short-term disability policy or collective bargaining agreement. An employer shall provide an employee notice of the provisions of this subsection.

9. The provisions of this section do not:

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

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

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

10. Any agreement by an employee to abridge, waive or forego any rights or remedies afforded by this section is void as contrary to public policy and the employee may recover any actual damages incurred through the inclusion of the prohibited provision.

11. As used in this section:

(a) "Benefit year" means a 365-day period used by an employer when determining the availability of paid family leave to an employee.

(b) "Child" includes, regardless of age, a biological, adopted or foster child, stepchild or minor protected person under

guardianship of a person or the person's spouse or domestic partner. The term includes any child for whom the person or the person's spouse or domestic partner is a person standing in loco parentis or who stood in loco parentis and for which a biological or legal relationship between the person or person's spouse or domestic partner and child is not necessary.

(c) "Domestic partner" means a person who is in a domestic partnership which is registered or recognized pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

(d) "Employer" means a private employer or a local government employer who has 50 or more employees in this State.

(e) "Immediate family" means a parent, sibling, child, spouse, grandparent, grandchild or any other person related by blood or whose close association is the equivalent of a family relationship to a person or the person's spouse or domestic partner.

(f) "Local government employer" means a county, city or town with 50 or more employees.

(g) "Parent" includes a biological parent, adoptive parent, foster parent or legal guardian of a person or a person's spouse or domestic partner. The term includes a person standing in loco parentis or who stood in loco parentis for a person or the person's spouse or domestic partner and for which a biological or legal relationship between the person or person's spouse or domestic partner and parent is not necessary.

(h) "Qualifying event" means any military event or essential need resulting from the military deployment of an immediate family member. The term includes, without limitation:

(1) Arranging for child care or parental care during deployment;

(2) Arranging for care of an immediate family member who is incapable of self-care, if the deployment of the military family member necessitates a change in the existing care arrangements for the family member who is incapable of self-care;

(3) Providing care to an immediate family member incapable of self-care on an immediate and urgent basis, and not on a routine, regular or daily basis, if the need for care arises from the active duty, call to active duty status or deployment of the military family member;

(4) Attending appointments, but not regular or routine appointments, with care providers, including, without limitation, at a health care facility, as defined in NRS 449.2414, and provider of public assistance, as defined in NRS 422A.065, for an immediate family member of the military family member if the

need for the appointments arises from the active duty, call to active duty status or deployment of the military family member;

(5) Making financial or legal arrangements for the military family member;

(6) Spending time with the military family member during a rest and recuperation leave or return from deployment;

(7) Representing the military family member at a federal, state or local event during deployment; and

(8) Addressing issues due to the death of the military family member.

(i) "Safe leave" means leave resulting from an act of domestic violence, stalking, aggravated stalking, harassment or sexual assault against the employee or an immediate family member of the employee, and the employee is not the alleged perpetrator, for any of the following purposes:

(1) Seeking an order for protection;

(2) Obtaining medical care or counseling, or both, as a result of the act;

(3) Securing existing housing or obtaining alternative housing or shelter;

(4) Seeking legal assistance and preparing for and attending court proceedings relating to the act; and

(5) Any other necessary action to restore the victim of the act to his or her same or similar condition before the occurrence of the act.

(j) "Serious illness" has the meaning ascribed to it in NRS 232.4854.

(k) "State average weekly wage" means the state average weekly wage as most recently computed by the Employment Security Division of the Department of Employment, Training and Rehabilitation.

Sec. 8. *1. An employer shall establish reasonable procedures and forms for an employee to take paid family leave pursuant to section 7 of this act, which may not be unduly burdensome to the employee. The forms must be written in English, each other language typically used in communications between an employer and an employee and any other language that is the primary language of at least 10 percent of the employees at the workplace.*

2. The Labor Commissioner shall by regulation establish the documentation that an employee may be required to provide to an employer in support of a request for paid family leave pursuant to section 7 of this act. The regulations adopted by the Labor Commissioner:

(a) Must use a liberal approach to the granting of paid family leave to an employee and not be unduly burdensome to the employee.

(b) Must not require the disclosure of information that is confidential, privileged or protected under federal law.

3. Any documentation provided to an employer pursuant to subsection 2 is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

4. As used in this section, "employer" has the meaning ascribed to it in section 7 of this act.

Sec. 9. *1. An employer shall provide written notice of the provisions of section 7 of this act to an employee:*

(a) Upon the hiring of the employee, and annually thereafter;

(b) When the employee requests leave pursuant to section 7 of this act; and

(c) When the employer has reasonable knowledge that any leave request made by the employee may be for a qualifying reason entitling the employee to take paid family leave pursuant to subsection 1 of section 7 of this act.

2. The written notice required to be provided to an employee by an employer pursuant to subsection 1 must include, without limitation:

(a) The entitlement of the employee to paid family leave pursuant to section 7 of this act, and the terms under which it may be taken;

(b) The amount of paid family leave available to the employee;

(c) The procedures for taking the paid family leave;

(d) The requirement that an employer or his or her designee may not deny an eligible employee the right to take paid family leave, retaliate or take any adverse action against an employee for requesting, taking or filing a complaint against an employer relating to paid family leave as set forth in subsection 6 of section 7 of this act; and

(e) The manner in which an employee may file a complaint for any violations of the provisions of section 7 of this act committed by an employer.

3. Each employer shall conspicuously post and keep so posted in a location in each workplace maintained by the employer a bulletin with the information required by this section in a form approved by the Labor Commissioner. If an employer does not maintain a physical workplace or employs an employee whose work consists solely of remote work or telework, the employer shall post the bulletin in a conspicuous location on the Internet website maintained by the employer, if any.

4. All notices required by this section must be written in English, each other language typically used in communications between an employer and an employee and any other language that is the primary language of at least 10 percent of the employees at the workplace. The Labor Commissioner may adopt regulations to establish the means by which an employer must provide the notice required by this section.

5. As used in this section, "employer" has the meaning ascribed to it in section 7 of this act.

Sec. 10. ***1. If an employer fails to provide leave or retaliates or takes any adverse action against an employee for requesting, taking or filing a complaint relating to paid family leave in accordance with the provisions of section 7 of this act, the employee may, at any time within 2 years after the employer's failure, bring a civil action against the employer.***

2. If the employee is the prevailing party, the court may award the employee any damages that the employee has sustained and any equitable relief that the court deems appropriate.

3. The prevailing party in an action brought pursuant to this section is entitled to reasonable attorney's fees and costs, as may be fixed by the court.

4. The Labor Commissioner shall not take jurisdiction of a claim for a violation of a labor law or regulation during the pendency of a civil action for the same claim brought pursuant to subsection 1.

Sec. 11. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and sections 7, 8 and 9 of this act*** and 608.215 to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 12. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and sections 7, 8 and 9 of this act*** or 608.215, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

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

Sec. 13. NRS 613.223 is hereby amended to read as follows:

613.223 1. It is unlawful for any employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because:

(a) The employee requested to ~~[use hours of]~~ ***take paid family*** leave ***for safe leave*** pursuant to ~~[NRS 608.0198;]~~ ***section 7 of this act;***

(b) The employee participated as a witness or interested party in court proceedings related to an act which constitutes domestic violence or sexual assault which triggered the use of ***paid family*** leave pursuant to ~~[NRS 608.0198;]~~ ***section 7 of this act;***

(c) The employee requested an accommodation pursuant to NRS 613.222; or

(d) An act which constitutes domestic violence or sexual assault was committed against the employee in the workplace of the employee.

2. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 14. NRS 608.0198 is hereby repealed.

Sec. 15. 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. 16. 1. This section and section 15 of this act become effective upon passage and approval.

2. Sections 1 to 14, 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 January 1, 2026, for all other purposes.

TEXT OF REPEALED SECTION

608.0198 Employee entitled to leave related to domestic violence or sexual assault; uses of leave; prohibited acts; required documentation; Labor Commissioner to prepare bulletin; posting; maintenance of records; other rights, remedies and agreements unimpaired.

1. An employee who has been employed by an employer for at least 90 days and who is a victim of an act which constitutes domestic violence or sexual assault, or whose family or household member is a victim of an act which constitutes domestic violence or sexual assault, and the employee is not the alleged perpetrator, is entitled to not more than 160 hours of leave in one 12-month period. Hours of leave provided pursuant to this subsection:

(a) May be paid or unpaid by the employer;

(b) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence or sexual assault occurred;

(c) May be used consecutively or intermittently; and

(d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., must be deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. An employee may use the hours of leave pursuant to subsection 1 as follows:

(a) An employee may use the hours of leave only:

(1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence or sexual assault committed against the employee or family or household member of the employee;

(2) To obtain counseling or assistance related to an act which constitutes domestic violence or sexual assault committed against the employee or family or household member of the employee;

(3) To participate in any court proceedings related to an act which constitutes domestic violence or sexual assault committed against the employee or family or household member of the employee; or

(4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence or sexual assault.

(b) After taking any hours of leave upon the occurrence of the act which constitutes domestic violence or sexual assault, an employee shall give not less than 48 hours' advance notice to his or her employer of the need to use additional hours of leave for any purpose listed in paragraph (a).

3. An employer shall not:

(a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using hours of leave; or

(c) Retaliate against an employee for using hours of leave.

4. The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence or sexual assault or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

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

6. An employer shall maintain a record of the hours of leave taken pursuant to this section for each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation.

7. The provisions of this section do not:

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

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

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

8. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence or sexual assault.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

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