

## NEVADA — State Laws by Topic

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### ➤ AGE ◀

Under the Nevada Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on age.

It is not an unlawful employment practice for an employer to observe the terms of a *bona fide* employee benefit plan, as long as the plan does not excuse the failure to hire an individual who is at least 40 years of age, is inclusive, and is not the result of discriminatory intent.

The Act defines an employer as any individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

### ➤ AIDS ◀

*Discrimination:* Under Nevada Equal Opportunities For Employment provisions, HIV is a protected disability. Discriminating against an individual with HIV is an unlawful employment practice.

### ➤ ARRESTS/CONVICTIONS ◀

No general provision prohibiting an employer's collection and use of arrest or conviction records. However, the Nevada Pre-Employment Inquiry Guide finds inquiries into arrest records to be unacceptable, but considers inquiries into convictions to be acceptable, as long as the questions are limited to convictions within a specified period of time.

### ➤ BREAKS ◀

A 30-minute meal break must be provided to employees who work eight hours. In addition, a 10-minute rest break must be provided for each four hours employees work. *Exceptions:* Meal breaks set by union contracts override the law. Employers with only one employee are excluded from the law.

### ➤ BREAST-FEEDING ◀

Employers that have at least 50 employees must provide reasonable paid or unpaid break time and a clean, private place for employees who are nursing mothers to express breast milk. Employers that would face undue hardship must meet with employees to discuss potential alternatives. If an agreement on potential alternatives can't be reached, employers may require employees to accept a reasonable alternative selected by their employers.

Employers are prohibited from retaliating against employees who take breaks or use the designated place to express breast milk or who take any action to enforce these provisions.

#### ➤ CHILD LABOR ◀

Click on the following link [www.leg.state.nv.us/NRS/NRS-609.html](http://www.leg.state.nv.us/NRS/NRS-609.html) to access Nevada's Office of the Labor Commissioner, which includes a link to the state's employment of minors statute.

#### ➤ CHILD SUPPORT ◀

Employers served with a child support order must begin withholding with the first pay period occurring after 14 days after the order is mailed. Amounts are remitted within seven days of payday. Notify the state or agency promptly if the employee-obligor terminates. Employers with at least 50 employees must remit withheld child support electronically.

#### ➤ COURT ATTENDANCE ◀

It is unlawful for employers to terminate or threaten to terminate an employee who serves as a witness or appears as a parent/guardian with or on behalf of a child.

#### ➤ DISABILITIES ◀

Under the Nevada Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on disability.

The Act defines a person who has a disability as one who has a physical or mental impairment that substantially limits one or more major life activity, has a record of such an impairment, or is regarded as having such an impairment. An employer is defined as any individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

#### ➤ DRUG TESTING ◀

No statutory provisions for private employers.

#### ➤ FAMILIAL/MARITAL STATUS ◀

No provisions specified in the general employment context.

## ➤ FAMILY/MEDICAL LEAVE ◀

*Coverage:* State employers.

*General rule:* The entitlement for family and medical leave for an eligible employee is limited to a total of 12 weeks during a rolling 12-month period. To calculate eligibility for leave, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.

**Note:** Registered domestic partners have the same family leave rights and protections as are granted to spouses.

*Domestic violence leave:* Employees who work for at least 90 days and who are victims of domestic violence, or whose family members are victims of domestic violence, must receive up to 160 hours of paid or unpaid leave during a 12-month period. Employees may take leave consecutively or intermittently, but they must use their leave within the 12 months immediately following the incident. Domestic violence leave will concurrently with FMLA leave.

Employees may use domestic violence leave for the following reasons:

- to receive a diagnosis, care or treatment of a health condition that manifested itself due to the domestic violence;
- to obtain counseling or assistance;
- to participate in court proceeding; and
- to establish a safety plan.

Employers must provide reasonable accommodations that don't create undue hardships for employees. In addition, employers can't condition the employment of current or prospective employees on their status as victims of domestic violence.

See also pregnancy.

## ➤ GENETIC TESTING ◀

It is an unlawful employment practice for employers to discriminate against a person based on genetic information. Employers may not ask an applicant or employee to submit to genetic testing or require genetic testing as a condition of employment. Also, employers may not use genetic information to deny employment; alter the terms, conditions, or privileges of employment; or terminate employment.

## ➤ HEALTH CARE CONTINUATION COVERAGE ◀

Continuation coverage requirements apply to employers with fewer than 20 employees. Eligible employees have the right to continue coverage for up to 18 months for themselves, and for up to 36 months for a spouse or dependent child.

Click on the following link [www.leg.state.nv.us/NRS/NRS-689B.html#NRS689BSec245](http://www.leg.state.nv.us/NRS/NRS-689B.html#NRS689BSec245) to access the state law.

### ➤ JURY DUTY ◀

Employers may not terminate, recommend termination, or deprive an individual of employment because of service as a juror or prospective juror. Employees summoned for jury duty must give at least three day's notice to employers. They must provide employers with a notice from the courts identifying them as the person summoned that includes a copy of the state's jury duty leave law provisions.

Employers cannot require employees to use sick leave or vacation time; to work within eight hours before the time they are to appear for jury duty; or to work between 5 p.m. on the day of their appearance and 3 a.m. the following day, if service last for four or more hours on the day of their appearance, including time going to and from court.

### ➤ LIFESTYLE DISCRIMINATION ◀

It is an unlawful employment practice for an employer with 15 or more employees for each workday in each of 20 or more calendar weeks in the current or preceding calendar year to refuse to hire, discharge, or otherwise discriminate against employees or prospective employees in compensation, terms, conditions, or privileges of employment because they engage in the lawful use of any product outside the company's premises during non-working hours. *Exceptions:* Religious associations.

### ➤ MASS LAYOFF NOTIFICATION ◀

Provisions apply to boards of county commissioners and the state personnel system only.

### ➤ MEDICAL DONATION LEAVE ◀

No general provision.

### ➤ MILITARY LEAVE ◀

Employers may not discriminate against any employee for being a member of the state National Guard.

### ➤ MINIMUM WAGE ◀

*Minimum hourly wage/overtime rate:* \$7.25/\$10.88; \$8.25/\$12.38 if health benefits not provided.

*Basis for overtime:* Over 40 hours/week or 8 hours/day.

*Opportunity wage for under 20-year-olds:* None.

**Note:** State inflation adjusts its minimum wage annually.

### ➤ NATIONAL ORIGIN ◀

Under the Nevada Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on national origin.

The Act defines an employer as any individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

### ➤ NEW-HIRE REPORTING ◀

*Data to be reported:* Employee's name, address, SSN; employer's name, address, federal EIN.

*Reporting deadline/form:* Within 20 days of hire or rehire; on W-4s.

### ➤ OVERTIME ◀

*Basis for overtime:* All non-exempt employees, including employees who earn more than 1.5 times the minimum wage, are owed overtime if they work longer than 40 hours in a week. Employees earning less than 1.5 times the minimum wage are owed overtime if they work longer than 40 hours in a week or more than eight hours in a day. However, daily overtime won't be owed if employees and employers mutually agree that employees will work four 10-hour days. Employees in retail or service businesses are exempt from the overtime requirement if their regular rate is more than one-and-one-half times the minimum wage and more than half their monthly compensation is based on commissions.

### ➤ PAY STATEMENTS ◀

*Information required:* Itemized deductions.

### ➤ PERSONNEL FILES ◀

Upon request of the employee, a private or public employer, including employee referral agencies, is required to give an employee a reasonable opportunity to inspect the employee's personnel records. Employees are allowed to inspect files containing information used by the employer to determine the employment qualifications of that employee, as well as any disciplinary action taken against the employee, including termination. Employers may not keep secret records of employment. Employers are allowed to charge employees a reasonable copying fee.

The records to which employees have access do not include confidential reports from previous employers or investigative agencies, or information concerning an investigation, arrest, or a conviction of that employee for a violation of the law.

➤ **POLYGRAPH TESTING** ◀

Except as otherwise provided, it is unlawful for any private employer to:

1. directly or indirectly, require, request, suggest, or cause any current or future employee to take any lie detector test;
2. use, accept, refer to, or inquire concerning the results of any lie detector test of any current or future employee;
3. discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, any current or future employee who refuses, declines, or fails to take or submit to any lie detector test; or on the basis of the results of any lie detector test; or
4. discharge, discipline, discriminate against in any manner, deny employment or promotion to, or threaten to take any such action against, any current or future employee who has:
  - a. filed any complaint or instituted or caused to be instituted any legal proceeding under this law;
  - b. testified or may testify in any legal proceeding instituted under this law;
  - c. exercised the rights, or has exercised on behalf of another person, the rights afforded under this law.

*Permitted testing:* Except as otherwise provided, the following are exempt from this law.

1. Any employer that requests an employee to submit to a polygraph examination if:
  - a. the examination is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, including theft, embezzlement, misappropriation, or an act of unlawful industrial espionage or sabotage;
  - b. the employee had access to the property that is the subject of the investigation;
  - c. the employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation; and
  - d. the employer provides to the employee, before the examination, a written statement that:
    - i. sets forth the specific incident or activity being investigated;
    - ii. is signed by the employer or an agent of the employer;
    - iii. will be retained by the employer for at least three years; and
    - iv. contains an identification of the specific economic loss or injury to the business, a statement indicating that the employee had access to the property, and a statement describing the basis of the employer's reasonable suspicion that the employee was involved in the incident.

2. The use of polygraph examinations on future employees who would be employed to protect:
  - a. facilities, materials, or operations having a significant impact on the health or safety of Nevada or any political subdivision of this state; or
  - b. currency, negotiable securities, precious commodities, or instruments or proprietary information, requested by a potential employer whose primary business is to provide armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other security personnel.
3. The use of polygraph examination by any employer authorized to manufacture, distribute, or dispense a controlled substance if:
  - a. the examination is administered to a future employee who would have direct access to the manufacture, storage, distribution, or sale of any controlled substance; or
  - b. the examination is administered to a current employee in connection with an ongoing investigation of misconduct involving a controlled substance manufactured, distributed, or dispensed by the employer, if the employee had access to the property that is the subject of the investigation.

*Special rules:* The exemptions against polygraph testing are applicable only if:

1. the polygraph examination is administered by a person who holds a valid license as a polygraph examiner or intern, or is qualified as a polygraph examiner and is legally exempt from the requirement of licensing; and
2. the results of a polygraph examination or the refusal to take a polygraph examination are not used as the sole basis upon which an adverse employment action is taken against an employee or prospective employee.

*Notification:* Each employer must post and maintain an abstract of the state's polygraph testing law in a conspicuous location at the place of employment where notices to employees and applicants for employment are customarily posted and read.

## ➤ POSTING REQUIREMENTS ◀

Workers' Compensation — All employers

Unemployment Insurance — All employers

Wage & Hour Law — All employers

**Note:** The Nevada Labor Commission requires the Wage and Hour Law poster to be 8 1/2" × 14" (legal size).

Safety & Health Protection on the Job (English & Spanish) — All employers

Discrimination (English & Spanish) — All employers

Emergency Phone Numbers — All employers

Lie Detector Test — All employers

Pay Day Notice — All employers

**Note:** Nevada requires the Pay Day Notice to be posted in at least two conspicuous places.

Notice to Employees (Tips — Workers' Compensation) — Employers whose employees regularly receive tips

No Smoking — All employers except those exempted by law

Rules to be Observed by Employers — All employers

Domestic violence — All employers

➤ **PREGNANCY** ◀

*Coverage:* Any employer of 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, excluding the federal government, any Native American tribe, or any private membership club.

*General rule:* If an employer grants leave with pay, leave without pay, or leave without loss of seniority to employees for sickness or disability because of a medical condition, it is an unlawful employment practice to fail or refuse to extend the same benefits to any female employee who is pregnant.

*Paid leave:* Pregnant employees must be allowed to use the leave before and after childbirth, miscarriage, or other natural resolution of pregnancy, if the leave is granted, accrued, or allowed to accumulate as a part of their employment benefits.

➤ **RACE** ◀

Under the Nevada Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on race or color.

The Act defines an employer as any individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

➤ **REFERENCES** ◀

*Blacklisting:* No employer may blacklist any discharged employee to prevent the ex-employee from securing other employment.

*References:* An employer is immune from civil liability if it discloses to a prospective employer at the request of an employee the following information: 1) the employee's ability to perform his/her job; 2) the employee's on-the-job diligence, skill, or reliability; or 3) an illegal or wrongful act committed by the employee.

Immunity is lost if the employer: 1) acts with malice or ill will; 2) discloses information that it believes is inaccurate; 3) discloses information that it has no reasonable grounds for believing is accurate; 4) recklessly or intentionally discloses inaccurate information; 5) deliberately discloses



misleading information; or 6) discloses information in violation of a law or an agreement with the employee.

*Service letters:* Employers must furnish service letters to any former employees who worked for at least 60 days and who request the letters in writing. The letter must state the reasons why the employees left or were fired. The law does not specify what penalties, if any, may apply to employers who fail to provide a requested letter.

*Credit reports:* As a condition of employment, employers can't require an employee or job applicant to submit a consumer credit report or other credit information. In addition, employers can't discharge, discipline, or otherwise discriminate against an employee or job applicant who refuses, declines, or fails to submit a consumer credit report or other credit information, nor can an employer take any action on the basis of the results of a consumer credit report or other credit information.

Employers may request or consider a consumer credit report or other credit information for the purpose of evaluating an employee or prospective employee for employment, promotion, reassignment, or retention as an employee if one of the following conditions applies:

- the employer is required or authorized, under state or federal law, to use a consumer credit report or other credit information for that purpose;
- the employer reasonably believes that the employee or job applicant has engaged in specific activities that may constitute a violation of state or federal law; or
- the information contained in the consumer credit report or other credit information is reasonably related to the position for which the employee or job applicant is being evaluated for employment, promotion, reassignment, or retention. The information in the consumer credit report or other credit information is considered reasonably related to such an evaluation if the duties of the position involve the care, custody and handling of, or responsibility for, money, financial accounts, corporate credit or debit cards, or other assets; access to trade secrets or other proprietary or confidential information; managerial or supervisory responsibility; the care, custody and handling of, or responsibility for, the personal information of another person; access to the personal financial information of another person; employment with a financial institution; or employment with a licensed gaming establishment.

*Social media:* Employers are prohibited from requesting or requiring employees or job candidates to disclose their usernames, passwords, or any other information related to their personal social media accounts. Employers are also prohibited from discharging, disciplining, or discriminating against employees or job candidates who fail to reveal this information. However, employers may require the disclosure of this information in order to access internal computer or information systems. Employers may also require disclosure to comply with any state or federal law or regulation or with any rule of a self-regulatory organization.

### ➤ RELIGION ◀

Under the Nevada Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on religion.

The Act defines an employer as any individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

### ➤ REPORTING PAY ◀

No provision.

### ➤ SAFETY ◀

Click on the following link <http://dir.nv.gov/OSHA/Home/> to access Nevada's Occupational Safety and Health Administration home page.

### ➤ SCHOOL VISITATION LEAVE ◀

Employers with 50 or more employees must provide employees with up to four hours of unpaid leave per school year to attend their child's school-related activity.

Leave must be taken in increments of at least one hour. Employers may require the employee to provide a written request at least five days before the leave is taken and to provide documentation that the leave was indeed used for a school-related activity.

In addition, it is unlawful for an employer to terminate, demote, suspend, or otherwise discriminate against an individual who, as the parent, guardian, or custodian of a child: 1) appears at a conference requested by the administrator of the school the child attends; 2) is notified during work hours by a school employee of an emergency regarding the child; or 3) takes leave to attend school-related activities.

### ➤ SEX DISCRIMINATION ◀

Under the Nevada Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sex.

An employer is defined as any individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

### ➤ **SEXUAL HARASSMENT** ◀

Within six months after an employee is initially appointed to state service, the employee shall attend a certified class concerning the prevention of sexual harassment.

At least once every two years after his/her initial appointment to state service, an employee shall attend a certified refresher class concerning the prevention of sexual harassment.

### ➤ **SEXUAL ORIENTATION DISCRIMINATION** ◀

Under the Nevada Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sexual orientation.

The Act defines sexual orientation as having or being perceived as having an orientation for heterosexuality, homosexuality, bisexuality, or transgendered sexuality. An employer is defined as any individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

### ➤ **SMOKING** ◀

The Nevada Clean Indoor Air Act prohibits smoking in all indoor public places, businesses, and workplaces, with limited exceptions.

Employers must conspicuously post signs at the entrance to any area where smoking is prohibited. The signs must either explicitly state “no smoking” or contain the international “no smoking” symbol.

See also lifestyle discrimination.

### ➤ **SOCIAL SECURITY NUMBER PRIVACY** ◀

Employers that maintain records that contain personal information (a first name or first initial and last name in combination with a Social Security number, for example) must: 1) maintain reasonable security measures to protect the records from unauthorized access, acquisition, destruction, use, modification, or disclosure, and 2) modify the records in such a way as to render the personal information unreadable or undecipherable prior to disposing by shredding, erasing, etc.

Employers that maintain computerized data that includes personal information shall, following discovery of a breach in the security of the system containing such data, notify “in the most expedient time possible and without unreasonable delay” anyone whose personal information might have been compromised.

### ➤ UNEMPLOYMENT INSURANCE ◀

Click on the following link [https://uitax.nvdetr.org/crphhtml/ui\\_information.htm](https://uitax.nvdetr.org/crphhtml/ui_information.htm) to access the Nevada Department of Employment, Training & Rehabilitation unemployment insurance tax services home page. To access information for Nevada employers, including links to unemployment insurance tax information, click on [http://detr.state.nv.us/es/esd\\_employers.htm](http://detr.state.nv.us/es/esd_employers.htm).

### ➤ VACATION PAY UPON TERMINATION ◀

The payment of unused vacation isn't required.

### ➤ VIOLENCE ◀

Employers can seek to obtain a temporary, as well as extended, order of protection against workplace harassment of themselves, their employees (including independent contractors), and visitors to the workplace. An application for a temporary order of protection must include the employer's name, the name and address (if known) of the person alleged to have committed the act, and a detailed description of the events constituting harassment, as well as the dates of the events.

Generally speaking, a temporary order of protection against workplace harassment cannot be issued without notifying the alleged perpetrator of the violence. Oral or written notice is not necessary, however, if it can be clearly shown to a court's satisfaction that waiving the notice requirement is necessary to prevent immediate, irreparable injury, loss, or damage to the employer, employee, or visitor.

Once a temporary order is granted, the employer may apply for an extended order of protection, which must include, in addition to the information required for a temporary order, the specific facts supporting the need for the extended order.

### ➤ VOTING ◀

Employees are entitled to a sufficient period of time off to vote, without penalty, if there is not sufficient time outside working hours when the polls are open. The length of time off permitted is determined by the distance from an employee's place of employment to the polling place: one hour if two miles or less; two hours if between two and 10 miles; and three hours if more than 10 miles. If there is sufficient time to vote during non-working hours, time off to vote need not be provided. Employers designate the time when employees may be absent from work to vote.

**Wages:** Employers may not deduct any amount from employees' usual wages for time off to vote.

**Notification:** Employees must make proper application for time off prior to Election Day.

### ➤ WAGE DEDUCTIONS ◀

Employers may withhold from the wages or compensation of any employee any dues, rates, or assessments becoming due to any hospital association or to any relief, savings, or other department or association maintained by the employer or employee for the benefit of the employees, or other deductions authorized by written order of an employee. However, it is unlawful for an employer to pay a lower wage, salary, or compensation to any employee than the amount agreed upon through a collective bargaining agreement; required by any statute or regulation or by contract between the employer and the employee; or earned by the employee when the work was performed.

### ➤ WAGE GARNISHMENT ◀

The lesser of 25% of disposable weekly pay, or the amount by which disposable weekly pay exceeds 30 times the federal minimum wage in effect during the week the garnishment is to occur, may be withheld if employees earn more than \$770 a week; the lesser of 18% of disposable weekly pay, or the amount by which disposable weekly pay exceeds 30 times the federal minimum wage in effect during the week the garnishment is to occur, may be withheld if employees earn \$770 or less a week.

Garnishment orders remain in effect for earlier of 180 days or until the garnishment order is satisfied.

Employers may not terminate or otherwise discipline an employee because his/her disposable pay is subject to a creditor garnishment. However, if employment is terminated, employers must notify the judgment creditor of the employee's last known address, and the new employer's name, if known.

State agencies may garnish the pay of individuals who owed debts to them. Employers must calculate the amount to withhold themselves or ask the state Controller to calculate the amount to withhold. Withholding begins with the first pay period that occurs within 14 days after the date the withholding notice was mailed to employers or 14 days after the Controller notifies employers of the amount to withhold. Withholding continues until the Controller notifies employers to cease withholding or that the full amount has been paid.

Amounts withheld must be remitted to the state within seven days after payday. Employers may combine the amounts withheld from more than one employee, provided each employee is identified by name and Social Security number. Employers must notify the state when employees terminate, and provide their last known address and the name of the new employer, if known. Employers may deduct \$3 from the amounts paid to employees each time a deduction is made.

Employers can't refuse to hire someone whose wages would be subject to withholding. Likewise, employers can't discharge or discipline employees whose wages are subject to withholding. Employers that violate these provisions may be required to hire or reinstate the employee with no loss of pay or benefits, may be fined up to \$1,000 and may be liable to pay the employee up to \$2,500 in attorneys' fees and costs.

Employers that wrongfully refuse to withhold or that knowingly misrepresent employees' income will be liable for the amounts that should have been withheld and may be liable for punitive damages equal to \$1,000 for each pay period they failed to withhold.

### ➤ WAGE PAYMENT ON TERMINATION ◀

*Employee who quits:* Earlier of next payday or seven days.

*Employee who's fired:* At once.

*Noncompete agreements:* Employers and employees who are terminating their employment may enter into noncompete agreements, if the following criteria are met:

- agreements are supported by valuable consideration;
- agreements don't impose restraints that are greater than are required to protect employers;
- agreements don't impose undue hardships on employees; and
- agreements impose restrictions that are appropriate when compared to the valuable consideration.

Noncompete agreements can't restrict former employees from working for employers' former customers or clients, if employees didn't solicit those customers or clients, the customers or clients voluntarily chose to leave the former employer and seek employees' services and the employees are otherwise abiding by the terms of their noncompete agreements.

Employees who are terminated due to a reduction in force, reorganization or similar restructuring are subject to noncompete agreements only during the time their former employers are paying their salaries, benefits or equivalent compensation.

### ➤ WAGE PAYMENTS ◀

*Payday requirements:* At least semimonthly; paydays may change if employer gives seven days' notice.

*Direct deposit:* Employers may not require employees to be paid electronically. Employee may consent in writing, but must incur no expense.

*Nondisclosure:* Employers that have 15 or more employees on the payroll for each working day in each of 20 or more calendar weeks during the current or succeeding calendar year may not discriminate against employees who discuss their wages, benefits and other working conditions. This provision doesn't apply to employees who have access to employees' wage information as part of their jobs.

Workers will be conclusively presumed to be independent contractors if they possess or apply for an Employer Identification Number or a Social Security number; they file income tax returns for a business or have earnings from self-employment in the previous year; they are required by the payer to hold state or local business licenses and to maintain any occupational license, insurance or bonding; and they meet three or more of the following criteria:

- they have control and discretion over the means, manner and results of the performance of their work, rather than the means or manner by which the work is performed;
- they control their working hours;

- they can work for other payers, unless forbidden to by law or contract;
- they are free to hire employees to assist them with the work; and
- they have a substantial investment in the business's capital, including purchasing or leasing tools, materials and equipment; obtaining licenses or other permission from the payer to access any work space; or leasing work space from the payer.

Independent contractors who fail to satisfy three or more of the foregoing criteria aren't presumed to be employees.

### ➤ WHISTLEBLOWING ◀

It is an unlawful employment practice to discriminate against any employee or applicant because the employee or applicant has opposed any unlawful employment practice or has made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing concerning the violation.

In addition, an individual may not discharge or in any manner discriminate against an employee because the employee has: 1) filed a complaint or instituted a proceeding under Nevada's Occupational Health and Safety Law; 2) testified in any proceeding related to the complaint; or 3) exercised rights that the Occupational Health and Safety Law outlines.

### ➤ WORK AUTHORIZATION ◀

Public and private employers with Nevada business licenses are prohibited from the unlawful hiring or employment of unauthorized aliens. If employers have knowingly hired unauthorized aliens, they are prohibited from continuing to employ them. Unauthorized aliens are defined as workers who, at the time of employment, are not entitled to permanent residence or work in the U.S.

The Nevada Department of Business and Industry website must feature a link that connects to the Social Security Administration (SSA) website, where employers are encouraged to electronically verify the Social Security numbers of employees.

The Nevada Tax Commission shall hold a hearing to determine whether to take action against any employer who has been found by the U.S. Attorney General to employ unauthorized aliens. The Commission shall impose an administrative fine if it finds that an employer has willfully, flagrantly, or otherwise egregiously engaged in the unlawful hiring or employment of an unauthorized alien in violation of federal law. However, the Commission must consider any proof which shows that the employer attempted to verify the Social Security number of the unauthorized alien within six months of the date of employment, such as a printout of verification transactions on the SSA website.

### ➤ WORKERS' COMPENSATION ◀

Click on the following link [www.dirweb.state.nv.us/](http://www.dirweb.state.nv.us/) to access the Nevada Department of Business and Industry, Division of Industrial Relations home page. To access Workers' Compensation information for employers, click on <http://dir.nv.gov/WCS/Home/>.