NEVADA Labor Laws



REV. 12/2014

Domestic Workers

State of Nevada **DEPARTMENT OF BUSINESS & INDUSTRY DIVISION OF INDUSTRIAL RELATIONS** Workers' Compensation Section

ΑΤΤΕΝΤΙΟΝ

Caution: The information below is general in nature and is not intended to be legal advice. If you have any questions regarding your status as an employer or employee or your rights and qualification for specific benefits under an industrial injury or occupational disease claim, you should consult

Brief Description of Whether the Employer is Required to Obtain Industrial Insurance and Whether a Person is a Covered Employee Every employer ... shall provide and secure compensation ... for any personal injuries by accident sustained by an employee arising out of and in the course of the employment.

An employer is defined as, "Every person, firm, voluntary association and private corporation, including any public service corporation, which has in service any person under a contract of hire." See NRS 616A.230(2). "A person is not an employer if: (a)The person enters into a contract with another person or business which is an independent enterprise; and (b) The person is not in the same trade, business, profession or occupation as the independent enterprise." See NRS 616B.603(1).

An employee is broadly defined as, "... every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed" (See NRS 616A.105), but excludes casual employees not in the same trade, business, profession or occupation; musicians not lasting more than 2 consecutive days; household servants, farming and ranching employees; voluntary ski patrol; sports officials paid a nominal fee; clergy, rabbi or lay readers; real estate brokers or sales persons; and commissioned sales persons (See NRS 616A.110).

An independent contractor is a person who is hired and paid solely to produce a result. It is defined as, "... any person who renders service for a specified recompense for a specified result, under the control of the person's principal as to the result of the person's work only and not as to the means by which such result is accomplished." See NRS

Brief Description of Your Rights and Benefits If You Are Injured on the Job or have an Occupational Disease

Notice of Injury or Occupational Disease (Incident Report Form C-1) If an injury or occupational disease (OD) arises out of and in the course of employment, you must provide written notice to your employer as soon as practicable, but no later than 7 days after the accident or OD. Your employer shall maintain a sufficient supply of the forms.

Claim for Compensation (Form C-4): If medical treatment is sought, the form C-4 is available at the place of initial treatment. A completed "Claim for Compensation" (Form C-4): 4) must be filed within 90 days after an accident or OD. The treating physician or chiropractor must, within 3 working days after treatment, complete and mail to the employer, the employer's insurer and third-party administrator, the Claim for Compensation.

Medical Treatment: If you require medical treatment for your on-the-job injury or OD, you may be required to select a physician or chiropractor from a list provided by your workers' compensation insurer, if it has contracted with an Organization for Managed Care (MCO) or Preferred Provider Organization (PPO) or providers of health care. If your employer has not entered into a contract with an MCO or PPO, you may select a physician or chiropractor from the Panel of Physicians and Chiropractors. Any medical costs related to your industrial injury or OD will be paid by your insurer.

Temporary Total Disability (TTD): If your doctor has certified that you are unable to work for a period of at least 5 consecutive days, or 5 cumulative days in a 20-day period, or places restrictions on you that your employer does not accommodate, you may be entitled to TTD compensation.

Temporary Partial Disability (TPD): If the wage you receive upon reemployment is less than the compensation for TTD to which you are entitled, the insurer may be required to pay you TPD compensation to make up the difference. TPD can only be paid for a maximum of 24 months.

Permanent Partial Disability (PPD): When your medical condition is stable and there is an indication of a PPD as a result of your injury or OD, within 30 days, your insurer must arrange for an evaluation by a rating physician or chiropractor to determine the degree of your PPD. The amount of your PPD award depends on the date of injury, the results

Permanent Total Disability (PTD): If you are medically certified by a treating physician or chiropractor as permanently and totally disabled and have been granted a PTD status by your insurer, you are entitled to receive monthly benefits not to exceed 66 2/3% of your average monthly wage. The amount of your PTD payments is subject to reduction if you

Vocational Rehabilitation Services: You may be eligible for vocational rehabilitation services if you are unable to return to the job due to a permanent physical impairment or permanent restrictions as a result of your injury or occupational disease.

Transportation and Per Diem Reimbursement: You may be eligible for travel expenses and per diem associated with medical treatment.

Reopening: You may be able to reopen your claim if your condition worsens after claim closure.

Appeal Process: If you disagree with a written determination issued by the insurer or the insurer does not respond to your request, you may appeal to the Department of Administration, Hearing Officer, by following the instructions contained in your determination letter. You must appeal the determination within 70 days from the date of the determination letter at 1050 E. William Street, Suite 400, Carson City, Nevada 89701, or 2200 S. Rancho Drive, Suite 210, Las Vegas, Nevada 89102. If you disagree with the Hearing Officer decision, you may appeal to the Department of Administration, Appeals Officer. You must file your appeal within 30 days from the date of the Hearing Officer decision letter at 1050 E. William Street, Suite 450, Carson City, Nevada 89701, or 2200 S. Rancho Drive, Suite 220, Las Vegas, Nevada 89102. If you disagree with a decision of an Appeals Officer, you may file a petition for judicial review with the District Court. You must do so within 30 days of the Appeal Officer's decision. You may be represented by an attorney at your own expense or you may contact the NAIW for possible representation.

Nevada Attorney for Injured Workers (NAIW): If you disagree with a hearing officer decision, you may request that NAIW represent you without charge at an Appeals Officer hearing. NAIW is an independent state agency and is not affiliated with any insurer. For information regarding denial of benefits, you may contact the NAIW at: 1000 E. William Street, Suite 208, Carson City, NV 89701, (775) 684-7555, or 2200 S. Rancho Drive, Suite 230, Las Vegas, NV 89102, (702) 486-2830.

To File a Complaint with the Division: If you wish to file a complaint with the Administrator of the Division of Industrial Relations (DIR), please contact Workers' Compensation Section, 400 West King Street, Suite 400, Carson City, Nevada 89703, telephone (775) 684-7270, or 3360 W. Sahara Ave., Suite 250, Las Vegas, NV 89102,

For Assistance with Workers' Compensation Issues: You may contact the State of Nevada Office for Consumer Health Assistance, 3320 West Sahara Avenue, Suite 100, Las Vegas, Nevada 89102, Toll Free 1- 888-333-1597, Web site: http://dhhs.nv.gov/Programs/CHA, E-mail

The information in this publication is derived from Chapters 616A through 616D, inclusive, and 617 of the Nevada Revised Statutes and is provided for informational purposes only. If you have any questions, regarding your injury or workers' compensation claim, please call the following:

		Contact Person:	
		Telephone Number:	
State	Zip		
		Contact Person:	
		Telephone Number:	
State	Zip		D-1 (rev. 10/20)

OSHA Enforcement, Division of Industrial Relations **EMERGENCY PHONE NUMBERS** FOR

(Please Give Exact Address of This Worksite Location)

PLEASE POST IN A CONSPICUOUS LOCATION, IN ACCORDANCE WITH THE NEVADA OCCUPATIONAL SAFETY AND HEALTH ACT

> (Nevada Revised Statutes 618.295; 29 CFR 1926.50) Nevada OSHA Enforcement Division of Industrial Relations

Nevada Department of Business and Industry

To update your labor law posters contact J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868

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	AND APPLICAB
NRS 608.009 "Domestic sei	vice employee" defined

Domestic service employee" means an employee who performs any household service in or about a private residence or any other location at which a person resides. The term includes, without limitation: . Caregivers and other persons who are employed at a residential facility for groups, as defined in NRS 449.017; and

. Companions, babysitters, cooks, waiters, valets, housekeepers, nannies, nurses, janitors, persons employed to launder clothes and linens, caretakers, persons who perform minor repairs, gardeners, home health aides, personal care aides and chauffeurs of automobiles for family use.

NRS 608.018 Compensation for overtime: Requirement; exceptions An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee whose wage rate is less than 1 1/2 times the minimum rate prescribed pursuant to the Constitution of the State of Nevada: (a) Works more than 40 hours in any scheduled week of work; or (b) Works more than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 alendar days within any scheduled week of work.

An employer shall pay 11/2 times an employee's regular wage rate whenever an employee whose wage rate is 11/2 times or more than the minimum rate prescribed pursuant to the Constitution, works nore than 40 hours in anv scheduled week of work.

he above provisions do not apply to: (a) Employees who are not covered by the minimum wage provisions of the Constitution (b) Outside buyers; (c) Employees in a retail or service business if their regular ate is more than 1 ½ times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than one month; (d) Employees who are employed in bona fide executive, administrative or professional capacities; (e) Employees covered by collective pargaining agreements which provide otherwise for overtime; (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended; (g) Employees of a railroad; (h) Employees of a carrier by air; (i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan; (j) Drivers of taxicabs or limousines; (k) Agricultural imployees; (I) Employees of business enterprises having a gross sales volume of less than \$250,000 per year; (m) Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or arm equipment; and (n) A mechanic or workman for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply. (0) A domestic worker who resides in the household where he or she works if the domestic worker and his or her employer agree in writing to exempt the domestic worker from the requirements of subsections 1 and 2.4. As used in this section, domestic worker" has the meaning ascribed to it in section 6 of this act.

NRS 608.0195 Periods for sleep

. If an employee specified in paragraph (a) of subsection 3 is required to be on duty for 24 hours or more, the employer and employee may agree in writing to exclude from the employee's wages a regularly cheduled sleeping period not to exceed 8 hours if adequate sleeping facilities are furnished: (a) By the employer of an employee described in subparagraph (1) of paragraph (a) of subsection 3; or (b) In the nome in which an employee described in subparagraph (2) of paragraph (a) of subsection 3 provides personal care services, as applicable. 2. If the sleeping period is interrupted by any call for service by the employer or for service to a person to whom the employee provides personal care services, the interruption must be counted as hours worked. If the sleeping period is interrupted by any call for service y the employer or for service to a person to whom the employee provides personal care services to such an extent that the sleeping period is less than 5 hours, the employee must be paid for the entire leeping period. 3. The provisions of subsections 1 and 2: (a) Apply only to: (1) An employee who is on duty at a residential facility for a group of similarly situated persons who require supervision, care or ther assistance from employees at the residential facility; and (2) An employee of an agency to provide personal care services in the home who is on duty. (b) Do not apply to a firefighter, a member of a escue or emergency services crew or a peace officer, including, without limitation, a correctional officer. 4. As used in this section: (a) "A group of similarly situated persons" includes, without limitation, a proup of: (1) Persons with a mental illness; (2) Persons with a physical disability; (3) Persons with an intellectual disability; (4) Persons who are elderly; (5) Persons recovering from alcohol or drug abuse; (6) :hildren in foster care; and (7) Children in a program to address emotional or behavioral problems. (b) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021. c) "On duty" means any period during which an employee is working or is required to remain on the premises of: (1) In the case of an employee described in subparagraph (1) of paragraph (a) of subsection , the employer; or (2) In the case of an employee described in subparagraph (2) of paragraph (a) of subsection 3, the home of a person to whom the employee provides personal care services. (d) "Personal are services" means the services described in <u>NRS 449.1935</u>. (e) "Residential facility" means: (1) A dormitory, any structure similar to a dormitory or any structure similar to a private residence in which group of similarly situated persons reside for the purpose of receiving supervision, care or other assistance from employees on duty at the residential facility. Any such dormitory or structure similar to a ormitory may include a studio apartment for the use of the employees. (2) In the case of a program for children to address emotional or behavioral problems, any structure which provides for residential iving for the children and employees.

NRS 608.154 Lodging as part of wages or compensation; exception A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of lodging. In no case may the value of the lodging be computed at nore than five times the statutory minimum hourly wage for each week that lodging is provided to the employee. 2. The monetary limitations on the value of lodging specified in subsection 1 do not apply o agricultural employees.

NRS 608.155 Meals as part of wages or compensation; exception . A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of meals. In no case shall the value of the meals be computed at nore than 100 percent of the statutory minimum hourly wage per day. In no case shall the value of the meals consumed by such employee be computed or valued at more than 25 percent of the statutory ninimum hourly wage for each breakfast actually consumed, 25 percent of the statutory minimum hourly wage for each lunch actually consumed, and 50 percent of the statutory minimum hourly wage for each dinner actually consumed. 2. The monetary limitations on the value of meals, contained in subsection 1, do not apply to agricultural employees.

VRS 608.215 Domestic service employees; agreements to exclude certain periods from wages; calls to duty; maintenance of records . If a domestic service employee resides in the household where he or she works, the employer and domestic service employee may agree in writing to exclude from the wages of the domestic service imployee: (a) Periods for meals if the period for meals is at least one-half hour for each meal; (b) Periods for sleep if the period for sleep excluded from the wages of the domestic service employee does not exceed 8 hours; and (c) Any other period of complete freedom from all duties during which the domestic service employee may either leave the premises or stay on the premises for purely personal pursuits. o be excluded from the wages of the domestic service employee pursuant to this paragraph, a period must be of sufficient duration to enable the domestic service employee to make effective use of the

I. If a period excluded from the wages of the domestic service employee pursuant to this section is interrupted by a call to duty by the employer, the interruption must be counted as hours worked for which ompensation must be paid. 3. An agreement pursuant to this section may be used to establish the total hours of employment of a domestic service employee in a pay period in lieu of maintaining precise ecords of the number of hours worked per day. The employer shall keep a copy of the agreement and indicate in the record of wages pursuant to NRS 608.115 that the work time of the domestic service employee generally coincides with the agreement. If it is found by the parties that there is a significant deviation from the initial agreement, a separate record must be kept for the period in which the deviation occurs or a new agreement must be reached that reflects the actual facts.

VRS 613.620 Legislative declaration; wages and benefits not limited; regulations The Legislature hereby declares that a domestic worker must be afforded the following rights and protections a) An employer shall provide to a domestic worker, when the domestic worker begins his or her employment, a written employment agreement outlining the conditions of his or her employment. If the lomestic worker is not able to understand the provisions of the written agreement, the employer shall ensure that those provisions are explained to the domestic worker in a language that the domestic vorker understands. The employment agreement must include, without limitation: (1) The full name and address of the employer; (2) The name of the domestic worker and a description of the duties for which he or she is being employed; (3) Each place where the domestic worker is required to work; (4) The date on which the employment will begin; (5) The period of notice required for either party to terminate the employment or, if the employment is for a specified period, the date on which the employment will end; (6) The ordinary workdays and hours of work required of the domestic worker, including any breaks: (7)The rate of pay, rate and conditions of overtime pay and any other payment or benefits, including, without limitation, health insurance, workers' compensation insurance or paid leave, which the domestic worker is entitled to receive; (8) The frequency and method of pay; (9) Any deductions to be made from the domestic worker's wages; (10) If the domestic worker is to reside in the employer's household, the conditions under which the employer may enter the domestic worker's designated living space; and (11) A notice of all applicable state and federal laws pertaining to the employment of domestic workers. A copy of the notice provided in subsection 3 will satisfy the requirement to comply with this subparagraph. (b) Except as otherwise provided in this section and subject to the provisions of chapter 608 of NRS, a domestic worker must, for all of his or her working time, be paid at least the minimum hourly wage published pursuant to Section 16 of Article 15 of the Nevada constitution. (c) Except as otherwise provided in NRS 608.018, a domestic worker who is paid less than one and one-half times the minimum hourly wage must be paid not less than one and one-half times he domestic worker's regular rate of wages for all working time in excess of 8 hours in a workday or 40 hours in a week of work in accordance with the provisions of NRS 608.018. (d) Except as otherwise provided in NRS 608.0195, if a domestic worker is required to be on duty, he or she must be paid for all working time, including, without limitation, sleeping time and meal breaks. (e) If a domestic worker is hired to work for 40 hours per week or more, his or her employer must provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each alendar month. The domestic worker may agree in writing to work on a scheduled day of rest but must be compensated for such time pursuant to this section. (f) An employer may deduct from the wages of a domestic worker an amount for food and beverages supplied by the employer if the domestic worker freely and voluntarily accepts such food and beverages and provides written consent for such a leduction. An employer must not make a deduction for food and beverages supplied by the employer if a domestic worker cannot easily bring or prepare meals on the premises. Any deduction for food and beverages pursuant to this paragraph must not exceed the limits set forth in NRS 608.155. (g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker freely and voluntarily accepts such lodging and provides written consent for such a deduction. An employer may not make a deduction for lodging if the domestic worker is required to reside on the imployer's premises as a condition of his or her employment. Any deduction for lodging pursuant to this paragraph must not exceed the limits set forth in section 1 of this act. (h) If a domestic worker is required to wear a uniform, the employer may not deduct from his or her wages the cost of the uniform or its care. (i) An employer shall not restrict, interfere with or monitor a domestic worker's private ommunications or take any of the domestic worker's documents or other personal effects. (j) A domestic worker may request a written evaluation of his or her work performance from the employer 3 nonths after his or her employment begins and annually thereafter. (k) If a domestic worker resides in the employer's household and the employer terminates his or her employment without cause, the imployer shall provide written notice and at least 30 days of lodging to the domestic worker, either on-site or in comparable off-site conditions. (I) An employer shall keep a record of the wages and hours of the domestic worker as required by NRS 608.115. 2. The provisions of this section are not intended to prevent an employer from providing greater wages and benefits than those required by this section. 3. The Labor Commissioner shall adopt regulations to carry out the provisions of this section and shall post on his or her Internet website, if any, a multilingual notice of employment rights provided under this section and any applicable state and federal laws pertaining to the employment of domestic workers. 4. As used in this section, unless the context otherwise requires: (a) "Domestic worker" means a natural person who is paid by an employer to perform work of a domestic nature for the employer's household, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. The term: (1) Includes a natural person who is employed by a third party service or agency; and (2) Does not include a natural person who provides services on a casual, irregular or intermittent basis. (b) "Employer" means a person who employs a domestic worker to work for the employer's household. (c) "Household" means the premises of an employer's residence and includes any living quarters on the employer's property. (d) "On duty" means any period during which a domestic worker is working or is required to remain on the mployer's property. (e) "Period of rest" means a period during which the domestic worker has complete freedom from all duties and is free to leave the employer's household or stay within the household olely for personal pursuits. (f) Working time" means all compensable time, other than periods of rest, during which a domestic worker is on duty, regardless of whether the domestic worker is actually

For Information on Federal Laws www.dol.gov/whd/homecare/faq.htm

Payday

FOR EMPLOYEES OF:



REGULAR PAYDAYS SHALL BE AS FOLLOWS: PLACE OF PAYMENT:

Compensation, Emergency Phone Numbers, Domestic Worker's Bill of Rights, Payday Notice

WORKER'S BILL OF RIGHTS LE STATE AND FEDERAL LAWS

For additional information or exceptions, contact the Nevada State Labor Commissioner: Carson City 775-684-1890 or Las Vegas 702-486-2650 TOLL FREE: 1-800-992-0900 Ext. 4850 Internet: www.labor.nv.gov

REV. 8/03/2018

Nevada Statute NRS 608.080 Payday Notice

Nevada Statute NRS 608.080 requires employers to post and maintain posted notices setting forth the regular paydays and the place of payment.

(Company Name)

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