



Webinar with State Labor Commissioner Shannon Chambers *Frequently Asked Questions (FAQs)*

Summary of State Labor Commissioner Support Webinar
April 2, 2020

Is Nevada an At-Will employment state? Yes, Nevada is an At-Will employment state.

Can an employer reduce pay to an employee? Yes, an employer can reduce pay with a notice of seven business days, or fire employees for any reason.

Can the minimum rate be reduced because of the COVID-19 pandemic? No, the minimum wage rate still stands in Nevada.

How long does an employer have to issue a final check if an employee quits or is terminated?

If the employer terminates the employee, then the employer must pay employee within three business days. If an employee quits, they must be paid within seven business days.

What is Nevada's law regarding paid time leave? State Senate Bill 312, passed in 2019, provides the following provisions:

- Employees must earn paid sick time in businesses with more than 50 employees.
- It requires a total of 40 hours of paid time off for those businesses with more than 50 employees.
- The Labor Commissioner will enforce your collective bargaining agreements.
- Employees do not have to be paid by employers for their paid leave after termination.

Are Nevada's labor laws still being enforced? Yes, Nevada's labor laws are being enforced by the Office of the Labor Commissioner.

What are some of the main provisions of the Families First Coronavirus Response Act (FFCRA) that was passed by Congress in March 2020?

- Applies to employers with 500 or less employees
- Gives employees paid sick leave of 80 hours only related to COVID-19 if there is mandated quarantine; a healthcare provider (?) has advised an employee to stay home or the employee is experiencing symptoms and seeking medical help.
- If an employee is caring for someone affected by COVID-19, they can receive 2/3 of their regular pay for up to 12 weeks. This is only available if employee cannot telework.

What does the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act include regarding unemployment benefits? It approves for an additional 13 weeks of benefits (typically 26 weeks). It also includes an additional \$600 per week for those eligible under state law.



What is the difference between furloughing and laying-off employee? Furloughing means that some limited hours and benefits are being offered to the employee. Laying-off means that an employee has been terminated so they are eligible to apply for unemployment insurance.

How can independent contractors apply for unemployment insurance? A lot of those questions are still being determined by the U.S. Department of Labor. Guidelines will be released shortly.

The business has closed because of the fear of COVID-19; does the business still need to pay employees? If you laid employees off before April 1, they are not eligible for Emergency Family and Medical Leave Act (EFMLA) or paid leave. However, those employees would need to apply for unemployment benefits with the Department of Employment, Training and Rehabilitation (DETR).

If someone is furloughed, will they receive unemployment insurance (UI) and does the employer need to provide health insurance? It depends; if the employee's hours are reduced by at least 10 percent, but not more than 60 percent, they may be eligible for unemployment insurance. If you already provide health insurance, you must give a 15-day notice to suspend that offer.

How can we keep workers safe, especially after employees that took off because of COVID-19, want to come to work? This is a case-by-case basis. If the employee has any leave, they should continue to use that leave if they are experiencing any symptoms and use those 80 hours of paid sick leave. Err on the side of caution for your healthy employees; encourage employees to use sick leave and remove them from the workplace.

If we closed our business because of the pandemic, how can we open as an essential business? It is best to go through the normal licensing and review what is essential and non-essential. Business licenses are still being issued by the state and local government entities.

Can an employee that is afraid to work be paid unemployment insurance (UI) while other employees are asked to work overtime? Unless the employee has had their hours reduced or a separation of employment occurs, that employee cannot collect UI.

If a business has been determined to be a non-essential business, but continued to pay employees until March 31 and no longer can afford payroll, do the employees need to furlough? If you issued final pay and you are closed, you may have the ability to keep one or two on furlough, but it may be best to lay off and issue final paychecks so employees can collect unemployment insurance from DETR.



If an employee quits with no notice to the employer, does the employer still need to provide 15 days of insurance coverage for the employee? It is case-by-case basis; it is recommended that you give that employee a 15-day notice, but they could be on your health insurance policy for a full month.

In the construction industry, if someone is sick, do they need to be placed on paid leave? It depends if that employee is experiencing COVID-19 symptoms. Err on the side caution by protecting employees. Many companies are creating new titles for a “Safety Inspector” to help address these situations. If someone is diagnosed with COVID-19, look at those who were in contact and get ahead of the situation by issuing quarantines.

What is the best way to contact the Labor Commissioner’s office for more questions? The best way to contact the Labor Commissioner is by Mail1@labor.nv.gov. This is constantly monitored, and most responses are sent within 24 hours.

This information is as of 4.2.2020, not legal advice and is provided only as a courtesy. It is subject to change. For the latest information, please go to <http://labor.nv.gov/>.