



# Nevada

## Human Resources LEGAL FACT SHEET

*Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in July 2018, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.*

## ARE THERE NEVADA STATE LAWS PERTAINING TO DAIRY FARMS ABOUT:

### HIRING

TOPIC	ANSWER	DETAILS
Notice of Payday / Pay Rate <sup>1</sup>	YES	Employers must post and maintain notices of the regular date and place of the established payday in at least two conspicuous places in the workplace. Must provide 7 days advance notice of any changes to date or place of payment.
Reporting	YES	<u>New hires</u> and rehires must be reported to the Employment Security Division within 20 days.

### WAGES

TOPIC	ANSWER	DETAILS
Payday <sup>2</sup>	YES	Must establish and maintain regular paydays. Wages must be paid at least twice per month. Wages or compensation earned before the first day of any month is due not later than 8 a.m. on the 15th day of the month following that in which the wages or compensation was earned. All wages or compensation earned before the 16th day of any month is due not later than 8 a.m. on the last day of the same month.
Final Pay <sup>3</sup>	YES	<u>Employees that are discharged</u> by the employer must be paid wages earned immediately (but no later than 3 days after). Employees that resign or quit must be paid no later than either the next regular payday or 7 days after the employee resigns or quits, whichever is earlier.
Overtime <sup>4</sup>	NO	Agricultural employees are exempt from Nevada overtime compensation. Federal rules may apply. Refer to the federal factsheet.
Minimum Wage <sup>5</sup>	YES	<u>\$8.25 per hour</u> Nevada minimum wage applies to agricultural employers who used more than 500 days of agricultural labor in any calendar quarter of the previous calendar year. Employees that are offered qualifying health benefits may be paid at the minimum wage rate of \$7.25 per hour.
Reporting Time Pay	NO	Nevada law does not require reporting time pay, i.e. an employee is only required to be paid for actual hours worked.

# WAGES

(Continued)

TOPIC	ANSWER	DETAILS
Hours Worked <sup>6</sup>	YES	Employers must pay employees for all time worked at the direction of the employer, including time worked by the employee that is outside the scheduled hours of work of the employee. Employees must be paid for time spent in training if required by the employer. Travel time must also be paid if it is between different work sites during a workday, or if the employee is providing transportation for another employee on behalf of an employer. Travel time between the home and place of work is not considered compensable time. Federal rules may also apply; refer to the federal factsheet for further definition of “hours worked.”
Pay Stub <sup>7</sup>	YES	At the time of wage payment, must furnish to each employee an itemized list showing deductions made from the total amount of wages or compensation.
Taxes and Withholding <sup>8</sup>	YES/NO	<p>Nevada does not have a state income tax on earned income, and therefore has no withholding requirements. Employers must give your employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R.</p> <p>Employers must pay <a href="#">Nevada Unemployment Insurance</a> taxes if:</p> <ul style="list-style-type: none"> <li>You paid cash wages to farm workers of \$20,000 or more in a quarter in the current or prior calendar year; OR,</li> <li>You employed ten or more farm workers for some part of a day in 20 or more weeks of the current or prior calendar year.</li> </ul> <p>Certain family employment is excluded from coverage requirements (children under 18 working for a parent, an individual working for spouse, or parent working for a son or daughter). Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to Nevada in calculating how much you owe for federal unemployment taxes. <a href="#">More details.</a></p>
Deductions and Allowances <sup>9</sup>	YES	<p>An employer may make wage deductions, without written authorization from the employee, for any amount required by law or contribution to a benefit plan (such as health insurance or pension plan), as permitted by Nevada law (Nev. Rev. Stat. §608.110).</p> <p>Otherwise, an employer cannot make a wage deduction unless:</p> <ul style="list-style-type: none"> <li>The deduction is for a specific purpose, pay period, and amount;</li> <li>The employee voluntarily authorizes the employer, in writing, to deduct the amount from wages; and,</li> <li>The employer has a reasonable basis to believe the employee is responsible for the amount being deducted.</li> </ul> <p>Employers cannot use a blanket agreement that was made in advance to withhold any amount from the wages due the employee.</p> <p>Distinctive uniforms (style, color, or material) must be provided without cost to employees by their employer. If a uniform or accessory requires a special cleaning process, and cannot be easily laundered by an employee, such employee’s employer shall clean such uniform or accessory without cost to such employee.</p> <p>Other wage deduction rules apply under federal law. Refer to the federal factsheet.</p>
Bonuses <sup>10</sup>	YES/NO	Nevada wage law excludes bonuses in its definition of wages. However, commissions are considered wages.

# RECORD KEEPING

TOPIC	ANSWER	DETAILS
Payroll <sup>11</sup>	YES	<p>Must maintain the following records of wages for the benefit of the employees, showing for each pay period the following for each employee:</p> <ul style="list-style-type: none"> <li>• <i>Gross wage or salary other than compensation in the form of:</i> <ul style="list-style-type: none"> <li>- <i>Services; or</i></li> <li>- <i>Food, housing or clothing.</i></li> </ul> </li> <li>• <i>Deductions.</i></li> <li>• <i>Net cash wage or salary.</i></li> <li>• <i>Total hours employed in the pay period by noting the number of hours per day.</i></li> <li>• <i>Date of payment.</i></li> </ul> <p>The records must be furnished to each employee within 10 days after the employee submits a request. The records must be maintained for a period of 2 years following the entry of information in the record.</p>
Personnel File — Employee Access <sup>12</sup>	YES	<p>Employers must grant employees a reasonable opportunity, during regular business hours, to inspect any records kept by the employer containing information used by the employer to determine qualification of the employee and any disciplinary action taken against the employee, including termination from employment. The employee has a right to a copy of such records. The records do not include confidential reports from previous employers or any other confidential investigative files concerning the employee about an investigation, arrest, or conviction of that person for a violation of the law. Former employees have the right to inspect within 60 days after termination.</p> <p>Employers must allow an employee to submit a reasonable written explanation in direct response to anything in the records. And if the employee contends that any of the information is inaccurate, the employer must change the information if it finds that the employee is correct in their claim.</p>
Unemployment Insurance <sup>13</sup>	YES	<p>Employers subject to paying unemployment taxes must submit electronic, <a href="#">quarterly wage reports</a>.</p> <p>Whether or not subject to paying Unemployment Insurance taxes, employers must keep employment records. Each employer is required to keep true and accurate work records for each worker. The records must be kept for at least four years, and must show:</p> <ul style="list-style-type: none"> <li>• <i>The beginning and ending date of each payroll period.</i></li> <li>• <i>The total wages payable for the payroll period and the date paid.</i></li> <li>• <i>The date the worker was hired.</i></li> <li>• <i>The date the worker was separated from employment.</i></li> <li>• <i>The reason for separation from employment.</i></li> <li>• <i>The dates the employee worked.</i></li> <li>• <i>The state or states in which services were performed.</i></li> </ul> <p>Separate entries must be made to record money wages, the cash value of other remuneration, and special payments such as bonuses, prizes, or gifts. Employer records must be open to inspection and may be copied by the administrator or his authorized representatives, or the Department of Taxation, at any reasonable time and as often as may be necessary.</p>
Workers' Compensation <sup>14</sup>	YES/NO	<p>Workers' Compensation is not required for agricultural employers. Employers that elect coverage are subject to the Nevada Workers' Compensation law. Under the law, employers need to retain notices of injury received from employees for a period of 3 years after the date of the accident. There are also recordkeeping requirements under OSHA.</p>
OSHA	YES	<p>Nevada has incorporated the federal standard for OSHA recordkeeping and reporting. Refer to the federal factsheet.</p>
Federal	YES	<p>There are numerous federal rules about recordkeeping. Employers should review the federal factsheet.</p>

## WORKING CONDITIONS

TOPIC	ANSWER	DETAILS
Bathrooms <sup>15</sup>	YES	Nevada has incorporated the federal Pasteurized Milk Ordinance (PMO). The PMO specifies that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner.
Working Hours	NO	Nevada law does not specify max hour or day requirements for adults.
Rest and Meal Breaks <sup>16</sup>	YES	<p>For employers with 2 or more employees: Must provide employees with a 30 minute or longer unpaid meal break if scheduled to work 8 hours consecutively. The employee must be relieved of duties during the meal break.</p> <p>Employer must also permit employees to take paid rest periods of during the day, which count as hours worked. The rest periods should be at the following rates based on number of hours worked (not counting the meal break):</p> <ul style="list-style-type: none"> <li>• One 10-minute rest period if employee works at least 3.5 continuous hours and less than 7 continuous hours</li> <li>• Two 10-minute rest periods if employee works at least 7 continuous hours and less than 11 continuous hours</li> <li>• Three 10-minute rest periods if employee works at least 11 continuous hours and less than 15 continuous hours</li> <li>• Four 10-minute rest periods if employee works at least 15 continuous hours and less than 19 continuous hours</li> </ul> <p>Employees can voluntarily agree to forego a rest or meal period, but the employer must be able to prove the existence of such an agreement.</p>
Labor Relations	NO	No provision in state law recognizing farm worker rights to organize.
Whistleblower Protection	YES/NO	Nevada law does not provide a general protection for private sector employees in whistleblower cases. However, topic-specific laws (like wage discrimination, wage laws, etc.) may protect employees that report unlawful practices. And specific employee disclosures (for example, OSHA-related violations) are protected from retaliation.
Paid Sick and Vacation Leave	NO	Nevada law does not require paid sick or vacation leave. Employers who choose to provide such benefits must follow their written policy/contract.
Breaks for Nursing Mothers	NO	Nevada law does not address workplace accommodations for employees that are nursing. Federal rules may apply; refer to the federal factsheet.
Pregnancy Accommodations and Leave <sup>17</sup>	YES	If an employer grants leave with pay, leave without pay, or leave without loss of seniority to his or her 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. The female employee who is pregnant must be allowed to use the leave before and after childbirth, miscarriage or other natural resolution of her pregnancy, if the leave is granted, accrued or allowed to accumulate as a part of her employment benefits.
Family and Medical Leave	NO	Nevada has not enacted a family and medical leave law for private sector employees. Federal law requiring unpaid leave may apply depending on the size of the employer. Refer to federal fact sheet.
Military and other Service Leave <sup>18</sup>	YES	Nevada law provides employment protections for Nevada National Guard members. Employers cannot terminate such an employee for participating in training, active duty, or other required service.
Crime Victim and Witness Leave <sup>19</sup>	YES	<p>An employee who has been employed for at least 90 days, and is a victim of domestic violence, is entitled to up to 16 hours of unpaid leave in a 12-month period for that purpose.</p> <p>Employers cannot terminate or threaten to terminate an employee who is summoned and appears as a witness in a judicial or administrative proceeding.</p>

## WORKING CONDITIONS

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TOPIC	ANSWER	DETAILS
Jury Duty Leave <sup>20</sup>	YES	An employer cannot discharge, threaten to discharge, coerce, or intimidate an individual for responding to a jury summons or serving on a jury. Nevada law does not require employers to pay employees for time spent responding to a summons or serving on a jury. Employees cannot be required to use sick leave or vacation time. Employees cannot be required to work within 8 hours of the time they are to appear for jury duty. If the time spent responding to the summons or serving on a jury is 4 hours or more, the employer cannot require the employee to work between 5pm that day and 3am the following day.
Voting Leave <sup>21</sup>	YES	Employees must be given leave that gives sufficient time to vote, if it is impracticable for the voter to vote before or after their shift. Sufficient time is: 1 hour if the employee lives within 2 miles of the polling place; 2 hours if they live between 2 and 10 miles of the polling place; and 3 hours if the distance is more than 10 miles. Employees cannot be discharged, disciplined, penalized, or receive a wage deduction for the absence. Employee must apply for the leave prior to the day of the election.
School Activity Leave <sup>22</sup>	YES	Employers with 50 or more employees must give an employee that is a parent, guardian, or custodian of a child leave from work for 4 hours per school year, in increments of 1 hour, to attend a parent-teacher conference, attend school-related activities during regular school hours, volunteer or otherwise be involved at the school during regular school hours, and attend school-sponsored events. Employers may require advance notice at least 5 days before and may require documentation. The leave must be mutually agreed upon and it is not required to be paid.

## HEALTH AND SAFETY

TOPIC	ANSWER	DETAILS
Workers' Compensation <sup>23</sup>	YES	Workers' Compensation is not required for farm or agricultural laborers and employers in Nevada, however it is good practice to obtain coverage. Employers that elect coverage are subject to the Nevada Workers' Compensation laws and rules. Within 6 days after receipt of a claim for compensation from a physician/medical facility, the employee must file a report of injury or disease with the insurer or third-party administrator.
OSHA <sup>24</sup>	YES	Nevada has an approved OSHA 'state-plan', which means it is at least as effective as federal OSHA. <a href="#">Similar to federal OSHA, Nevada OSHA</a> has a general duty clause that requires employers to provide employees a workplace free from recognized hazards that can cause death or serious physical harm. Nevada has adopted the federal OSHA Standards for Agriculture, the General Industry Standards that apply to agriculture, and the reporting/recordkeeping requirements. See the federal factsheet for details on requirements. <ul style="list-style-type: none"> <li>• <i>Safety Programs – Employers with 11 or more employees must have a written safety program.</i></li> </ul>
Housing	YES/NO	Nevada law does not explicitly address standards for farm-provided permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.

# HUMAN RIGHTS

TOPIC	ANSWER	DETAILS
Employment Discrimination <sup>25</sup>	YES	<p>Nevada law <u>prohibits employment discrimination</u> based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin, use of lawful products off premises outside of work hours, or genetic information. Applies to employers with 15 or more employees.</p> <p>Employment discrimination means bias in hiring (including during interviews), promotion, job assignments, firing, pay, and other terms of employment.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Harassment/ Sexual Harassment <sup>26</sup>	YES/NO	<p>Harassment is generally considered a type of employment discrimination. Harassment is unwelcome conduct. It becomes illegal when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p>Sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> <li>• <i>Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it.</i></li> <li>• <i>Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just “treated her right.”</i></li> <li>• <i>The conduct interferes with an employee’s work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or “just to go out for drinks after work.” The worker says she isn’t interested, but the co-worker won’t take ‘no’ for an answer.</i></li> </ul> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Forced Labor <sup>27</sup>	YES	<p><u>Human trafficking</u> is illegal in Nevada. Trafficking for labor means: recruiting, luring, enticing, harboring, transporting, provisioning, obtaining, or maintaining, or any attempt to do any of the aforementioned, a person for involuntary servitude by any means, such as forced labor, forced services, debt bondage, or slavery. Involuntarily servitude is illegal in Nevada (i.e. the immigration into the state of all slaves or other people bound by contract to involuntary servitude for a term of years).</p> <p>Nevada also has specific laws against misrepresenting work arrangements to influence, persuade, or engage workers to change from one place to another in this state. It is illegal to use false representations, pretenses, or advertising about the kind/character of work to be done; amount of compensation; sanitary or other conditions; or, the existence or nonexistence of a strike or other trouble pending between the employer and its employees.</p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>

# CHILD LABOR

TOPIC	ANSWER	DETAILS
Child Labor <sup>28</sup>	YES	<p>Agriculture is exempt from most Nevada child labor laws, except that it is unlawful to employ a minor under 14 years old during the hours that school is in session. Federal rules apply; refer to the federal factsheet.</p>

## References

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|-----------------------------------|-------------------------------------|------------------------------------|--------------------------------------|
| 1. Nev. Rev. Stat. §608.080       | 8. Nev. Rev. Stat. §612.090,        | 15. Nev. Admin. Code §584.3001     | 24. Nev. Rev. Stat. §618.375         |
| 2. Nev. Rev. Stat. §608.060,      | §612.105                            | 16. Nev. Rev. Stat. §608.019; Nev. | 25. Nev. Rev. Stat. §613.310 et seq. |
| §608.080                          | 9. Nev. Rev. Stat. §608.165; Nev.   | Admin. Code §608.145               | 26. See above                        |
| 3. Nev. Rev. Stat. §608.020,      | Admin. Code §608.160                | 17. Nev. Rev. Stat. §613.4383      | 27. Nev. Rev. Stat. §613.010,        |
| §608.030, §608.040                | 10. Nev. Rev. Stat. §608.012; Lucas | 18. Nev. Rev. Stat. §412.139       | §613.080                             |
| 4. Nev. Rev. Stat. §608.018       | v. TRANS, No. 2: 08-cv-01792-GMN-   | 19. Nev. Rev. Stat. §50.070,       | 28. Nev. Rev. Stat. §609.250,        |
| 5. Nev. Rev. Stat. §608.250; Nev. | RJJ (D. Nev. Nov. 22, 2011).        | 608.0198.                          | §200.463 to §200.468                 |
| Admin. Code §608.100 and          | 11. Nev. Rev. Stat. §608.115        | 20. Nev. Rev. Stat. §6.190         |                                      |
| §608.102                          | 12. Nev. Rev. Stat. §613.075        | 21. Nev. Rev. Stat. §293.463       |                                      |
| 6. Nev. Admin. Code §608.115,     | 13. Nev. Admin. Code §612.020,      | 22. Nev. Rev. Stat. §392.4577      |                                      |
| §608.130                          | §612.260                            | 23. Nev. Rev. Stat. § 616A.110, §  |                                      |
| 7. Nev. Rev. Stat. §608.110       | 14. Nev. Rev. Stat. §616C.015       | 616C.045                           |                                      |

