

## SURVIVOR STATE EMPLOYMENT GUIDE

# NEVADA

### INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### ANTI-DISCRIMINATION PROTECTIONS

In Nevada ([NV Rev. Stat. § 613.223](#)) an employer cannot discharge, discipline or discriminate against in any manner, deny employment or a promotion, or threaten to take any such action against an employee because the employee: (a) requested to use leave related to domestic violence (see [NV Rev. Stat. § 608.0198](#)); (b) missed work because they participated as a witness or interested party in court proceedings related to an act of domestic violence; (c) requested an accommodation related to domestic violence (see [NV Rev. Stat. § 613.222](#)); or (d) was subjected to an act of domestic violence at the employee's workplace. In Nevada, domestic violence is defined within [NV Rev. Stat. § 33.018](#) as certain acts committed against a person's current or former spouse, relative by blood or marriage, with whom they are currently or formerly cohabiting, currently or formerly dating, or with whom they have a child in common.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### REASONABLE ACCOMMODATIONS

In Nevada, ([NV Rev. Stat. § 613.222](#)), an employer must make reasonable accommodations for an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. Domestic violence is defined within [NV Rev. Stat. § 33.018](#) as certain acts committed against a person's current or former spouse, relative by blood or marriage, with whom they are currently or formerly cohabiting, currently or formerly dating, or with whom they have a child in common.

- *What is an example of a reasonable accommodation?* Nevada law provides a non-exhaustive list of examples of accommodations that may be provided: transfer or reassignment; modified schedule; new work telephone number; any other accommodation deemed necessary to ensure the employee's safety and which will not create an undue hardship on the employer.
- *Do I need to show proof of domestic violence?* Under Nevada's reasonable accommodation law, an employer may require an employee to provide documentation that confirms or supports the reason the employee requires the requested accommodation.

Individuals may also be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

## LEAVE/TIME OFF WORK

- **Paid Leave:** In Nevada, ([NV Rev. Stat. § 608.0197](#)), an employer must provide up to 40 hours of paid leave (accrued at a rate of 0.01923 hours per 1 hour worked). Paid leave is available to be used after 90 days of employment and can be taken for any purpose, including but not limited to: treatment of mental or physical illness, injury or health condition; receiving a medical diagnosis or medical care; receiving or participating in preventative care; participating in caregiving; or addressing other personal needs related to the health of the employee.

An employee can use this accrued leave without providing a reason to their employer; though an employee must give notice of the time off as soon as practicable. An employer cannot deny the use of available leave, require the employee to find a replacement worker as a condition of using the leave or retaliate against the employee for using the available leave.

- **Time Off for Victims of Domestic Violence:** In Nevada, ([NV Rev. Stat. § 608.0198](#)), an employee (who has been employed by an employer for at least 90 days) who is a victim of an act of domestic violence or whose family or household member has been a victim of an act of domestic violence is entitled to time off work (as long as the employee is not the perpetrator of the domestic violence). A qualified employee is entitled to not more than 160 hours of leave in a 12-month period. The leave may be either paid or unpaid; must be used within the 12 months immediately following the act of domestic violence; may be used consecutively or intermittently; and may be deducted from the amount of leave the employee might also qualify for under the federal Family and Medical Leave Act (FMLA). Leave under this law may be taken for:
  - The diagnosis, care or treatment of a health condition related to the act of domestic violence;
  - To obtain counseling or assistance related to the act of domestic violence;
  - To participate in any court proceedings related to the domestic violence;
  - To establish a safety plan, including, without limitation, any action to increase the safety of the employee or family or household member of the employee from a future act of domestic violence.

Under Nevada law, ([NV. Rev. Stat. § 608.0198\(3\)](#)) an employer cannot deny an employee the right to use this leave when applicable. An employer cannot require an employee to find a replacement worker as a condition of using the leave. An employer cannot retaliate against an employee for using this leave.

- *Do I have to show proof of domestic violence?* An employer may require the employee to provide documentation that confirms or supports the reason the employee provided for requesting leave. Documentation may include, but is not limited to, a police report, a copy of an application for an order of protection, an affidavit from an organization which provides services to victim of domestic violence or documentation from a physician. Any documentation provided to an employer is required to be maintained confidentially.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

## UNEMPLOYMENT INSURANCE

In Nevada ([NV Rev. Stat. §612.3755](#)), unemployment benefits cannot be denied to someone who left their employment to protect themselves or a family or household member from domestic violence (defined within [NV Rev. Stat. § 33.018](#)) and the person actively engaged in an effort to preserve their employment.

- *Do I have to show proof of domestic violence?* Under Nevada law, the administrator of unemployment benefits may request evidence satisfactory to support the person's claim for benefits.