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MARCH 11, 2020 COVID-19 LEAVE GUIDANCE

On January 1, 2020, Senate Bill 312 became effective and stated as follows: "Every employer in private employment in the State of Nevada with 50 or more employees in the State of Nevada shall provide paid leave that accrues at a minimum of 0.01923 hours of paid leave for each hour of work performed. An employee is eligible to use leave on the 90th day of employment."

The COVID-19 virus has caused state, federal, and local agencies to issue guidance to employees in both the private and public sector on how to contain the spread of COVID-19. In some cases, state, federal, and local agencies have imposed mandatory government quarantines of individuals in certain areas who may have COVID-19 or have been exposed to it.

The Labor Commissioner is proactively issuing the following guidance to private employers and employees in the State of Nevada to address potential mandatory government quarantines because of COVID-19 and consistent with the intent of Senate Bill 312. IT IS IMPORTANT TO NOTE THAT THE DEPARTMENT IS NOT AWARE OF ANY PLANS TO IMPOSE MANDATORY QUARANTINES AT THIS TIME. It is recommended that employers with fewer than 50 employees also follow this guidance as needed. **Please also see below.*

- 1. If an employee is subject to a mandatory government quarantine by a state, federal, or local agency and is unable to report to work, the employer should not count the mandatory government quarantine time as leave that is counted against the employee or taken from their leave balance. Because employees may not be accruing any type of leave or pay while under a mandatory government quarantine situation, this type of separation and/or leave from employment should not be counted against them.**
- 2. An employer is encouraged and can certainly choose to pay an employee for the time they are out on a mandatory government quarantine and offer alternative working arrangements, such as teleworking, or additional paid time off, but is not required to do so.**
- 3. The employee could also choose to request to use paid leave or other applicable leave if available while out on a mandatory government quarantine, but that would be at the option of the employee. Family Medical Leave Act (FMLA) leave may also apply to the employee's situation, condition, and length of absence.**

MANDATORY GOVERNMENT QUARANTINES AS A RESULT OF POTENTIAL EXPOSURE TO COVID-19 SHOULD NOT RESULT IN ANY LOSS OF LEAVE TO AN EMPLOYEE WORKING IN PRIVATE EMPLOYMENT IN THE STATE OF NEVADA UNLESS THE EMPLOYEE ELECTS TO USE LEAVE, INCLUDING PAID LEAVE, OR OTHER LEAVE IS REQUIRED TO BE USED, SUCH AS FMLA LEAVE.

**This guidance does not replace current collective bargaining agreements, agreements, contracts, and/or policies that have specific provisions relating to mandatory government quarantines and leave. However, these should be reviewed based on the guidance in this document and to address potential future situations.*