

## NEVADA SUPPLEMENT

### I. NEVADA PREGNANT WORKERS' FAIRNESS ACT

Pursuant to Nevada Revised Statute § 613.335 and sections 2 to 8, inclusive, of the Nevada Pregnant Workers' Fairness Act (the "Act"), employees have the right to be free from discriminatory or unlawful employment practices based on pregnancy, childbirth, or a related medical condition.

Under the Act, the Company may not:

- Deny a reasonable accommodation to female employees and applicants, upon request, for a condition related to pregnancy, childbirth, or a related medical condition, unless an accommodation would impose an undue hardship on the business of the Company.
- Take adverse employment actions against a female employee or applicant based on a need for a reasonable accommodation.
- Deny an employment opportunity to a qualified female employee or applicant based on a need for a reasonable accommodation.
- Require a female employee or applicant to accept an accommodation that the employee or applicant did not request or chooses not to accept or to take leave from employment if an accommodation is unavailable (except for construction employees whose primary duties involve performing manual labor).

Under the Act, the Company may:

- Require a female employee to submit written medical certification from the employee's physician substantiating the need for an accommodation because of pregnancy, childbirth, or related medical conditions, and the specific accommodation recommended by the physician.

Under the Act, the Company and the employee must:

- Engage in a timely, good faith interactive process to determine an effective, reasonable accommodation, subject to the terms of the policy and law stated above.

Examples of potential reasonable accommodations include, but are not limited to:

- Modifying equipment or providing different seating
- Revising break schedules (e.g., frequency and duration of breaks)
- Providing space reasonable space for expressing breast milk
- Providing assistance with manual labor that is NOT part of the primary work duties
- Light duty work assignment
- Transfer temporarily to a less strenuous or hazardous position
- Restructuring a position (but NOT creating a new position that would not be created for

other employees with medical limitations)

- Modifying a work schedule.

For further information regarding the Act, contact the Nevada Equal Rights Commission.

**Equal Rights Commission**

**Las Vegas**

1820 East Sahara Avenue

Suite 314

Las Vegas, NV 89104

Phone (702) 486-7161

**Equal Rights Commission**

**Northern Nevada**

1325 Corporate Blvd.

Room 115

Reno, NV 89502

Phone (775) 823-6690

## **II. SCHOOL VISITATION LEAVE**

Employees may take unpaid time off if requested by an administrator of the school attended by the employee's child, or if notified during employee's work day by a school employee of an emergency regarding the child.

An employee who is the parent, guardian or custodian of a child enrolled in a public school may take unpaid leave for four (4) hours per school year per child, which must be taken in increments of at least one (1) hour, to attend parent-teacher conferences; attend school-related activities during regular school hours; volunteer or otherwise be involved at the school in which the employee's child is enrolled during regular school hours; or attend school-sponsored events.

The leave must be taken at a time mutually agreed upon by the Company and the employee. Employees must provide a written request for the leave at least five (5) school days before the leave is taken and must provide documentation that during the time of the leave, the employee attended or was otherwise involved at the school or school-related activity for one of the reasons permitted. Employees may substitute accrued paid time off during unpaid leave under this policy, but this substitution does not extend the length of the leave.

Employees with questions concerning this policy should contact Human Resources.

## **III. LEAVE AND ACCOMMODATION FOR VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT**

Employees who have worked for the Company for at least 90 days, and who are the victims of domestic violence or sexual assault or whose family or household member is a victim of domestic violence or sexual assault, may take time off work for up to 160 hours in one 12-month period, beginning on the date when the act of domestic violence or sexual assault occurred (and the employee is NOT the alleged perpetrator of the domestic violence or sexual assault).

Leave under this policy may be taken for the following reasons:

- For the diagnosis, care, or treatment of a health condition related to an act of domestic violence or sexual assault committed against the employee or the employee's family or household member;
  - To obtain counseling or assistance related to an act of domestic violence or sexual assault committed against the employee or the employee's family or household member;
  - To participate in court proceedings related to an act of domestic violence or sexual assault committed against the employee or the employee's family or household member;
- or
- To establish a safety plan, including any action to increase the safety of the employee or the employee's family or household member from a future act of domestic violence or sexual assault.

For purposes of this policy, a "family or household member" means a spouse, domestic partner, minor child, or parent or another adult who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time the act of domestic violence or sexual assault was committed.

For purposes of this policy, "domestic violence" occurs when a person commits one of the following acts against or upon the person's spouse, former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
  - (1) Stalking.
  - (2) Arson.
  - (3) Trespassing.
  - (4) Larceny.
  - (5) Destruction of private property.
  - (6) Carrying a concealed weapon without a permit.
  - (7) Injuring or killing an animal.
- (f) A false imprisonment.
- (g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

For purposes of this policy, "sexual assault" occurs when a person: (a) Subjects another

person to sexual penetration, or forces another person to make a sexual penetration on themselves or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct; or (b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on themselves or another, or on a beast.

Nevada law provides that leave may be unpaid or paid at the discretion of the employer. The Company will permit employees to use any accrued, unused paid time off while taking leave under this policy.

Leave under this policy may be used in a single block of time or intermittently. Leave under this policy also will run concurrently (at the same time) with FMLA leave, if leave is otherwise FMLA-qualifying. Leave under this policy does not extend the time allowable under the "Family and Medical Leave Act" Policy in this Manual.

After taking any time off due to an act of domestic violence or sexual assault, an employee must provide their supervisor at least 48 hours advance notice before taking any additional time off under this policy.

The Company may require documentation of an employee's participation in these activities that confirms or supports the reason the employee provided for requesting leave. For example, the Company may require:

- A police report;
- Copy of an application for an order for protection
- Affidavit from an organization which provides services to victims of domestic violence or sexual assault;
- Documentation from a physician.

Any documentation requested or received by the employer will be kept confidential in a private medical file (and will not be contained in the general personnel file).

An employee who is the victim of domestic violence or sexual assault (or whose family or household member is such a victim) may request reasonable accommodation with respect to the employee's safety while at work. Reasonable accommodation may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, or any other reasonable accommodation that does not create an undue hardship deemed necessary to ensure the safety of the employee, the workplace, the employer, and other employees.

Eligible employees desiring an accommodation should notify Human Resources. Human Resources will then engage in an interactive process with the employee to determine possible effective reasonable accommodations. As part of the interactive process, Human Resources may require the employee to provide appropriate certification. An employee who no longer needs an accommodation must notify Human Resources of any change in circumstance.

Similarly, an employee who has been provided an accommodation must notify Human Resources if the employee requires a new accommodation.

The Company also will not discipline, discriminate or retaliate against an employee because the employee is a known victim of domestic violence or sexual assault; because the employee requested and took leave and/or requested accommodation under this policy; or because the employee participated as a witness or interested party in a court proceeding related to domestic violence or sexual assault that relates to the use of leave under this policy. The Company also will not require the employee to find a replacement or substitute to cover the employee's position or work, as a condition of using leave under this policy.