



# LEGAL UPDATE

# NEVADA

## Recalling Hospitality and Travel Employees Affected by COVID-19

On June 8, 2021, Nevada enacted the Nevada Hospitality and Travel Workers Right to Return Act (the Act) to help employees in the leisure, hospitality and travel industries who were laid off because of the COVID-19 pandemic. The Act requires covered employers to recall laid-off employees rather than searching for new ones when job opportunities arise.

### Rehiring Affected Employees

The Act requires employers to offer job positions first to qualified, affected employees who held the position for which an opening exists, then to qualified, affected employees who held similar positions. When more than one individual is eligible for the position, employers must offer the position to the employee with the greatest length of service.

Affected employees must accept a job offer under the Act within 24 hours and report to work within five calendar days from the date when they receive an offer. Employers may offer an open position to the next eligible employee with the greatest length of service if the 24-hour and five-day conditions are not met.

### Notification

The Act also requires employers to notify employees in writing when they are to be laid off. The written notice must be either presented in person or delivered by mail to the employee's last known address. Notification by phone, text message or electronic mail is also acceptable if the employer possesses this contact information.

Employers must provide this notice at the time of the layoff or within 20 days of the Act's effective date (for layoffs that have already taken place). The notice must be provided in English, Spanish and any other language that is spoken by not less than 10% of the employer's workforce.

### Important Definitions

#### Covered Employee

An employee who worked for at least 12 months immediately before March 12, 2020, and stopped working due to a governmental order, lack of business, reduction in force or another economic, non-disciplinary reason.

#### Covered Employer

Employers that operate a covered enterprise—airport hospitality operation, airport service provider, casino, event center or hotel located in a county with a population with a population of 100,000 or more—within the state and:

- Employs or exercises control of the wages, hours or working conditions of 30 or more employees; or
- Employed or exercised control over the wages, hours or working conditions of 30 or more employees on March 12, 2020.

*Employers must recall laid-off employees rather than search for new ones when job opportunities arise.*

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