**NRS CHAPTER 613 - EMPLOYMENT PRACTICES**

**from LCB website July 2017**

**SOLICITATION OF EMPLOYEES BY MISREPRESENTATION**

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**SOLICITATION OF EMPLOYEES BY MISREPRESENTATION**

**NRS 613.010  Influencing, persuading or engaging worker to change from one place to another by false representations; penalty; damages.**

      1.  It shall be unlawful for any person, persons, company, corporation, society, association or organization of any kind doing business in this state by himself, herself, itself, themselves, his, her, its or their agents or attorneys to induce, influence, persuade or engage workers to change from one place to another in this state, or to bring workers of any class or calling into this state to work in any of the departments of labor in this state, through means of false or deceptive representations, false advertising or false pretenses concerning:

      (a) The kind and character of the work to be done;

      (b) The amount and character of the compensation to be paid for such work;

      (c) The sanitary or other conditions of their employment; or

      (d) The existence or nonexistence of a strike or other trouble pending between the employer and employees at the time of or prior to such engagement, proposal or contract for such employment of workers.

      2.  Any person, persons, company, corporation, society, association or organization of any kind doing business in this state, as well as his, her, their or its agents, attorneys, servants or associates, violating any of the provisions of subsection 1 is guilty of a gross misdemeanor.

      3.  Any worker of this state or any worker of another state who has been or shall be influenced, induced or persuaded to engage with any person mentioned in subsection 1, or any company, corporation, society or organization mentioned in subsection 1, through or by means of any of the things therein prohibited, shall have a cause of action for recovery and may recover at law for all damages that the worker shall have sustained in consequence of the false or deceptive representations, false advertising or false pretenses used to induce the worker to change his or her place of employment, or place of abode in case such worker shall not be then employed at the time of such inducement and hiring, against any person or persons, corporations, companies or associations directly or indirectly causing such damages. In any action under this section for the recovery of such damages, the court shall have the power to award a reasonable attorney’s fee in favor of the prevailing party, which fee shall be taxed as costs against the losing party therein.

      [1:154:1911; RL § 1936; NCL § 2772] + [2:154:1911; RL § 1937; NCL § 2773] + [3:154:1911; RL § 1938; NCL § 2774] — (NRS A [1967, 631](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page631))

**NRS 613.020  Fraudulent representations by employment agent or broker: Penalty.**Every employment agent or broker who, with intent to influence the action of any person thereby, shall misstate or misrepresent verbally or in any writing or advertisement any material matter relating to the demand for labor, the conditions under which any labor or service is to be performed, the duration thereof or the wages to be paid therefor, shall be guilty of a misdemeanor.

      [1911 C&P § 520; RL § 6785; NCL § 10466]

**NRS 613.030  False representations or pretenses concerning employer’s ability to pay wages: Penalty.**Any person, persons, partnership, association, company or corporation, or his, her or its officers, directors or agents, who or which shall employ for wages any person or persons in any occupation, and who or which at the time of employing such person or persons shall make any false representation or pretenses as to having sufficient funds to pay such wages, and who after labor has been done under such employment by the employee or employees shall fail upon the discharge or resignation of such employee or employees, for a period of 5 days after such wages are legally payable, to pay the employee or employees on demand the wages due the employee or employees for such labor, shall be guilty of a misdemeanor.

      [1:276:1913; 1919 RL p. 3390; NCL § 10601] — (NRS A [1967, 632](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page632))

**POLITICAL AFFILIATIONS**

**NRS 613.040  Rule or regulation preventing political activity unlawful.**It shall be unlawful for any person, firm or corporation doing business or employing labor in the State of Nevada to make any rule or regulation prohibiting or preventing any employee from engaging in politics or becoming a candidate for any public office in this state.

      [1:62:1915; 1919 RL p. 3391; NCL § 10602]

**NRS 613.050  Penalty; duty of Attorney General.**

      1.  Any person, firm or corporation convicted of violating the provisions of [NRS 613.040](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec040) to [613.070](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec070), inclusive, shall be punished by a fine of not more than $5,000.

      2.  The penalty must be recovered in a suit brought for that purpose by the Attorney General in the name of and for the benefit of the State of Nevada, but the prosecution must not be commenced later than 3 months after the commission of the offense described in [NRS 613.040](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec040).

      3.  If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney’s fees, may be recovered by the Attorney General.

      [Part 2:62:1915; 1919 RL p. 3391; NCL § 10603] — (NRS A [1967, 632](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page632); [1993, 900](https://www.leg.state.nv.us/Statutes/67th/Stats199304.html#Stats199304page900))

**NRS 613.060  Responsibility for acts of managers, officers, agents and employees.**In all prosecutions under [NRS 613.040](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec040) to [613.070](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec070), inclusive, the person, firm or corporation violating the provisions of [NRS 613.040](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec040) to [613.070](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec070), inclusive, shall be held responsible for the acts of his, her or its managers, officers, agents and employees.

      [Part 2:62:1915; 1919 RL p. 3391; NCL § 10603]

**NRS 613.070  Recovery of damages by employee.**Nothing contained in [NRS 613.040](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec040) to [613.060](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec060), inclusive, shall be construed to prevent the injured employee from recovering damages from his or her employer for injury suffered through a violation of [NRS 613.040](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec040) to [613.060](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec060), inclusive.

      [3:62:1915; 1919 RL p. 3391; NCL § 10604]

**RECORDS REGARDING EMPLOYEES**

**NRS 613.075  Inspection by person who is subject of records; provision of copies upon request; cost of copies; person permitted to submit written explanation in response to information in records and to challenge accuracy; limitations.**

      1.  Any person or governmental entity who employs and has under his or her direction and control any person for wages or under a contract of hire, or any labor organization referring a person to an employer for employment, shall, upon the request of that employee or person referred:

      (a) Give the employee or person referred a reasonable opportunity, during the usual hours of business, to inspect any records kept by that employer or labor organization containing information used:

             (1) By the employer or labor organization to determine the qualifications of that employee and any disciplinary action taken against the employee, including termination from that employment; or

             (2) By the labor organization with respect to that person’s position on its list concerning past, present and future referrals for employment; and

      (b) Furnish the employee or person referred with a copy of those records.

 The records to be made available do not include confidential reports from previous employers or investigative agencies, other confidential investigative files concerning the employee or person referred or information concerning the investigation, arrest or conviction of that person for a violation of any law.

      2.  An employer or labor organization shall allow an employee or person referred to submit a reasonable written explanation in direct response to any written entry in the records of employment regarding the employee or person. Any such written explanation must be reasonable in length, in a format prescribed by the employer and maintained by the employer or labor organization in the records of employment.

      3.  An employer or labor organization shall not maintain a secret record of employment regarding an employee or person referred.

      4.  Upon termination of employment, an employer shall allow an employee to inspect the employee’s records of employment within 60 days after his or her termination of employment and shall, if requested by that former employee within that period, furnish the former employee with a copy of those records.

      5.  An employer or labor organization may only charge an employee or person referred an amount equal to the actual cost of providing access to and copies of his or her records of employment.

      6.  The employee or person referred shall, if the employee or person contends that any information contained in the records is inaccurate or incomplete, notify his or her employer or the labor organization in writing of that contention. If the employer or labor organization finds that the contention of that employee or person is correct, it shall change the information accordingly.

      7.  No copies may be furnished to an employee or former employee under this section unless the employee or former employee has been or was employed for more than 60 days.

      (Added to NRS by [1985, 1080](https://www.leg.state.nv.us/Statutes/63rd/Stats198505.html#Stats198505page1080); A [1997, 1024](https://www.leg.state.nv.us/Statutes/69th/Stats199707.html#Stats199707page1024))

**MISCELLANEOUS PROVISIONS**

**NRS 613.080  Involuntary servitude prohibited; wages; penalty.**

      1.  The immigration to this State of all slaves and other people bound by contract to involuntary servitude for a term of years is hereby prohibited.

      2.  It is unlawful for any company, person or persons to collect the wages or compensation for the labor of the persons described in subsection 1.

      3.  It is unlawful for any corporation, company, person or persons to pay to any owner or agent of the owner of any such persons mentioned in subsection 1 any wages or compensation for the labor of such slaves or persons so bound by the contract to involuntary servitude.

      4.  Unless a greater penalty is provided in [NRS 200.463](https://www.leg.state.nv.us/NRS/NRS-200.html#NRS200Sec463), [200.4631](https://www.leg.state.nv.us/NRS/NRS-200.html#NRS200Sec4631), [200.464](https://www.leg.state.nv.us/NRS/NRS-200.html#NRS200Sec464) or [200.468](https://www.leg.state.nv.us/NRS/NRS-200.html#NRS200Sec468), a violation of any of the provisions of this section is a gross misdemeanor.

      [1:99:1879; BH § 4764; C § 4856; RL § 6847; NCL § 10607] + [2:99:1879; BH § 4765; C § 4857; RL § 6848; NCL § 10608] + [3:99:1879; BH § 4766; C § 4858; RL § 6849; NCL § 10609] + [4:99:1879; BH § 4767; C § 4859; RL § 6850; NCL § 10610] — (NRS A [1967, 632](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page632); [2005, 91](https://www.leg.state.nv.us/Statutes/73rd/Stats200502.html#Stats200502page91); [2007, 1271](https://www.leg.state.nv.us/Statutes/74th/Stats200711.html#Stats200711page1271); [2013, 1859](https://www.leg.state.nv.us/Statutes/77th2013/Stats201311.html#Stats201311page1859))

**NRS 613.090  Obtaining employment by false or forged letter of recommendation or union card: Penalty.**Every person who obtains employment by color or aid of any false or forged letter, certificate of recommendation or union card is guilty of a misdemeanor.

      [Part 1911 C&P § 522; RL § 6787; NCL § 10468] — (NRS A [1977, 311](https://www.leg.state.nv.us/Statutes/59th/Stats197702.html#Stats197702page311))

**NRS 613.100  Endangering life or property by breaking employment contract: Penalty.**Every person who shall willfully and maliciously, either alone or in combination with others, break a contract of service or employment, knowing or having reasonable cause to believe that the consequence of his or her so doing will be to endanger human life or to cause grievous bodily injury or to expose valuable property to destruction or serious injury, shall be guilty of a misdemeanor.

      [1911 C&P § 323; RL § 6588; NCL § 10271]

**NRS 613.110  Grafting by employee: Penalty.**Every agent, employee or servant of any person or corporation who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon any agreement or understanding that he or she shall act in any particular manner in connection with his or her principal’s, employer’s or master’s business, or who, being authorized to purchase or contract for materials, supplies or other articles or to employ servants or labor for his or her principal, employer or master, shall ask or receive, directly or indirectly, for himself, herself or another, a commission, percentage, discount, bonus or promise thereof from any person with whom he or she may deal in relation to such matters, shall be guilty of a gross misdemeanor.

      [Part 1911 C&P § 521; RL § 6786; NCL § 10467]

**NRS 613.120  Unlawful to demand or receive fee or commission as condition to giving or continuing employment to worker; penalty.**

      1.  It shall be unlawful for any manager, superintendent, officer, agent, servant, foreman, shift boss or other employee of any person or corporation, charged or entrusted with the employment of any workers or laborers, or with the continuance of workers or laborers in employment, to demand or receive, either directly or indirectly, from any worker or laborer, employed through his or her agency or worked or continued in employment under his or her direction or control, any fee, commission or gratuity of any kind or nature as the price or condition of the employment of any such worker or laborer, or as the price or condition of his or her continuance in such employment.

      2.  Any such manager, superintendent, officer, agent, servant, foreman, shift boss or other employee of any person or corporation, charged or entrusted with the employment of laborers or workers for his or her principal, or under whose direction or control such workers and laborers are engaged in work and labor for such principal, who shall demand or receive, either directly or indirectly, any fee, commission or gratuity of any kind or nature from any worker or laborer employed by him or her or through his or her agency or worked under his or her direction and control, either as the price and condition of the employment of such worker or laborer or as the price and condition of the continuance of such worker or laborer in such employment, shall be guilty of a misdemeanor.

      [1:51:1915; 1919 RL p. 3392; NCL § 10605] — (NRS A [1967, 632](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page632))

**NRS 613.125  Effect of employer’s failure to make agreed payments to health or welfare fund; penalty.**

      1.  Whenever an employer has agreed with any employee to make payments to a health or welfare fund or other such plan for the benefit of the employees, or has entered into a collective bargaining agreement providing for such payments, it shall be unlawful for such employer willfully or with intent to defraud to fail to make the payments required by the terms of any such agreement.

      2.  Any employer who violates any provision of this section shall be guilty of a misdemeanor.

      (Added to NRS by 1957, 174)

**NRS 613.130  Unlawful agreements concerning membership in labor organizations as condition of obtaining or continuing employment; penalty.**

      1.  As used in this section, “labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

      2.  It shall be unlawful for any person, firm or corporation to make or enter into any agreement, either oral or in writing, by the terms of which any employee of such person, firm or corporation, or any person about to enter the employ of such person, firm or corporation, as a condition for continuing or obtaining such employment, shall be required not to become or continue a member of any labor organization, or shall be required to become or continue a member of any labor organization.

      3.  Any person or persons, firm or firms, corporation or corporations violating the provisions of this section shall be guilty of a misdemeanor.

      [1911 C&P § 527; A 1951, 111] + [1911 C&P § 528; RL § 6793; NCL § 10474] — (NRS A [1967, 633](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page633))

**NRS 613.135  Unlawful acts of employer relating to social media account of employee or prospective employee.**

      1.  It is unlawful for any employer in this State to:

      (a) Directly or indirectly, require, request, suggest or cause any employee or prospective employee to disclose the user name, password or any other information that provides access to his or her personal social media account.

      (b) Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee who refuses, declines or fails to disclose the user name, password or any other information that provides access to his or her personal social media account.

      2.  It is not unlawful for an employer in this State to require an employee to disclose the user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer’s own internal computer or information system.

      3.  Nothing in this section shall be construed to prevent an employer from complying with any state or federal law or regulation or with any rule of a self-regulatory organization, as defined in [NRS 90.300](https://www.leg.state.nv.us/NRS/NRS-090.html#NRS090Sec300).

      4.  As used in this section, “social media account” means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, electronic mail programs or services, online services or Internet website profiles.

      (Added to NRS by [2013, 3733](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3733))

**NRS 613.140  Employer compelling or inducing employee to trade at particular store or board at particular boardinghouse: Penalty.**Any person or persons, employer, company, corporation or association, or the managing agent of any person or persons, employer, company, corporation or association, doing or conducting business in this state, who by coercion, intimidation, threats or undue influence compels or induces his or her employees to trade at any particular store or board at any particular boardinghouse in this state shall be guilty of a misdemeanor.

      [1911 C&P § 526; RL § 6791; NCL § 10472] — (NRS A [1967, 633](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page633))

**NRS 613.150  Transportation company compelling purchase of uniform from particular person or employer as condition of continuing employment unlawful; penalty.**

      1.  It shall be unlawful for any transportation company doing business in the State of Nevada, or any officer, agent or servant of such transportation company, to require any employee as a condition of continued employment, or otherwise to require or compel or attempt to require or compel any such employee, to purchase of any such transportation company or of any particular person, firm or corporation, or at any particular place or places, any uniform or other clothing or apparel required by any such transportation company to be used by any such employee in the performance of the employee’s duty as such. Any such transportation company, or any officer, agent or servant thereof, who shall order or require any person in its employ to purchase any uniform or other clothing or apparel as aforesaid shall be deemed to have required such purchase as a condition of such employee’s continued employment.

      2.  Any transportation company doing business in the State of Nevada, or any officer, agent or servant thereof, violating any of the provisions of this section shall be guilty of a misdemeanor.

      [Part 1:132:1913; 1919 RL p. 2983; NCL § 6330] + [Part 2:132:1913; 1919 RL p. 2983; NCL § 6331] — (NRS A [1967, 633](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page633))

**NRS 613.160  Spotters: Right of employee to be confronted with accuser; penalty.**

      1.  It is unlawful for any person, firm, association or corporation, or agent, superintendent or manager thereof, employing any special agent, detective or person commonly known as a spotter for the purpose of investigating, obtaining and reporting to the employer or the employer’s agent, superintendent or manager information concerning his or her employees, to discipline or discharge any employee in his or her service, where the act of discipline or the discharge is based upon a report by a special agent, detective or spotter which involves a question of integrity, honesty or a breach of rules of the employer, unless the employer or the employer’s agent, superintendent or manager gives notice and a hearing to the employee thus accused, when requested by the employee, at which hearing the accused employee must have the opportunity to confront the person making the report and must have the right to furnish testimony in his or her defense.

      2.  Any person, corporation, firm, association or employer who violates any provision of this section is liable to the State of Nevada for a penalty of $5,000 for each offense. The penalty must be recovered and the suit must be brought in the name of the State of Nevada in a court of proper jurisdiction by the Attorney General, or under his or her direction by the district attorney in any county having proper jurisdiction.

      3.  If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney’s fees, may be recovered by the Attorney General or district attorney, as appropriate.

      [1:41:1915; 1919 RL p. 2775; NCL § 2770] + [2:41:1915; 1919 RL p. 2775; NCL § 2771] — (NRS A [1993, 900](https://www.leg.state.nv.us/Statutes/67th/Stats199304.html#Stats199304page900))

**NRS 613.170  Time checks: Discounts and deductions unlawful.**

      1.  Whenever any person or persons, firm, corporation or association, whether acting as principal or agent, contractor or subcontractor, shall hire or employ any other person or persons for the performance of any labor or service, and shall issue to such person or persons time checks for the labor or service performed, it shall be unlawful for the person or persons, firm, corporation or association issuing such time checks to discount the same or deduct therefrom any portion of the same as such discount.

      2.  Any employer of labor, or agent or representative thereof, violating the provisions of subsection 1 shall be guilty of a misdemeanor.

      3.  Nothing in subsections 1 and 2 shall apply to persons, firms, associations or corporations making discounts, deductions, or pro rata payments in the course of bankruptcy or insolvency proceedings, or in the settlement of the estates of deceased persons.

      [1911 C&P § 523; RL § 6788; NCL § 10469] + [1911 C&P § 524; RL § 6789; NCL § 10470] + [1911 C&P § 525; RL § 6790; NCL § 10471] — (NRS A [1967, 634](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page634))

**NRS 613.180  Hospital fees: Unlawful collection from employee.**

      1.  For the purpose of this section:

      (a) “Distance and facilities for the comfort and conveyance of any patient” shall be construed to mean the nearest hospital and the most comfortable means of conveyance at hand or that can be procured in a reasonable time.

      (b) “Town or place” shall be construed to mean any town, headquarters or place, at which town, headquarters or place, and tributary places, sufficient hospital fees are collected to maintain a hospital in keeping with the hospital fees collected.

      2.  It is unlawful for any person or persons, contractor or contractors, firm, company, corporation or association, or the managing agent of any person or persons, contractor or contractors, firm, company, corporation or association, to collect, demand, force, compel or require, either monthly, annually or for any other period of time, any sum of money for hospital fees from any person or laborer at any place in this state where no convenient, comfortable and well-equipped hospital is maintained at some town or place for the accommodation, relief and treatment of persons in his, her or their employ, and from whom hospital fees are collected; provided:

      (a) That any person or persons, contractor or contractors, firm, company, corporation or association, or the managing agent of the same, may care for or cause to be cared for any person in his, her or their employ, from whom hospital fees are collected, at any private or public hospital, sanitarium or other convenient and comfortable place, without expense to the person or patient from whom hospital fees are collected; and

      (b) That the distance and facilities for the comfort and conveyance of any patient come within the intent and meaning of subsection 1.

      3.  If at the nearest hospital the proper medical treatment cannot be secured, then it shall not be unlawful to take any person or patient a greater distance or to another hospital.

      4.  Any person or persons violating the provisions of this section shall be guilty of a misdemeanor.

      [1:84:1903; RL § 1943; NCL § 2796] + [2:84:1903; RL § 1944; NCL § 2797] + [3:84:1903; RL § 1945; NCL § 2798] — (NRS A [1967, 634](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page634))

**NRS 613.190  Corrupt influencing of employee unlawful.**Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any agent, employee or servant of any person or corporation, with intent to influence the action of the agent, employee or servant in relation to his or her principal’s, employer’s or master’s business, shall be guilty of a gross misdemeanor.

      [1911 C&P § 531; RL § 6796; NCL § 10477]

**NRS 613.200  Prevention of employment of person who has been discharged or who terminates employment unlawful; criminal and administrative penalties; exception.**

      1.  Except as otherwise provided in this section, any person, association, company or corporation within this State, or any agent or officer on behalf of the person, association, company or corporation, who willfully does anything intended to prevent any person who for any cause left or was discharged from his, her or its employ from obtaining employment elsewhere in this State is guilty of a gross misdemeanor and shall be punished by a fine of not more than $5,000.

      2.  In addition to any other remedy or penalty, the Labor Commissioner may impose against each culpable party an administrative penalty of not more than $5,000 for each such violation.

      3.  If a fine or an administrative penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney’s fees, may be recovered by the Labor Commissioner.

      4.  The provisions of this section do not prohibit a person, association, company, corporation, agent or officer from negotiating, executing and enforcing an agreement with an employee of the person, association, company or corporation which, upon termination of the employment, prohibits the employee from:

      (a) Pursuing a similar vocation in competition with or becoming employed by a competitor of the person, association, company or corporation; or

      (b) Disclosing any trade secrets, business methods, lists of customers, secret formulas or processes or confidential information learned or obtained during the course of his or her employment with the person, association, company or corporation,

 if the agreement is supported by valuable consideration and is otherwise reasonable in its scope and duration.

      [1911 C&P § 514; RL § 6779; NCL § 10461] — (NRS A [1967, 635](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page635); [1993, 901](https://www.leg.state.nv.us/Statutes/67th/Stats199304.html#Stats199304page901); [1995, 1039](https://www.leg.state.nv.us/Statutes/68th/Stats199506.html#Stats199506page1039); [2003, 797](https://www.leg.state.nv.us/Statutes/72nd/Stats200306.html#Stats200306page797))

**NRS 613.210  Blacklists unlawful; recommendations and statements to be provided employee by employer.**

      1.  As used in this section, “employee” means every person who has entered upon service or employment of an employer, and the employment shall be deemed to commence from the date of the entry or performance of any service. Any contract of employment, rule, regulation or device to the contrary is void.

      2.  A person shall not blacklist or cause to be blacklisted or publish the name of or cause to be published the name of any employee, mechanic or laborer discharged by that person with the intent to prevent that employee, mechanic or laborer from engaging in or securing similar or other employment from any other person.

      3.  If any officer or agent of any person blacklists or causes to be blacklisted or publishes the name of or causes to be published the name of any employee, mechanic or laborer discharged by that person with the intent to prevent that employee, mechanic or laborer from engaging in or securing similar or other employment from any other person in any manner conspires or contrives, by correspondence or otherwise, to prevent that discharged employee from procuring employment, the officer or agent, as applicable, is guilty of a misdemeanor.

      4.  Subsections 2 and 3 do not prohibit any person from giving in writing, at the time the employee leaves or is discharged from the service of the employer, a truthful statement of the reason for such leaving of the service or discharge of that employee, nor do subsections 2 and 3 prevent any employer from giving any employee or former employee any statement with reference to any meritorious services which the employee may have rendered to that employer. The employer shall supply statements as provided in this subsection upon demand from the employee, but no such statement is required unless the employee has been in service for a period of not less than 60 days. Only one such statement may be issued to that employee.

      [1911 C&P § 515; RL § 6780; NCL § 10462] + [1911 C&P § 516; RL § 6781; NCL § 10463] + [1911 C&P § 517; A 1915, 275; 1919 RL § 6782; NCL § 10464] — (NRS A [1967, 635](https://www.leg.state.nv.us/Statutes/54th/Stats196704.html#Stats196704page635); [1987, 1312](https://www.leg.state.nv.us/Statutes/64th/Stats198706.html#Stats198706page1312))

**NRS 613.220  Assembling and cooperation of employees to secure increases in wages unrestricted.**No part of this chapter shall be construed to restrict or prohibit the orderly and peaceable assembling or cooperation of persons employed in any profession, trade or handicraft for the purpose of securing an advance in the rate of wages or compensation, or for the maintenance of such rate.

      [1911 C&P § 536; RL § 6801; NCL § 10482]

**NRS 613.225  Labor Commissioner to adopt regulations to establish certain procedures required by 42 U.S.C. § 607(f).**The Labor Commissioner shall adopt regulations to establish the procedures required pursuant to 42 U.S.C. § 607(f).

      (Added to NRS by [1997, 2346](https://www.leg.state.nv.us/Statutes/69th/Stats199715.html#Stats199715page2346))

**RIGHT TO WORK**

**NRS 613.230  “Labor organization” defined.**As used in [NRS 613.230](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec230) to [613.300](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec300), inclusive, the term “labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment.

      [1:1:1953]

**NRS 613.250  Agreements prohibiting employment because of nonmembership in labor organization prohibited.**No person shall be denied the opportunity to obtain or retain employment because of nonmembership in a labor organization, nor shall the State, or any subdivision thereof or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of nonmembership in a labor organization.

      [2:1:1953]

**NRS 613.260  Certain contracts declared illegal and void.**Any act or any provision in any agreement which is in violation of [NRS 613.230](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec230) to [613.300](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec300), inclusive, shall be illegal and void. Any strike or picketing to force or induce any employer to make an agreement in writing or orally in violation of [NRS 613.230](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec230) to [613.300](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec300), inclusive, shall be for an illegal purpose.

      [3:1:1953]

**NRS 613.270  Compelling person to join labor organization or to strike against own will or to leave employment prohibited.**It shall be unlawful for any employee, labor organization, or officer, agent or member thereof to compel or attempt to compel any person to join any labor organization or to strike against the person’s will or to leave employment by any threatened or actual interference with his or her person, immediate family or property.

      [4:1:1953]

**NRS 613.280  Conspiracy.**Any combination or conspiracy by two or more persons to cause the discharge of any person or to cause such person to be denied employment because he or she is not a member of a labor organization, by inducing or attempting to induce any other person to refuse to work with such person, shall be illegal.

      [5:1:1953]

**NRS 613.290  Liability for damages.**Any person who violates any provision of [NRS 613.230](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec230) to [613.300](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec300), inclusive, or who enters into any agreement containing a provision declared illegal by [NRS 613.230](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec230) to [613.300](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec300), inclusive, or who shall bring about the discharge or the denial of employment of any person because of nonmembership in a labor organization shall be liable to the person injured as a result of such act or provision and may be sued therefor, and in any such action any labor organization, subdivision or local thereof shall be held to be bound by the acts of its duly authorized agents acting within the scope of their authority and may sue or be sued in its common name.

      [6:1:1953]

**NRS 613.300  Injunctive relief.**Any person injured or threatened with injury by an act declared illegal by [NRS 613.230](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec230) to [613.300](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec300), inclusive, shall, notwithstanding any other provision of the law to the contrary, be entitled to injunctive relief therefrom.

      [7:1:1953]

**EQUAL OPPORTUNITIES FOR EMPLOYMENT**

**NRS 613.310  Definitions.**As used in [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, unless the context otherwise requires:

      1.  “Disability” means, with respect to a person:

      (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

      (b) A record of such an impairment; or

      (c) Being regarded as having such an impairment.

      2**.  “Employer” means any person who has 15 or more employees for each working day** in each of 20 or more calendar weeks in the current or preceding calendar year, **but does not include**:

      (a) The United States or any corporation wholly owned by the United States.

      (b) Any Indian tribe.

      (c) **Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).**

      3.  “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

      4.  “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

      5.  “Labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

      6.  “Person” includes the State of Nevada and any of its political subdivisions.

      7.  “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

      (Added to NRS by [1965, 691](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page691); A [1985, 533](https://www.leg.state.nv.us/Statutes/63rd/Stats198503.html#Stats198503page533); [1989, 690](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page690); [1991, 1023](https://www.leg.state.nv.us/Statutes/66th/Stats199105.html#Stats199105page1023), [1982](https://www.leg.state.nv.us/Statutes/66th/Stats199109.html#Stats199109page1982); [1997, 77](https://www.leg.state.nv.us/Statutes/69th/Stats199701.html#Stats199701page77); [1999, 1937](https://www.leg.state.nv.us/Statutes/70th/Stats199912.html#Stats199912page1937), [2875](https://www.leg.state.nv.us/Statutes/70th/Stats199918.html#Stats199918page2875); [2001, 206](https://www.leg.state.nv.us/Statutes/71st/Stats200101.html#Stats200101page206); [2007, 2176](https://www.leg.state.nv.us/Statutes/74th/Stats200718.html#Stats200718page2176); [2011, 495](https://www.leg.state.nv.us/Statutes/76th2011/Stats201104.html#Stats201104page495))

**NRS 613.320  Applicability.**

      1.  The provisions of [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, do not apply to:

      (a) Any employer with respect to employment outside this state.

      (b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

      2.  The provisions of [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, concerning unlawful employment practices related to sexual orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

      (Added to NRS by [1965, 691](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page691); A [1999, 1938](https://www.leg.state.nv.us/Statutes/70th/Stats199912.html#Stats199912page1938); [2011, 496](https://www.leg.state.nv.us/Statutes/76th2011/Stats201104.html#Stats201104page496))

**NRS 613.325  Authority of Nevada Equal Rights Commission to adopt regulations relating to federal statutes.**The Nevada Equal Rights Commission may adopt regulations, consistent with the provisions of 42 U.S.C. §§ 12101 et seq., setting forth:

      1.  The types of examinations which an employer may require; and

      2.  Any defenses which are available to an employer,

 relating to the subject matter of those provisions.

      (Added to NRS by [1991, 1982](https://www.leg.state.nv.us/Statutes/66th/Stats199109.html#Stats199109page1982))

**NRS 613.330  Unlawful employment practices: Discrimination on basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; interference with aid or appliance for disability; refusal to permit service animal at place of employment.**

      1.  Except as otherwise provided in [NRS 613.350](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec350), it is an unlawful employment practice for an employer:

      (a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person’s compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

      (b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

      2.  It is an unlawful employment practice for an employment agency to:

      (a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; or

      (b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person.

      3.  It is an unlawful employment practice for a labor organization:

      (a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

      (b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person’s employment opportunities or otherwise adversely affect the person’s status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

      (c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

      4.  It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

      5.  Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

      6.  It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee’s service animal with him or her at all times in his or her place of employment, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

      7.  As used in this section, “service animal” has the meaning ascribed to it in [NRS 426.097](https://www.leg.state.nv.us/NRS/NRS-426.html#NRS426Sec097).

      (Added to NRS by [1965, 691](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page691); A [1967, 108](https://www.leg.state.nv.us/Statutes/54th/Stats196701.html#Stats196701page108); [1971, 1056](https://www.leg.state.nv.us/Statutes/56th/Stats197105.html#Stats197105page1056); [1973, 981](https://www.leg.state.nv.us/Statutes/57th/Stats197305.html#Stats197305page981), [1497](https://www.leg.state.nv.us/Statutes/57th/Stats197307.html#Stats197307page1497); [1981, 1300](https://www.leg.state.nv.us/Statutes/61st/Stats198107.html#Stats198107page1300), [1920](https://www.leg.state.nv.us/Statutes/61st/Stats198110.html#Stats198110page1920); [1991, 1024](https://www.leg.state.nv.us/Statutes/66th/Stats199105.html#Stats199105page1024); [1995, 1993](https://www.leg.state.nv.us/Statutes/68th/Stats199510.html#Stats199510page1993); [1999, 1938](https://www.leg.state.nv.us/Statutes/70th/Stats199912.html#Stats199912page1938); [2003, 2976](https://www.leg.state.nv.us/Statutes/72nd/Stats200324.html#Stats200324page2976); [2005, 631](https://www.leg.state.nv.us/Statutes/73rd/Stats200507.html#Stats200507page631); [2011, 496](https://www.leg.state.nv.us/Statutes/76th2011/Stats201104.html#Stats201104page496); [2015, 271](https://www.leg.state.nv.us/Statutes/78th2015/Stats201503.html#Stats201503page271))

**NRS 613.333  Unlawful employment practices: Discrimination for lawful use of any product outside premises of employer which does not adversely affect job performance or safety of other employees.**

      1.  It is an unlawful employment practice for an employer to:

      (a) Fail or refuse to hire a prospective employee; or

      (b) Discharge or otherwise discriminate against any employee concerning the employee’s compensation, terms, conditions or privileges of employment,

 because the employee engages in the lawful use in this state of any product outside the premises of the employer during the employee’s nonworking hours, if that use does not adversely affect the employee’s ability to perform his or her job or the safety of other employees.

      2.  An employee who is discharged or otherwise discriminated against in violation of subsection 1 or a prospective employee who is denied employment because of a violation of subsection 1 may bring a civil action against the employer who violates the provisions of subsection 1 and obtain:

      (a) Any wages and benefits lost as a result of the violation;

      (b) An order of reinstatement without loss of position, seniority or benefits;

      (c) An order directing the employer to offer employment to the prospective employee; and

      (d) Damages equal to the amount of the lost wages and benefits.

      3.  The court shall award reasonable costs, including court costs and attorney’s fees to the prevailing party in an action brought pursuant to this section.

      4.  The remedy provided for in this section is the exclusive remedy for an action brought pursuant to this section.

      (Added to NRS by [1991, 942](https://www.leg.state.nv.us/Statutes/66th/Stats199105.html#Stats199105page942))

**NRS 613.335  Unlawful employment practices: Refusal to grant leave to pregnant employees.**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.

      (Added to NRS by [1989, 690](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page690))

**NRS 613.340  Unlawful employment practices: Discrimination for opposing unlawful practice or assisting investigation; printing or publication of material indicating prohibited discrimination.**

      1.  It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive.

      2.  It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.

      (Added to NRS by [1965, 692](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page692); A [1967, 109](https://www.leg.state.nv.us/Statutes/54th/Stats196701.html#Stats196701page109); [1973, 982](https://www.leg.state.nv.us/Statutes/57th/Stats197305.html#Stats197305page982); [1975, 1456](https://www.leg.state.nv.us/Statutes/58th/Stats197507.html#Stats197507page1456); [1991, 1025](https://www.leg.state.nv.us/Statutes/66th/Stats199105.html#Stats199105page1025); [1999, 1939](https://www.leg.state.nv.us/Statutes/70th/Stats199912.html#Stats199912page1939); [2011, 497](https://www.leg.state.nv.us/Statutes/76th2011/Stats201104.html#Stats201104page497))

**NRS 613.345  Unlawful employment practices: Requiring or encouraging current or prospective employees and members of labor organizations to submit to genetic test; denying or altering employment or membership in labor organization based on genetic information.**

      1.  It is an unlawful employment practice for an employer, a labor organization or an employment agency:

      (a) To ask or encourage a prospective or current employee or member of the labor organization to submit to a genetic test.

      (b) To require or administer a genetic test to a person as a condition of employment or membership in the labor organization.

      (c) To deny employment or membership in the labor organization based on genetic information.

      (d) To alter the terms, conditions or privileges of employment or membership in the labor organization based on genetic information.

      (e) To terminate employment or membership in the labor organization based on genetic information.

      2.  As used in this section:

      (a) “Genetic information” means information that is obtained from a genetic test.

      (b) “Genetic test” means a test that uses deoxyribonucleic acid extracted from the cells of a person, or a diagnostic test that uses another substance extracted or otherwise obtained from the body of a person, which determines the presence of an abnormality or deficiency that:

             (1) Is linked to a physical or mental disorder or impairment; or

             (2) Indicates a susceptibility to an illness, a disease, an impairment or another physical or mental disorder.

 The term does not include a test to determine the presence of alcohol or a controlled substance in the system of the person tested.

      (Added to NRS by [1999, 2874](https://www.leg.state.nv.us/Statutes/70th/Stats199918.html#Stats199918page2874))

**NRS 613.350  Lawful employment practices.**

      1.  It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in those instances where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

      2.  It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.

      3.  It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.

      4.  It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.

      5.  It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees’ benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.

      6.  It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee’s gender identity or expression.

      (Added to NRS by [1965, 692](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page692); A [1967, 109](https://www.leg.state.nv.us/Statutes/54th/Stats196701.html#Stats196701page109); [1971, 1057](https://www.leg.state.nv.us/Statutes/56th/Stats197105.html#Stats197105page1057); [1973, 982](https://www.leg.state.nv.us/Statutes/57th/Stats197305.html#Stats197305page982); [1975, 1457](https://www.leg.state.nv.us/Statutes/58th/Stats197507.html#Stats197507page1457); [1981, 1301](https://www.leg.state.nv.us/Statutes/61st/Stats198107.html#Stats198107page1301); [1987, 2265](https://www.leg.state.nv.us/Statutes/64th/Stats198710.html#Stats198710page2265); [1991, 1025](https://www.leg.state.nv.us/Statutes/66th/Stats199105.html#Stats199105page1025); [1999, 1940](https://www.leg.state.nv.us/Statutes/70th/Stats199912.html#Stats199912page1940); [2011, 498](https://www.leg.state.nv.us/Statutes/76th2011/Stats201104.html#Stats201104page498))

**NRS 613.370  National security.**Notwithstanding any other provision of [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, it is not an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if:

      1.  The occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any executive order of the President; and

      2.  Such individual has not fulfilled or has ceased to fulfill that requirement.

      (Added to NRS by [1965, 693](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page693))

**NRS 613.380  Consideration of seniority, quantity or quality of production and other tests of ability permitted.**Notwithstanding any other provision of [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, it is not an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if those differences are not the result of an intention to discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, nor is it an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, if the test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

      (Added to NRS by [1965, 693](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page693); A [1967, 110](https://www.leg.state.nv.us/Statutes/54th/Stats196701.html#Stats196701page110); [1973, 983](https://www.leg.state.nv.us/Statutes/57th/Stats197305.html#Stats197305page983); [1975, 1458](https://www.leg.state.nv.us/Statutes/58th/Stats197507.html#Stats197507page1458); [1991, 1026](https://www.leg.state.nv.us/Statutes/66th/Stats199105.html#Stats199105page1026); [1999, 1941](https://www.leg.state.nv.us/Statutes/70th/Stats199912.html#Stats199912page1941); [2011, 499](https://www.leg.state.nv.us/Statutes/76th2011/Stats201104.html#Stats201104page499))

**NRS 613.385  Preferential treatment in hiring veteran or spouse of veteran permitted.**

      1.  A private employer may adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Such a policy must be applied uniformly to employment decisions regarding the hiring or promotion of a veteran or the spouse of a veteran or the retention of a veteran or the spouse of a veteran during a reduction in the workforce.

      2.  A private employer who gives preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1 does not violate any local or state equal employment law.

      3.  The Nevada Equal Rights Commission may, upon receipt of a written complaint from a prospective employee of a private employer who has adopted an employment policy giving preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1, review the employment policy to determine whether the policy is being applied uniformly in accordance with subsection 1. If the Commission determines that an employment policy is not being applied uniformly, the Commission shall cause written notice of its findings, including the recommendations of the Commission, to be provided to the employer and prospective employee. Upon receipt of a notice from the Commission that an employment policy is not being applied uniformly, the employer shall revise his or her employment policy consistent with the recommendations of the Commission.

      4.  As used in this section:

      (a) “Private employer” has the meaning ascribed to it in [NRS 616A.295](https://www.leg.state.nv.us/NRS/NRS-616A.html#NRS616ASec295).

      (b) “Veteran” has the meaning ascribed to it in [NRS 417.005](https://www.leg.state.nv.us/NRS/NRS-417.html#NRS417Sec005).

      (Added to NRS by [2015, 3861](https://www.leg.state.nv.us/Statutes/78th2015/Stats201535.html#Stats201535page3861))

**NRS 613.390  Inapplicability to employment by certain businesses on or near Indian reservation.**Nothing contained in [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

      (Added to NRS by [1965, 694](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page694))

**NRS 613.400  Preferential treatment of certain persons on account of imbalance in existing number or percentage of those persons employed not required.**Nothing contained in [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, requires any employer, employment agency, labor organization or joint labor-management committee subject to [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, to grant preferential treatment to any person or to any group because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of the individual or group on account of an imbalance which exists with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of that race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in any community, section or other area, or in the available workforce in any community, section or other area.

      (Added to NRS by [1965, 694](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page694); A [1967, 110](https://www.leg.state.nv.us/Statutes/54th/Stats196701.html#Stats196701page110); [1973, 984](https://www.leg.state.nv.us/Statutes/57th/Stats197305.html#Stats197305page984); [1975, 1458](https://www.leg.state.nv.us/Statutes/58th/Stats197507.html#Stats197507page1458); [1991, 1027](https://www.leg.state.nv.us/Statutes/66th/Stats199105.html#Stats199105page1027); [1999, 1941](https://www.leg.state.nv.us/Statutes/70th/Stats199912.html#Stats199912page1941); [2011, 499](https://www.leg.state.nv.us/Statutes/76th2011/Stats201104.html#Stats201104page499))

**NRS 613.405  Complaints concerning unlawful employment practices filed with Nevada Equal Rights Commission.**Any person injured by an unlawful employment practice within the scope of [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

      (Added to NRS by [1969, 725](https://www.leg.state.nv.us/Statutes/55th/Stats196904.html#Stats196904page725); A [1973, 984](https://www.leg.state.nv.us/Statutes/57th/Stats197305.html#Stats197305page984), [1498](https://www.leg.state.nv.us/Statutes/57th/Stats197307.html#Stats197307page1498); [1975, 222](https://www.leg.state.nv.us/Statutes/58th/Stats197501.html#Stats197501page222), [1458](https://www.leg.state.nv.us/Statutes/58th/Stats197507.html#Stats197507page1458); [1977, 1608](https://www.leg.state.nv.us/Statutes/59th/Stats197707.html#Stats197707page1608); [1989, 691](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page691); [1991, 1027](https://www.leg.state.nv.us/Statutes/66th/Stats199105.html#Stats199105page1027); [1999, 1941](https://www.leg.state.nv.us/Statutes/70th/Stats199912.html#Stats199912page1941); [2011, 500](https://www.leg.state.nv.us/Statutes/76th2011/Stats201104.html#Stats201104page500))

**NRS 613.420  Application to district court for order to restore rights after unfavorable decision by Nevada Equal Rights Commission.**If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of [NRS 613.310](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec310) to [613.435](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec435), inclusive, has occurred, any person alleging such a practice may apply to the district court for an order granting or restoring to that person the rights to which the person is entitled under those sections.

      (Added to NRS by [1965, 694](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page694); A [1975, 223](https://www.leg.state.nv.us/Statutes/58th/Stats197501.html#Stats197501page223); [1983, 518](https://www.leg.state.nv.us/Statutes/62nd/Stats198303.html#Stats198303page518))

**NRS 613.430  Limitation on actions.**No action authorized by [NRS 613.420](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec420) may be brought more than 180 days after the date of the act complained of. When a complaint is filed with the Nevada Equal Rights Commission the limitation provided by this section is tolled as to any action authorized by [NRS 613.420](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec420) during the pendency of the complaint before the Commission.

      (Added to NRS by [1965, 694](https://www.leg.state.nv.us/Statutes/53rd/Stats196504.html#Stats196504page694); A [1969, 726](https://www.leg.state.nv.us/Statutes/55th/Stats196904.html#Stats196904page726); [1975, 223](https://www.leg.state.nv.us/Statutes/58th/Stats197501.html#Stats197501page223); [1977, 1609](https://www.leg.state.nv.us/Statutes/59th/Stats197707.html#Stats197707page1609); [1983, 518](https://www.leg.state.nv.us/Statutes/62nd/Stats198303.html#Stats198303page518))

**NRS 613.435  Expedited appeal for certain actions.**

      1.  The appellate court of competent jurisdiction shall, with regard to an appeal from a final judgment in an action for age discrimination in employment brought pursuant to [NRS 613.420](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec420) or 29 U.S.C. §§ 621-634, provide by rule for the filing of briefs within 6 months after the date of entry of the judgment. The appellate court of competent jurisdiction for good cause shown may grant an extension of time for the filing of such briefs.

      2.  Unless good cause is shown for a later hearing, the appellate court of competent jurisdiction shall, with regard to an appeal to which subsection 1 applies, set the appeal for argument on a date within 60 days after the expiration of the period for filing briefs.

      (Added to NRS by [1997, 77](https://www.leg.state.nv.us/Statutes/69th/Stats199701.html#Stats199701page77); A [2013, 1793](https://www.leg.state.nv.us/Statutes/77th2013/Stats201311.html#Stats201311page1793))

**USE OF LIE DETECTORS**

**NRS 613.440  Definitions.**As used in [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive, unless the context otherwise requires:

      1.  “Employer” includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

      2.  “Lie detector” means a polygraph, voice stress analyzer, psychological stress evaluator or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

      3.  “Polygraph” means an instrument that:

      (a) Visually, permanently and simultaneously records cardiovascular activity, respiratory activity and changes in skin resistance; and

      (b) Is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the veracity of any statement made by the person examined.

      4.  “Polygraphic examination” means a test administered with a polygraph.

      (Added to NRS by [1989, 723](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page723))

**NRS 613.450  Provisions inapplicable to State and its political subdivisions.**The provisions of [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive, do not apply to this state or any political subdivision of this state.

      (Added to NRS by [1989, 724](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page724))

**NRS 613.460  Adoption of regulations; notice of statutory provisions.**

      1.  The Labor Commissioner:

      (a) May adopt any regulations necessary or appropriate to carry out the provisions of [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive; and

      (b) Shall prepare and distribute to employers in this state, a notice setting forth a summary of the provisions of [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive.

      2.  Each employer shall post and maintain the notice in a conspicuous location at the place of employment where notices to employees and applicants for employment are customarily posted and read.

      (Added to NRS by [1989, 723](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page723))

**NRS 613.470  Waiver of rights and procedures void; exception.**Unless stipulated in a written settlement agreement signed by all parties to a pending action or complaint filed pursuant to [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive, any waiver of the rights and procedures provided by [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive, is against public policy and is void.

      (Added to NRS by [1989, 724](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page724))

**NRS 613.480  Unlawful acts of employer.**Except as otherwise provided in [NRS 613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), it is unlawful for any employer in this state to:

      1.  Directly or indirectly, require, request, suggest or cause any employee or prospective employee to take or submit to any lie detector test;

      2.  Use, accept, refer to or inquire concerning the results of any lie detector test of any employee or prospective employee;

      3.  Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee:

      (a) Who refuses, declines or fails to take or submit to any lie detector test; or

      (b) On the basis of the results of any lie detector test; or

      4.  Discharge, discipline, discriminate against in any manner, deny employment or promotion to or threaten to take any such action against any employee or prospective employee who has:

      (a) Filed any complaint or instituted or caused to be instituted any legal proceeding pursuant to [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive;

      (b) Testified or may testify in any legal proceeding instituted pursuant to [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive; or

      (c) Exercised his or her rights, or has exercised on behalf of another person the rights afforded him or her pursuant to [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive.

      (Added to NRS by [1989, 723](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page723))

**NRS 613.490  Liability of employer to employee; attorney’s fees and costs.**

      1.  An employer who violates the provisions of [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive, is liable to the employee or prospective employee affected by the violation. The employer is liable for any legal or equitable relief as may be appropriate, including employment of a prospective employee, reinstatement or promotion of an employee and the payment of lost wages and benefits.

      2.  An action to recover the liability pursuant to subsection 1 may be maintained against the employer by an employee or prospective employee:

      (a) For or on behalf of the employee or prospective employee; and

      (b) On behalf of other employees or prospective employees similarly situated.

 An action must not be commenced pursuant to this section more than 3 years after the date of the alleged violation.

      3.  In any action brought pursuant to this section, the court, in its discretion, may allow the prevailing party reasonable costs, including attorney’s fees.

      (Added to NRS by [1989, 724](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page724))

**NRS 613.500  Administrative penalties; penalties are cumulative; injunctive relief.**

      1.  If any person violates any provision of [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner may impose against the person an administrative penalty of not more than $9,000 for each such violation.

      2.  In determining the amount of any administrative penalty to be imposed against the person, the Labor Commissioner shall consider the previous record of the person in terms of compliance with [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive, and any regulation adopted pursuant thereto, and the severity of the violation. Any administrative penalty imposed against the person is in addition to any other remedy or penalty provided pursuant to [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive.

      3.  The Labor Commissioner may bring a civil action pursuant to this section to restrain violations of [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive, or any regulation adopted pursuant thereto. A court of competent jurisdiction may issue, without bond, a temporary or permanent restraining order or injunction to require compliance with [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.510](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec510), inclusive, or any regulation adopted pursuant thereto, including any legal or equitable relief incident thereto as may be appropriate, such as employment of a prospective employee, reinstatement or promotion of an employee, and the payment of lost wages and benefits.

      (Added to NRS by [1989, 723](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page723); A [2003, 798](https://www.leg.state.nv.us/Statutes/72nd/Stats200306.html#Stats200306page798))

**NRS 613.510  Exemptions from provisions.**

      1.  Except as otherwise provided in subsection 2, the following are exempt from the provisions of [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440) to [613.500](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec500), inclusive:

      (a) Any employer who requests an employee to submit to a polygraphic examination if:

             (1) The examination is administered in connection with an ongoing investigation involving economic loss or injury to the employer’s business, including theft, embezzlement, misappropriation or an act of unlawful industrial espionage or sabotage;

             (2) The employee had access to the property that is the subject of the investigation;

             (3) The employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation; and

             (4) The employer provides to the employee, before the examination, a written statement that:

                   (I) Sets forth with particularity the specific incident or activity being investigated;

                   (II) Is signed by the employer or an agent of the employer;

                   (III) Is retained by the employer for at least 3 years; and

                   (IV) Contains an identification of the specific economic loss or injury to the business, a statement indicating that the employee had access to the property and a statement describing the basis of the employer’s reasonable suspicion that the employee was involved in the incident.

      (b) The use of polygraphic examinations on prospective employees who would be employed to protect:

             (1) Facilities, materials or operations having a significant impact on the health or safety of this state or any political subdivision of this state; or

             (2) Currency, negotiable securities, precious commodities or instruments or proprietary information,

 requested by the potential employer whose primary business is to provide armored car personnel, personnel engaged in the design, installation and maintenance of security alarm systems or other security personnel.

      (c) The use of a polygraphic examination by any employer authorized to manufacture, distribute or dispense a controlled substance if:

             (1) The examination is administered to a prospective employee who would have direct access to the manufacture, storage, distribution or sale of any controlled substance; or

             (2) The examination is administered to a current employee in connection with an ongoing investigation of misconduct involving a controlled substance manufactured, distributed or dispensed by the employer if the employee had access to the property that is the subject of the investigation.

      2.  The exemptions provided in subsection 1 are applicable only if:

      (a) The polygraphic examination is administered by a person who holds a valid license as a polygraphic examiner or intern or is qualified as a polygraphic examiner and is exempt from the requirement of licensing pursuant to the provisions of [chapter 648](https://www.leg.state.nv.us/NRS/NRS-648.html#NRS648) of NRS; and

      (b) The results of a polygraphic examination or the refusal to take a polygraphic examination is not used as the sole basis upon which an adverse employment action is taken against an employee or prospective employee.

      (Added to NRS by [1989, 724](https://www.leg.state.nv.us/Statutes/65th/Stats198904.html#Stats198904page724))

**USE OF CONSUMER CREDIT REPORT OR OTHER CREDIT INFORMATION**

**NRS 613.520  Definitions.**As used in [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 613.530](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec530) to [613.560](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec560), inclusive, have the meanings ascribed to them in those sections.

      (Added to NRS by [2013, 264](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page264), [3731](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3731))

**NRS 613.530  “Consumer credit report” defined.**“Consumer credit report” means any written, oral or other communication of information by a consumer reporting agency bearing on the credit worthiness, credit standing or credit capacity of a person.

      (Added to NRS by [2013, 264](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page264), [3731](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3731))

**NRS 613.540  “Consumer reporting agency” defined.**“Consumer reporting agency” has the meaning ascribed to it in [NRS 686A.640](https://www.leg.state.nv.us/NRS/NRS-686A.html#NRS686ASec640).

      (Added to NRS by [2013, 264](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page264), [3731](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3731))

**NRS 613.550  “Credit information” defined.**“Credit information” means any information that is related to credit and derived from a consumer credit report or found on a consumer credit report. The term does not include information that is not related to credit, regardless of whether it is contained in a consumer credit report.

      (Added to NRS by [2013, 264](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page264), [3731](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3731))

**NRS 613.560  “Employer” defined.**“Employer” has the meaning ascribed to it in subsection 1 of [NRS 613.440](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec440).

      (Added to NRS by [2013, 264](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page264), [3731](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3731))

**NRS 613.570  Unlawful acts of employer relating to consumer credit report or other credit information of employee or prospective employee.**Except as otherwise provided in [NRS 613.580](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec580), it is unlawful for any employer in this State to:

      1.  Directly or indirectly, require, request, suggest or cause any employee or prospective employee to submit a consumer credit report or other credit information as a condition of employment;

      2.  Use, accept, refer to or inquire concerning a consumer credit report or other credit information;

      3.  Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee:

      (a) Who refuses, declines or fails to submit a consumer credit report or other credit information; or

      (b) On the basis of the results of a consumer credit report or other credit information; or

      4.  Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee who has:

      (a) Filed any complaint or instituted or caused to be instituted any legal proceeding pursuant to [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive;

      (b) Testified or may testify in any legal proceeding instituted pursuant to [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive; or

      (c) Exercised his or her rights, or has exercised on behalf of another person the rights afforded to him or her pursuant to [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive.

      (Added to NRS by [2013, 264](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page264), [3731](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3731))

**NRS 613.580  Exceptions.**An employer may request or consider a consumer credit report or other credit information for the purpose of evaluating an employee or prospective employee for employment, promotion, reassignment or retention as an employee if:

      1.  The employer is required or authorized, pursuant to state or federal law, to use a consumer credit report or other credit information for that purpose;

      2.  The employer reasonably believes that the employee or prospective employee has engaged in specific activity which may constitute a violation of state or federal law; or

      3.  The information contained in the consumer credit report or other credit information is reasonably related to the position for which the employee or prospective employee is being evaluated for employment, promotion, reassignment or retention as an employee. The information in the consumer credit report or other credit information shall be deemed reasonably related to such an evaluation if the duties of the position involve:

      (a) The care, custody and handling of, or responsibility for, money, financial accounts, corporate credit or debit cards, or other assets;

      (b) Access to trade secrets or other proprietary or confidential information;

      (c) Managerial or supervisory responsibility;

      (d) The direct exercise of law enforcement authority as an employee of a state or local law enforcement agency;

      (e) The care, custody and handling of, or responsibility for, the personal information of another person;

      (f) Access to the personal financial information of another person;

      (g) Employment with a financial institution that is chartered under state or federal law, including a subsidiary or affiliate of such a financial institution; or

      (h) Employment with a licensed gaming establishment, as defined in [NRS 463.0169](https://www.leg.state.nv.us/NRS/NRS-463.html#NRS463Sec0169).

      (Added to NRS by [2013, 265](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page265), [3731](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3731))

**NRS 613.590  Liability of employer for violation; statute of limitations; attorney’s fees and costs.**

      1.  An employer who violates the provisions of [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive, is liable to the employee or prospective employee affected by the violation. The employer is liable for any legal or equitable relief as may be appropriate, including employment of a prospective employee, reinstatement or promotion of an employee and the payment of lost wages and benefits.

      2.  An action to recover the liability pursuant to subsection 1 may be maintained against the employer by an employee or prospective employee:

      (a) For or on behalf of the employee or prospective employee; and

      (b) On behalf of other employees or prospective employees similarly situated.

 An action must not be commenced pursuant to this section more than 3 years after the date of the alleged violation.

      3.  In any action brought pursuant to this section, the court, in its discretion, may allow the prevailing party reasonable costs, including attorney’s fees.

      (Added to NRS by [2013, 265](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page265), [3732](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3732))

**NRS 613.600  Administrative penalties, penalties are cumulative; injunctive relief.**

      1.  If any person violates [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive, the Labor Commissioner may impose against the person an administrative penalty of not more than $9,000 for each such violation.

      2.  In determining the amount of any administrative penalty to be imposed against the person, the Labor Commissioner shall consider the previous record of the person in terms of compliance with [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive, and the severity of the violation. Any administrative penalty imposed against the person is in addition to any other remedy or penalty provided pursuant to [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive.

      3.  The Labor Commissioner may bring a civil action pursuant to this section to restrain violations of [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive. A court of competent jurisdiction may issue, without bond, a temporary or permanent restraining order or injunction to require compliance with [NRS 613.520](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec520) to [613.600](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec600), inclusive, including any legal or equitable relief incident thereto as may be appropriate, such as employment of a prospective employee, reinstatement or promotion of an employee, and the payment of lost wages and benefits.

      (Added to NRS by [2013, 266](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page266), [3732](https://www.leg.state.nv.us/Statutes/77th2013/Stats201322.html#Stats201322page3732))