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## Nevada Hospitality Employers Face New Virus-Combating Protocols

On August 11, 2020, Nevada Governor signed Senate Bill No. 4 [SB 4] into law, introducing a myriad of new measures to enhance worker safety related to COVID-19 for employers in the hospitality industry. Specifically, employers will have to grapple with new mandatory cleaning standards, a response plan for testing, and paid time off for employees who are experiencing symptoms of COVID-19 or who have been exposed. The Department of Health and Human Services adopted [regulations](#) pursuant to SB4 on August 31, 2020, making the new measures effective **immediately**.

The new protocol requirements are required for all “public accommodations facilities,” defined as:

*“a hotel or casino, resort, hotel, motel, hostel, bed and breakfast facility or other facility offering rooms or areas to the public for monetary compensation or other financial consideration on an hourly, daily or weekly basis.”*

SB 4 also only applies to counties whose populations meet or exceed 100,000 people, and will apply “during any period in which a public health emergency due to SARS-CoV-2 has been declared by the Governor and remains in effect” and when the rate of positive COVID-19 test results for the applicable county exceeds 5% in any rolling 14-day period within the preceding 90 days, or on each day that the number of new cases in the county exceeds 100 per 100,000 residents under the same 14-day period.

SB 4 requires the director of the Department of Health and Human Services to adopt regulations within 20 days of the governor’s approval of three sets of protocols to limit the spread of COVID-19. First, facilities must establish a set of “standards for cleaning that are designed to reduce the transmission of SARS-CoV-2.” These standards include using cleaning products approved by the Environmental Protection Agency for use against coronavirus and regular cleaning of high-contact areas and items. Covered hotels are also prohibited from advising guests to decline in-room housekeeping during their stay. Employers must post a one-page summary of the standards adopted under the first set of protocols in conspicuous locations. The summary must also be provided to employees or a bargaining representative upon request.

Questions? Contact Stokes Wagner.

Second, covered facilities must implement policies regarding other steps to help limit the transmission of coronavirus, other than cleaning. These include, but are not limited to, social distancing, hygiene, and personal protective equipment. More specifically, employers must encourage guests and employees to remain six feet apart, provide access to hand sanitizer, promote frequent hand washing, implement social distancing for breaks and workstations, and distribute face masks or other protective equipment to employees at no cost to them. Staff must also be trained “concerning the prevention and mitigation of SARS-CoV-2 transmission in the manner prescribed by the Director.”

Lastly, facilities must “establish, implement, and maintain a written SARS-CoV-2 response plan to monitor and respond to instances and potential instances of SARS-CoV-2 infection among employees and guests.” This includes designating a person to oversee the COVID-19 testing plan. Employees must also “check in every day to receive contact-free temperature measurement and review questions to screen for exposure to SARS-CoV-2.” Testing must be at no cost to the employee and may be performed on or off-site.

Under the testing plan, employees must be tested under four different circumstances:

1. A new employee and/or an employee returning for the first time since March 13, 2020
2. An employee known to have had close contact with a guest or employee diagnosed with COVID-19
3. An employee has a reasonable belief or has been advised that they have been in close contact with someone with COVID-19
4. An employee discloses that they are experiencing symptoms of COVID-19.

Employees who are tested for reasons 2, 3, or 4 are entitled to paid time off at the employee’s base rate of pay for up to three days to await testing and results as well as additional paid time off if documentation shows a delay exceeding three days in testing or receiving test results. The paid time off entitlement applies any time an employee is tested for reason 2, but only for the *first* instance an employee is tested for reasons 3 or 4. If an employee tests positive for COVID-19, the employee may take at least 14 days off work, and at least 10 of those 14 days must consist of paid time off. Paid time off benefits must not be deducted from any other paid time off provided by the employer, but may be deducted from any emergency paid sick leave provided under the Families First Coronavirus Response Act.

SB 4, largely highlighted business liability provision, also contains a myriad of requirements for hotels, casinos, and related facilities to quickly and efficiently adopt a variety of protocols once the Director passes related guidance. As the Department has

made this effective immediately upon passage of the regulations on August 31st, covered employers should immediately review SB 4 in its entirety against their current policies and practices related to COVID-19 to determine what steps must be taken to come in compliance with SB 4.

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