

TEAMSTERS LOCAL UNION NO. 986

AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

General Teamsters, Airline, Aerospace and Allied Employees, Warehousemen, Drivers, Construction, Rock and Sand



To: Teamsters Local 986 – Las Vegas Members
From: Chris Griswold, Secretary-Treasurer
Sean Harren, President
RE: COVID-19 Pandemic & State of Nevada Legal Issues
Date: March 18, 2020 **UPDATE**

In this time of global crisis, we wanted you to know that the Teamsters Union has been working on your behalf to mitigate the loss of income and benefits as we endure these unprecedented times.

*First of all, we have been notified today that the Teamsters Security Fund – Hotel and Casino Workers Trust Fund has approved the request from Teamsters Local 986 to grant an extension of benefits to any employee covered by the plan who was laid off or had their hours reduced as a result of the COVID-19 Pandemic until the **end of June 2020.***

*Every member of Teamsters Local 986 who was laid off or reduced hours has been automatically placed on the Out of Work List which will make you eligible to receive your Unemployment Benefits. There is no need to come into the office to complete any forms. **DO NOT WAIT!!!** You should **file immediately for your Unemployment Benefits.***

*To assist you with additional information on unemployment and other benefits potentially available to Nevada (NV) employees, please go to our website at **www.local986.org***

Please call our office if you have any questions concerning the benefits addressed in the memorandum or have any employment related COVID-19 questions.



I. NV State Benefits & Employer Imposed Reduction in Hours

If you face a reduction in hours imposed or mandated by your employer, there are several benefits you can use or apply for. These are the benefits currently available in NV:

- 1) **Unemployment Insurance: For All Employees with employer-imposed reduction in hours**
 - a. You can file an Unemployment Insurance ("UI") Claim with the NV Employment Security Division ("ESD"), which provides partial wage replacement benefit payments to workers who lose their job or have their hours reduced, through no fault of their own.
 - b. We believe that the ESD will – as with other states – take the position that workers temporarily unemployed due to COVID-19 and who are expected to return to work with their employer within a few weeks are NOT required to actively seek work each week. However, you MUST remain able and available and ready to work during your unemployment and meet all other eligibility criteria.
- 2) **Paid Sick Leave: For Employees Who Are Quarantined Due To COVID-19 –**
 - a. SB 312 PFL provides for a Paid Sick Leave ("PSL") accrual rate of 0.01923 hours of paid leave *for all hours worked*. Of course, most NV CBAs will be covered by the "safe harbor," but: (i) employers can offer "front loaded" PSL to deal with quarantines and (ii) the NV Labor Commissioner has issued guidance that any time taken for quarantine or loss/reduction of hour *not* be counted as "usage" of the PSL.
 - b. Attached is a Press Release from the Nevada State Labor Commissioner explaining how employers should administer paid leave programs.

II. NV Benefits In The Event Of Exposure To COVID 19 While At Work:

Pretty much the only NV state-provided benefit available to you is Workers Compensation:

- a. If workers are unable to do their usual job because they were exposed to and contracted COVID-19 during the regular course of their work, they may be eligible for workers' compensation benefits.
- b. Benefits include temporary disability (TD) payments. TD stops when either you return to work, your doctor releases you for work, or your doctor says your illness has improved as much as it's going to.
- c. TD generally pays two-thirds of the gross wages you lose while you are recovering from a work-related illness or injury, up to maximum weekly amount set by law. In addition, eligible employees are entitled to medical treatment and additional payments if a doctor determines you suffered a permanent disability because of the illness.

- d. Please contact Javier A. Arguello, Attorney at Benson, Bertoldo, Baker and Carter who specializes in Workers Compensation at (702) 649-2600 or www.bbbclaw.com.

III. HOW TO FILE FOR BENEFITS

Generally, *the employee – and this means YOU - is responsible for filing and claiming all of the benefits* related to a reduction in hours due to COVID-19. Below are the steps to file for benefits:

1) UNEMPLOYMENT INSURANCE (“UI”):

a. Whose responsibility is it to file a claim for UI?

It is the employee’s responsibility to file a UI claim.

b. How to file a claim:

An employee can file a claim online, by phone, by fax or mail. More information on how to file can be found at:

<https://cms.detr.nv.gov/Content/Media/UI%20Filing%20II.pdf>

c. When to file a claim:

An employee should file their UI claim in the first week that they lose work or have hours reduced. Important: Waiting to file can delay the receipt of benefits.

d. What information needs to be provided for a UI claim?

- i. Last employer information including company name, address (mailing and physical location) and phone number.
- ii. Last date worked and the reason the employee is no longer working.
- iii. Gross earnings in the last week worked, beginning with Sunday and ending with the last day of work.
- iv. Information on all employers the employee has worked for during the past 18 months, including name, address (mailing and physical location), the dates of employment, gross wages earned, hours worked per week, hourly rate of pay, and the reason the employee is no longer working.
- v. Citizenship status, and, if you are not a U.S. citizen, information from your employment authorization document.

- e. **Does the employer need to do anything to qualify the UI claim?**
 - i. Yes, the employer will receive a Notice of Unemployment Insurance Claim when a UI claim is filed. The employer is required to submit any relevant information to the ESD that relates to a UI claim.
 - ii. For a partial claim due to reduced hours, the employer must certify 1) the amount of reduced earnings and 2) that the employee is expected to return to work.
- f. **Is there a waiting period for benefits?**
 - i. Yes, generally there is a required one (1) week unpaid waiting period. However, we expect this to get reduced via further state and/or federal legislation.
- g. **See attached Press Release from Employment Security Division for more information.**

2) **WORKERS COMPENSATION (“WC”)**

- a. **Who is responsible for filing a WC claim?**
 - i. It is ultimately the employee’s responsibility to file a WC claim.
 - ii. However, your employer must give or mail a claim form to the injured worker within one working day after learning about an injury or illness.
- b. **How to file a claim:**
 - i. If the employer provides the employee with a claim form, get the employee to an NV Work Comp specialist for assistance/guidance.
 - ii. If the employer does not give the employee a claim form, and/or if employee does not have representation, you can find a claim information online at:
<http://naiw.nv.gov/Resources/Home/>
- c. **When to file a claim:**
 - i. Right away. Period. Again, the Local can assist with a referral to a qualified Workers' Compensation specialist if you need one.

IV. **Additional Information & Resources**

Of course, the COVID 19 guidelines, information, and procedures are changing daily. So are the government responses and benefits devised in response to this crisis.

Local 986 will endeavor to keep you updated on COVID 19 legal issues as they pertain to your employment.

Be Safe & Stay Well & Be Teamsters Proud!

STATE OF NEVADA



STEVE SISOLAK
GOVERNOR

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MARCH 11, 2020
COVID-19 LEAVE GUIDANCE

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

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

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

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

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

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



EMPLOYER & EMPLOYEE INFORMATION ON COVID-19

Can an employer cut my hours or terminate my employment?

• Yes. Nevada labor laws do not require employers to guarantee hours worked. In addition, because Nevada is an "at will" employment state, the employer or employee can terminate the employment relationship at any time with or without notice. It is recommended that employers explore other options before taking any of these actions.

Can an employer decrease or change my rate of pay?

• Yes. However, Nevada law requires a 7-day written notice before a decrease in wages can take effect. (NRS 608.100)

Can an employer pay less than minimum wage or not pay overtime?

• No. An employer must pay the current minimum wage of \$7.25 if health benefits are offered and \$8.25 if health benefits are not offered. Overtime is required to be paid for time worked over 8-hours in a 24-hour period if the employee makes less than \$10.875 (offered health benefits) and \$12.375 (not offered health benefits). Overtime pay is required for over 40 hours of work.

How often must an employee be paid?

• Employees must be paid at least semi-monthly. (NRS 608.060)

When must a discharged employee be paid?

• A discharged employee's wages shall be due and payable immediately. If not paid within 3-days penalties may apply. (NRS 608.020 & 608.040)

When must a quitting employee be paid?

• Final wages must be paid within 7-days after the employee resigns or by the next regularly scheduled payday, whichever is earlier. (NRS 608.030)

How often must breaks be given?

• An employee must be given a paid, 10-minute break for each 4-hour period of work. In addition, employees are entitled to an unpaid, 30-minute meal period for each 8-hour period of work. (NRS 608.019 & NAC 608.145)

Does a sick employee have to report to work?

• No. An employee is not required to be physically present at work to notify his or her employer that he or she is sick or has sustained a non-work-related injury and cannot work. (Assembly Bill (AB) 181-80th Legislative Session 2019)

Does an employer have to provide paid leave?

• Yes. Effective January 1, 2020, yes, a private employer who employs 50 or more employees in the state of Nevada must provide 0.01923 hour of paid leave per hour of work performed. (Senate Bill (SB) 312-80th Legislative Session 2019)

Can an employer require me to stay away from work if I have recently traveled?

• Possibly. The Centers for Disease Control and Prevention (CDC) have imposed travel advisories and identified highly impacted areas. Travel to these areas or potential exposure to COVID-19 could require the employee to stay away from the office for a designated period.

If I am required to stay away from the office because of recent travel will I get paid?

• Possibly. Employers may implement policies providing paid leave consistent with SB 312 or offer more generous paid leave policies. Employees may be required to utilize paid leave or Family Medical Leave Act (FMLA) leave depending upon the duration of the employee's absence and condition. Mandatory Quarantines may also require the employer to not count this leave against an employee and pay them for this leave or allow the employee to use paid leave.

Do I have to travel for work?

• Possibly. Employers can restrict and/or cancel travel to highly impacted areas identified by the CDC or cancel travel to other areas.

I have a vacation scheduled and my employer is now telling me I cannot take it?

• An employer can encourage employees not to travel to areas that have been identified by the CDC as highly impacted areas or where travel advisories have been imposed. Travel to other areas or vacations that have been previously approved should be allowed to continue. The employee and employer should monitor the website of the CDC for additional areas that could be identified as highly impacted and adjust travel accordingly.

Can an employer deduct cleaning costs or other charges relating to COVID-19 from my paycheck?

• No. Written authorization including the specific amount being deducted, the purpose for the deduction, and the pay period/date in which the deduction will be made is required. (NRS 608.110 & NAC 608.160)

**EMPLOYMENT
SECURITY DIVISION**

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**STEVE SISOLAK
Governor
DR. TIFFANY G. TYLER-GARNER
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PRESS RELEASE

**For Immediate Release
March 14, 2020**

**DETR to Expand Business Hours to Accommodate Increase in
Unemployment Insurance Claims While Encouraging
Online Filing**

LAS VEGAS, NV –On Monday, March 16th, the Nevada Department of Employment, Training and Rehabilitation (DETR) will have expanded system and staffing to accommodate any increase in unemployment insurance (UI) claims. Telephone claim call center hours will increase to 8 a.m. to 8 p.m., Monday through Friday to provide support in English and Spanish with additional translation available as needed. With the convenience of 24-hr filing, claimants are highly encouraged to use the internet to file their UI claims.

To file for unemployment online, claimants can visit <http://ui.nv.gov/css.html>. Claimants encountering technical problems can email INTERNETHELP@detr.nv.gov or can call (775) 684-0427. Online users can also refer to the NV Unemployment Insurance (UI) Frequently Asked Questions (FAQ's) document at <http://ui.nv.gov/PDFS/FAQENG.pdf>.

To file a claim via telephone, claimants must call one of the two state claims call centers: Northern call center: (775) 684-0350 and Southern call center: (702) 486-0350. Claimants located in Nevada rural areas and out-of-state can call (888) 890-8211.

"We are actively preparing our system and staffing levels so we can meet the recent increased UI demand. We will continue to monitor, evaluate and revise our systems and staffing as the need arises," said DETR Director, Dr. Tiffany Tyler-Garner said.

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The Department of Employment, Training & Rehabilitation (DETR) is the state's lead workforce development agency. It consists of divisions that offer workforce related services, job placement and training, services for people with disabilities, investigation of claims of discrimination, unemployment insurance benefits, labor market data and more. Many of these services are provided through Nevada JobConnect career centers and in cooperation with its community partners.

2800 E. St. Louis Ave. • Las Vegas, Nevada 89104 • (702) 486-7330 • Fax (702) 486-7340
500 East Third Street • Carson City, Nevada 89713 • (702) 775-684-3911 • Fax (702) 775-7340
<https://detr.nv.gov>



FILING UNEMPLOYMENT CLAIMS



In Nevada, unemployment claims can be filed online or telephone. With the the convenience of 24-hr filing, claimants are highly encouraged to use the internet to file their UI claims.



Filing on the Internet: ui.nv.gov

Make sure you have all the necessary claim filing information available prior to logging on to the website or calling the telephone claim center. When you file online, you will be prompted to establish a unique PIN number at the time of initial claim filing (via Internet or Telephone). Our Internet claim filing system also requires a unique Username and Password be established at the time of registration. Once you complete your claim submittal, you will receive an Internet claim confirmatin number. Failure to receive a confirmation number upon filing your claim means your claim for benefits could be incomplete and may not be processed.

The following information is required to file a claim:

- Names, addresses, phone number(s), and dates you worked for your last 2 employers
- A list of names (corporate name) of all employers you have worked for in the last 18 months
- If you are not a citizen of the United States, you MUST have your Alien Registration number and expiration date
- If you have been discharged from the Military in the last 18 months, you MUST have a copy of your DD-214 (Member 4)
- If you have worked for the Federal Government in the last 18 months, you MUST have a copy of your SF-8 or SF-50

Technical Help:

For technical Assistance ONLY with online UI claim filing email INTERNETHELP@detr.nv.gov or call (775) 684-0427. When reporting specific UI claim problems via email, please include your full name and only the last four digits of your social security number or Claimant ID.

If you forget your PIN, Username or Password, you can update your security preferences (Image/phrase, challenge questions, password), or IVR PIN through the Internet claim filing system OR by contacting the Security Helpdesk:

Northern Nevada: (775) 687-6838
Southern Nevada: (702) 486-3293



Filing by Telephone

When you call the Unemployment Insurance Telephone Claim Center your call will be answered by the automated system. After selecting English or Spanish, the system will allow you to choose from six different options: filing a weekly claim; a new claim; information, problems or questions, Security; Debit Card information; and Nevada JobConnect Offices. Once you select a prompt, the system will connect you to the correct number for processing. Our Telephone Claim Centers also offer Virtual Hold, an option that allows you to remain on hold without remaining on the telephone. Your call position is automatically saved, and you will receive a return call when your place in line is reached.

Telephone Claim Centers

Northern Nevada (775) 684-0350
Southern Nevada (702) 486-0350
Long Distance/Interstate (888) 890-8211

TTY

Voice Relay (800) 326-6868