



COVID-19 FAQs For Nevada Employers As Businesses Ordered Closed

Insights

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Adopting the mantra “Stay Home for Nevada,” Governor Steve Sisolak has announced enhanced COVID-19 Risk Mitigation measures, including the closure of non-essential public-facing businesses in Nevada for at least 30 days, effective at noon on March 18. His proclamation represents the latest of several measures enacted since he declared a State of Emergency on March 12 in response to COVID-19 coronavirus outbreak.

Governor Sisolak has recently issued written guidance regarding the measures, and which types of businesses are considered essential (and therefore exempt from the closure order). All Nevada businesses will need to evaluate what the announced measures mean for their employees and operations. The March 18 memorandum includes a renewed admonition to practice social distancing as part of an effort to prevent the spread of the virus. Thus, to the extent businesses are permitted to remain open, all non-household members must maintain a distance of at least six feet from each other.

The governor’s action overrides a prior set of business closures ordered for the City of Reno Monday by Mayor Hillary Schieve. Governor Sisolak’s order also follows the statewide closing of K-12 schools Sisolak ordered Sunday.

Our Las Vegas office has put together this guidance to respond to some commonly asked questions and local resources for Nevada employers. We also encourage you to review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#), put together by our firm’s COVID-19 Taskforce.

I operate a food service or restaurant, entertainment, recreational facility in Nevada. Do we have to close? For how long?

Probably, effective at 12:00 p.m. March 18 for 30 days, unless extended. Governor Sisolak’s announcement expressly prohibits “on site consumption,” yet does allow restaurants and food service to remain open for drive-through, takeout, and delivery. Specifically, the Proclamation orders the closure of:

- Entertainment & hospitality, including but not limited to strip clubs and brothels, casinos, concert venues, arenas, auditoriums, stadiums, large conference rooms, meeting halls, and cafeterias.

care centers;

- Recreation and athletic facilities, including but not limited to community and recreation centers, gyms, health clubs, fitness centers, yoga, barre and spin facilities;
- Beauty and personal care services and facilities, including but not limited to barber shops, beauty, tanning, waxing hair salons, and nail salons and spas; and
- Retail facilities, including shopping malls except for pharmacy or other health care facilities within retail operations. Retailers are encouraged to continue online operations with pickup and delivery.

Restaurants, as well as food courts, coffee shops, catering services, clubs, pubs, wineries, bars and breweries that include meals provided by a full kitchen may only operate to the extent they serve food via a drive-thru, take-out or delivery capacity. Thus, such establishments may not allow dining in until further notice.

Licensed cannabis stores and medical dispensaries may remain open if employees and consumers strictly adhere to the social distancing protocol.

According to Governor Sisolak, all nonessential businesses have two options: (1) find a way to service customers through delivery, drive through, curbside pickup or front door pickup; or (2) cease operations. In addition, the governor mandated that all gaming machines, devices, tables, games, and equipment related to gaming cease operations effective at midnight on March 17.

I operate an entertainment or recreational facility in Nevada. Do we have to close? For how long?

Probably, effective at noon March 18, for 30 days, unless extended. The Proclamation specifically prohibits the operations of places where people tend to congregate for entertainment, social or recreational purposes.

I operate a retail business. Do we have to close?

Possibly. Pursuant to the governor's directive, any business that brings people together are required to close to prevent the spread of the virus outbreak.

I operate a different kind of business. Do we have to close?

If your business is not covered by the categories above, it probably does not need to close at this time unless it receives specific recommendations due to an employee or onsite outbreak. The ban does not apply to the following services and public-facing retail businesses:

- Fire services, law enforcement agencies, emergency medical services & public safety agencies;
- Healthcare services;
- Businesses or organizations that provide food, shelter, or critical social services for disadvantaged populations;
- Utilities as defined in NRS Chapter 704;

- Garbage collection;
- Home maintenance/repair services;
- Auto repair services and trucking service centers;
- Grocery stores, supermarkets, hardware stores, convenience and discount stores;
- Pharmacies, healthcare operations, and biomedical facilities;
- Post offices and shipping outlets;
- Gas stations and truck stops;
- Banks and financial institutions;
- Veterinary services and pet stores;
- Laundromats and dry cleaners;
- Food processing;
- Agriculture, livestock and feed mills;
- Logistics & Supply Chain Operations: Warehousing, storage, distribution, and supply-chain related operations;
- Public transportation;
- Essential stays in hotels, commercial lodging, dormitories, shelters, and homeless encampments; and
- Child care centers and daycares operating in accordance with requirements set for the by their licensing authorities and COVID-19 guidance.

While religious facilities are not required to close its doors, Governor Sisolak urged faith leaders to strongly consider and adopt measures to meet the spiritual needs of their members while avoiding meetings requiring large gatherings. Other businesses, including but not limited to legal services, business and management consulting, professional services and insurance services are encouraged to have employees work remotely or telecommute. If such options are not available, businesses are encouraged to employ strict social distancing practices as set forth by the Nevada Health Response Center and Center for Disease Control.

Our business is closing temporarily. Do I need to worry about WARN?

It depends on the length of the closure and if your company is covered. Nevada state does not have its own WARN act, so the federal WARN applies. See our [WARN/Plant Closings section on our national FAQ](#).

Our business is closing temporarily. Do I need to pay my employees paid time off (PTO)?

Employers providing PTO to their employees must follow the guidelines set forth in its policy, employment agreement or collective bargaining agreement.

If my business closes temporarily or places some employees on temporary layoff, will my affected employees be able to seek unemployment?

Yes, employees who are subject to a layoff or temporary closure are eligible for unemployment benefits. Eligible employees are encouraged to apply for unemployment online at www.ui.nv.gov.

What else can we do to ensure the health and safety of our employees and community?

In addition to the CDC and the WHO, our local public health agencies and government authorities have provided useful resources that address how we can all help slow the spread of the novel coronavirus:

- Nevada Department of Health and Human Services <http://dhhs.nv.gov/>;
- Governor Sisolak's Coronavirus Updates <https://nvhealthresponse.nv.gov/>;
- Southern Nevada Health District <https://www.southernnevadahealthdistrict.org/>;
- Washoe County Health District Coronavirus updates <https://www.washoecounty.us/outreach/2020/03/2020-03-08-COVID19-Latest-Updates.php>; and
- Nye County COVID-19 Update <https://www.nyecounty.net/1066/Coronavirus-COVID-19-Information>.

Conclusion

For now, we will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our [Las Vegas office](#), or [any member of our COVID-19 Taskforce](#). You can also review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#), put together by the Taskforce.

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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