



# State of Nevada

## Division of Industrial Relations

# Employer Compliance

**W**orkers'  
Compensation Section

# WCS MISSION STATEMENT

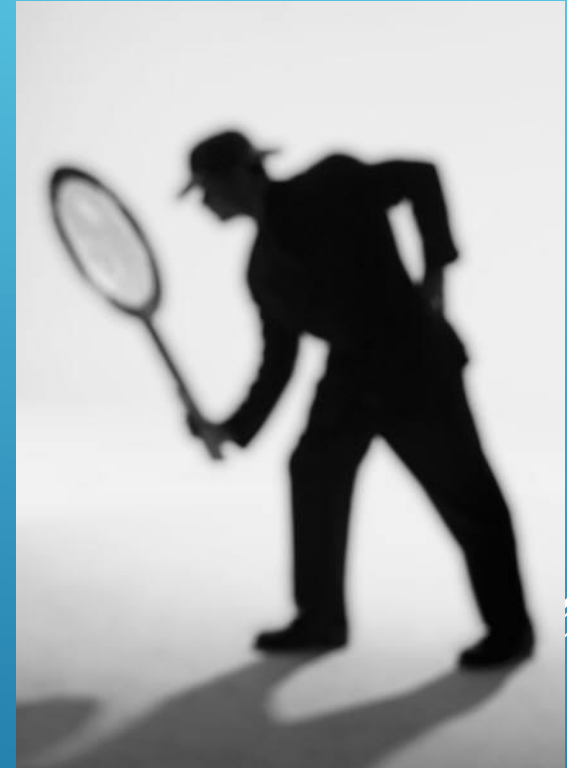
Impartially serve the interests of Nevada employers and employees by providing assistance, information, and a fair and consistent regulatory structure focused on:

- Ensuring the timely and accurate delivery of workers' compensation benefits
- Ensuring employer compliance with the mandatory coverage provisions

# WORKERS' COMPENSATION ENFORCEMENT SECTION

**Who We Are**

**What We Do**



# EMPLOYER COMPLIANCE UNIT

The Employer Compliance Unit (ECU) is responsible for ensuring that employers comply with the mandatory coverage provisions.

The ECU conducts employer site visits and the employer must provide evidence of coverage in compliance with NRS 616A.495.

If an employer fails to provide or maintain coverage for workers' compensation then an order to cease business operations will be issued in accordance with NRS 616D.110.



# EMPLOYER COMPLIANCE SITE VISITS

- ▶ Uninsured Employer Investigations
- ▶ Cancellation/Lapse Investigations

(National Council on Compensation Insurance, NCCI provides a monthly cancellation list)

- ▶ Affirmation of Compliance Forms – D-25
- ▶ Referrals or Complaints
- ▶ Random site visits



# EVIDENCE OF COVERAGE

Pursuant to 616A. 495 Each employer shall ensure that a copy of the employer's:

- Policy of industrial insurance – Declaration Page, if the employer is insured by a private carrier
- Certificate issued by the Commissioner pursuant to NRS 616B.312 if the employer is self-insured

or

- Certificate issued by the Commissioner pursuant to NRS 616B.359 and of a certificate or letter issued by the association of self-insured public or private employers

This information must be available at all times for inspection by the agent of the Administrator.



# WHEN IS WORKERS' COMPENSATION REQUIRED?

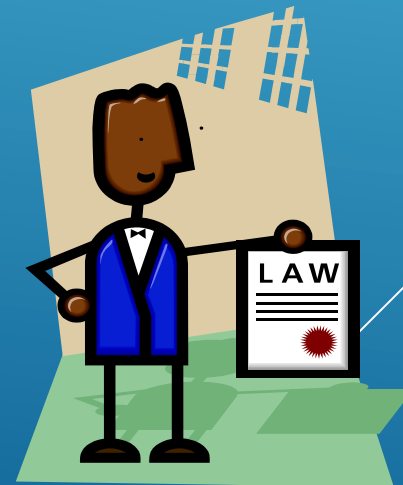
If an Employer/Employee relationship exists, a  
Workers' Compensation Policy is **ALWAYS**  
required!



# WHO REQUIRES COVERAGE?

- ▶ Unless excluded by statute, “...Every person, firm, voluntary association and private corporation, including any public service corporation, which has in service any person under a contract of hire” needs coverage.

(NRS 616A.230)





# DEFINITIONS: EMPLOYER, EMPLOYEE

- **Employer:** *"...Every person, firm, voluntary association and private corporation..."* that has someone working for them. (NRS 616A.230)
- **Employee:** *"...every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed ..."* (NRS 616A.105)
- "1099" status has NO bearing on "employee" classification under workers' comp law

# WORKER MISCLASSIFICATION

- ▶ **Employer Misclassification of workers is a growing problem.**

**Worker Misclassification occurs when employers misclassify their employees as “independent contractors” in order to eliminate the employer/employee relationship.**

- ▶ **A 1099 or contract does not always eliminate the employer/employee relationship**
- ▶ **Employers must examine their employment relationships before deeming their employees as “independent contractors”**

# WORKER MISCLASSIFICATION

**NRS 616B.603** pertains to Independent Enterprises and should be considered to determine if you could be deemed an employer under this provision.

In order to not be deemed the employer under the “independent enterprise exemption,” 1) You must not be “in the same trade, business, profession or occupation” as the person or business with whom you contract, and 2) The person or business with whom you contract must be an independent enterprise. Otherwise, workers’ compensation coverage is required.

Incorrectly deeming employees as independent contractors can lead to serious consequences.

# WORKERS' COMPENSATION MYTHS AND REALTIES

**Myth: Family and/or part-time employees do not require coverage**

**Reality: WC coverage is required**

**Myth: The subs that I hire should have their own coverage, so I won't worry about workers' compensation insurance.**

**Reality: If you are a licensed contractor, you should know that you may be determined to be the employer of independent contractors, subcontractors and their employees for purposes of providing workers compensation insurance coverage.**

**Note: If an employee of a subcontractor or an independent contractor has a work-related injury and the employer has not secured industrial insurance, the principal contractor will be responsible for the actual cost of the claim, plus administrative fees.**

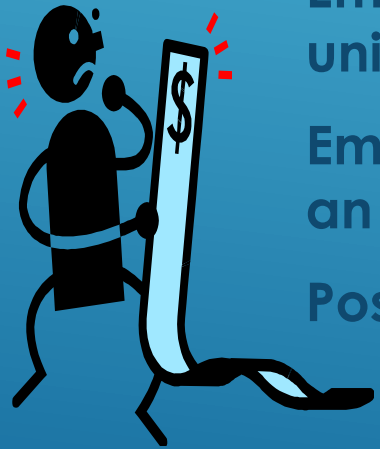
# UNINSURED EMPLOYER CONSEQUENCES

Employers who fail to secure and maintain a workers' compensation policy for their employees will be charged with an administrative fine up to \$15,000.

Employers will pay a premium penalty for the time the employer was uninsured.

Employer and will be held financially responsible for all costs relating to an uninsured claim.

Possible criminal prosecution from the Attorney General's Office



# WORKERS' COMPENSATION REQUIREMENTS


Generally, unless excluded by statute, “...Every person, firm, voluntary association and private corporation...which has in service any person under a contract of hire,” needs coverage.

Employers should consult with their attorney, insurance agent/broker, or carrier regarding the specifics of their situation and their options regarding workers' compensation.



# COVERAGE VERIFICATION SERVICE

## Workers Compensation Coverage Verification

Coverage Date 

Employer FEIN

Employer Contains ▾

Search Clear Search

**Limitation of Information**

The information provided on this web page is a segment of policy information reported to the Nevada Division of Industrial Relations, Workers' Compensation Section by private workers' compensation insurance carriers. Reporting delays, inaccuracies and omissions may affect the reliability of the coverage information provided. Self-insured employers and associations of self-insured employers are not included in the data.



**Other Helpful Links**

[Nevada Division of Industrial Relations, Workers' Compensation Section](#)

[Nevada Division of Insurance - Self-Insured](#)

[Doing Business as ... "My Nevada" State Portal Business Licenses.](#)

Download the free Workers Compensation Coverage Verification (WCCV) Mobile Application

# WCS WEBSITE

[DIR.NV.GOV/WCS/HOME/](http://DIR.NV.GOV/WCS/HOME/)

Employer Coverage Requirements

Posting Requirements

Employer Information Page

Join WCS Email List

• Helpful Newsletters

Coverage Verification Service

The screenshot shows the homepage of the State of Nevada Industrial Relations (DIR) website. At the top, there is a navigation bar with the state seal, the text "State of Nevada Department of Business & Industry", and links for "Agencies", "Jobs", and "About Nevada". The main heading is "Industrial Relations (DIR)". Below this is a search bar and a link for "ADA Americans with Disabilities Act". A secondary navigation bar includes links for "HOME", "LABOR STATS", "MECHANICAL", "MINES", "OSHA", "SCATS", "WORKERS' COMP", and "CONTACT".

The main content area features a "WELCOME TO WORKERS' COMPENSATION" message and a large banner for "The State of Nevada WORKERS' COMPENSATION EDUCATIONAL CONFERENCE". The banner details the event location as "Tuscany Suites Hotel, Las Vegas, Nevada" and the dates as "Thursday, August 24, 2017 and Friday, August 25, 2017". It also provides an email address for sponsorship and exhibitor opportunities: "iwcf@bellsouth.net".

To the right of the banner is a "What's Hot!" section with a list of links: "Hearings / Workshops / Meetings", "Current Newsletter", "Training", "Important Changes", "Join our Mailing List", "Past Newsletters", "Forms and Worksheets", "WCS Contacts", and "Questions? - Please Use WCSHelp".

At the bottom of the page, there is a row of six service tiles: "COVERAGE VERIFICATION SERVICE", "INJURED WORKERS" (with a "COMPENSATION CLAIM" button), "EMPLOYER COMPLIANCE", "WORKERS' COMPENSATION NEVADA LAW", "INSURER AND TPA REPORTING", and "CLAIMS AND REGULATORY DATA SYSTEM" (with a "CARDS" logo). Below these tiles is a footer with four categories: "MEDICAL UNIT", "INJURED WORKERS", "INSURERS / TPAS", and "EMPLOYERS".



# CONTACTING WCS

400 West King Street  
Suite 400  
Carson City, NV 89703  
Phone (775) 684-7270  
Fax (775) 687-6305

1301 Green Valley Parkway  
Suite 200  
Henderson, Nevada 89074  
Phone (702) 486-9080  
Fax (702) 990-0364

Email: [WCSHelp@business.nv.gov](mailto:WCSHelp@business.nv.gov)