

# EMPLOYER GUIDE

# WORKERS' COMPENSATION



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PUBLISHED BY:  
STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
WORKERS' COMPENSATION SECTION

*This pamphlet is provided to inform stakeholders of some significant points concerning workers' compensation insurance in Nevada.*

## What is workers' compensation?

Workers' compensation is a no-fault insurance program in the State of Nevada, which provides benefits to employees who are injured on the job and protection to employers who have provided coverage at the time of injury.

## What protection is provided for the employer?

Because Nevada has "exclusive remedy," the injured workers' benefits are set forth in the statutes. Employers who provide coverage for their employees at the time of injury are protected from any additional damages claimed by their employees as a result of an injury on the job. This protection is established when the injured employee opts to receive workers' compensation benefits.

## What type of benefits are employees entitled to?

Nevada's Workers' Compensation Program provides a variety of benefits which are designed to assist the injured employee. These benefits may include (among others):

- Medical treatment;
- Lost time compensation (TTD/TPD);
- Permanent Partial Disability (PPD);
- Permanent Total Disability (PTD);
- Vocational Rehabilitation;
- Dependent's benefits in the event of death; and
- Other claims-related benefits or expenses (i.e., mileage)

## How do the Subsequent Injury Accounts benefit employers?

The Subsequent Injury Accounts encourage employers to hire workers with a permanent physical impairment. The costs of any qualified subsequent injury are paid from the appropriate subsequent injury account. ([NRS 616B.557 – 590](#)) Contact Jacque Everhart at (702) 486-9098 or [VSkrinjaric@dir.nv.gov](mailto:VSkrinjaric@dir.nv.gov) for more information.

## Which employers are required to provide workers' compensation insurance?

Unless excluded by statute, it is mandatory for an employer who has one or more employees to provide workers' compensation insurance coverage. Some employees are excluded by [NRS 616A.110](#) due to unique criteria.

Employment exempt from workers' compensation insurance coverage requirements includes:

- Employment related to those interstate commerce entities that are not subject to the legislative power of the state of Nevada.
- Employment covered by private disability and death benefit plans which comprehend compensation payments of equal or greater amounts than those provided in NRS 616 and which have been in effect for one year prior to July 1, 1947;
- Employees who are brought into Nevada on a temporary basis and who are insured in another state if extraterritorial coverage provisions are in effect with the other state.

### **Exception: the construction trades.**

- Casual employment (employment lasting not more than 20 days and having a total labor cost of less than \$500) is exempt **if employment is not in the course of trade, business, profession or occupation of the employer.**

**CONSTRUCTION TRADES ARE REQUIRED TO HAVE WORKERS' COMPENSATION INSURANCE.**

## Workers' Compensation Employer Compliance Checklist

Provide requisite workers' compensation insurance coverage and furnish a place of employment free from recognized hazards that may cause death or serious physical harm to employees.

Prominently display in your place of business the required workers' compensation information:

(1) *Informational poster to be displayed by employers.* ([NAC 616A.460, Form D-1](#))

(2) *Poster to be displayed by employers with employees who receive tips.* ([NAC 616A.470, Form D-22](#))

Have available at all times and at all locations for inspection by agent of the Division of Industrial Relations or Attorney General:

- The policy including the declaration page issued by private carrier; or
- Certificate issued by the Commissioner if self-insured; or,
- Certificate issued by the Commissioner and a certificate or letter issued by an association of self-insured public or private employers if a member of an association.

Note: Temporary worksites (less than 1 year) must produce the above information within 24 hours. ([NRS 616A.495](#))

Provide forms for employee use and complete injury or occupational disease reporting requirements and forward the required documents in the allowable timeframe: (1) [C-1, Notice of Injury or Occupational Disease \(Incident Report\)](#) and (2) [C-3, Employers' Report of Industrial Injury or Occupational Disease](#) ([NRS 616C.015 & 616C.045](#))

Provide immediate first aid to an injured employee ([NRS 616C.085](#))

Complete the Employer's Report of Industrial Injury or Occupational Disease Form ([Form C-3](#)) within 6 working days of receipt of the [Form C-4](#) from the medical provider and file it with insurer. ([NRS 616C.045](#))

## Where can I obtain additional information on workers' compensation?

Website: <http://dir.nv.gov/WCS/Home/>

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

For information concerning claims administration or failure to obtain or maintain workers' compensation insurance:

### Department of Business and Industry Division of Industrial Relations Workers' Compensation Section

1886 East College Pkwy. Ste. 100,  
Carson City, NV 89706.  
(775) 684-7270

2300 W. Sahara Ave., Suite 300  
Las Vegas, Nevada 89102  
(702) 486-9080

For information regarding occupational safety and health program development and implementation:

### SAFETY CONSULTATION & TRAINING SECTION

Website: [www.4safenv.state.nv.us](http://www.4safenv.state.nv.us)

Toll Free: 877-4SAFENV

OSHA 10 & 30 Hr Construction Class must register on-line.

*The material contained in this publication is derived from chapters 616A to 617, inclusive, of the Nevada Revised Statutes (NRS) & Nevada Administrative Code (NAC), and is provided for informational purposes only. For more detailed information, please refer to the specific statute or code. The NRS and NAC relating to Workers' Compensation can be accessed via the Internet at:*

[http://dir.nv.gov/WCS/Nevada\\_Law/](http://dir.nv.gov/WCS/Nevada_Law/)

## What will happen to an employer who fails to obtain or maintain workers' compensation insurance?

The Division of Industrial Relations, Workers' Compensation Section (WCS) is responsible for ensuring all employers are in compliance with the law. Employers who do not provide workers' compensation will be charged with an administrative fine up to \$15,000; appropriate premium penalties; may be ordered to close business until insurance has been obtained; and will be held financially responsible for all costs arising from a work-related injury. In addition, the uninsured employer may be subject to a criminal penalty for claims resulting in substantial bodily harm or death. ([NRS 616D.200](#) & [NAC 616D.345](#))

## Who can provide workers' compensation coverage in Nevada?

Employers may purchase insurance from a private carrier licensed in Nevada or be certified by the Division of Insurance (DOI) as a self-insured employer or a member of an association of self-insured public or private employers.

Private carriers currently utilize competitive premium rates which allows them to deviate on the expense portion of the premiums. This rate must be filed with the DOI 15 days before it is effective and can be disapproved. Contact DOI for further information at the following:

Carson City (775) 687-7000  
Las Vegas (702) 486-4009  
<http://doi.nv.gov/>