

## SUMMARY OF WORKERS' COMPENSATION REQUIREMENT <sup>1</sup>AND EXCLUDED INDEPENDENT CONTRACTORS

	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8
Contractor's business location	Nevada	Nevada	Nevada	Nevada	Out-of-state	Out-of-state	Out-of-state	Out-of-state
Locale of contracted work	Nevada	Nevada	Out-of-state	Out-of-state	Nevada	Nevada	Out-of-state	Out-of-state
Contractor has employees	No	Yes	No	Yes	No	Yes	No	Yes
Nevada workers' compensation waiver needed	Yes	No	Yes <sup>2</sup>	No	Yes <sup>3</sup>	No	No <sup>4</sup>	No
Certificate of insurance evidencing workers' compensation coverage needed	No <sup>5</sup>	Yes <sup>6</sup>	No	Yes	No	Yes <sup>7</sup>	No	Yes <sup>8</sup>

**EXCLUDED EMPLOYEES: Per NRS 616A.110, the following employee types are excluded from needing workers' compensation coverage:**

1. Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.
2. Any person engaged as a theatrical or stage performer or in an exhibition.
3. Musicians when their services are merely casual in nature and not lasting more than 2 consecutive days, and not recurring for the same employer, as in wedding receptions, private parties, and similar miscellaneous engagements.
4. Any person engaged in household domestic service, farm, dairy, agricultural, or horticultural labor, or in stock or poultry raising, except as otherwise provided in [chapters 616A to 616D](#), inclusive, of NRS.
5. Any person performing services as a voluntary ski patrolman who receives no compensation for his services other than meals, lodging, or use of the ski tow or lift facilities.
6. Any person who performs services as a sports official for a nominal fee at a sporting event that is amateur, intercollegiate, or interscholastic and is sponsored by a public agency, public entity, or private or nonprofit organization. As used in this subsection, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a neutral participant in a sporting event.
7. Any clergyman, rabbi, or lay reader in the service of a church, or any person occupying a similar position with respect to any other religion.
8. Any real estate broker, broker-salesman, or salesman licensed pursuant to [chapter 645](#) of NRS.
9. Any person who:
  - (a) Directly sells or solicits the sale of products, in person or by telephone:
    - (1) On the basis of a deposit, commission, purchase for resale, or similar arrangement specified by the Administrator by regulation, if the products are to be resold to another person in his home or place other than a retail store; or
    - (2) To another person from his home or place other than a retail store;
  - (b) Receives compensation or remuneration based on sales to customers rather than for the number of hours that he works; and
  - (c) Performs pursuant to a written agreement with the person for whom the services are performed which provides that he is not an employee for the purposes of this chapter. [11:168:1947; A 1953, 99; 1955, 915]— (NRS A 1969, 1100; 1975, 1018; 1977, 194; 1979, 949; 1985, 1077; 1995, 2129; 1997, 162; [2003, 1584](#))

<sup>1</sup> In the vast majority of situations encountered, the guidance in chart will apply. However, there will be exceptions on occasion. If you have questions, call the BCN Risk Management Office at (775) 784-6139.

<sup>2</sup> Most states recognize workers' compensation coverage from another state for temporary work with some exceptions. Accordingly, evidence that the contractor has satisfied the requirements to waive coverage in Nevada is needed.

<sup>3</sup> The out-of-state employer may use an out-of-state notary to verify his/her signature on the waiver form.

<sup>4</sup> Check with the BCN Risk Management Office to make sure sole proprietors can waive workers' compensation in the state in which the contractor operates.

<sup>5</sup> Some employers with no employees will have workers' compensation insurance. Obtain the certificate of insurance and not the waiver in such situations.

<sup>6</sup> Must be Nevada workers' compensation coverage.

<sup>7</sup> Coverage from the state from which the contractor is located is generally appropriate. However, if the contractor is a construction type operation that requires a contractor's license in Nevada they will need Nevada workers' compensation coverage.

<sup>8</sup> Workers' compensation coverage should be for the state in which the work will be performed.