
ASSEMBLY BILL NO. 44—COMMITTEE ON GOVERNMENT AFFAIRS

PREFILED FEBRUARY 4, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing payment of overtime to certain employees. (BDR 53-761)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to compensation; deleting the provisions that exempt certain employees from receiving one and one-half times the regular wage rate of those employees; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires certain employers to pay time and a half if their
- 2 employees work more than 40 hours in one week or more than 8 hours in one day.
- 3 Employees who earn at least one and one-half times the minimum wage are
- 4 excluded from this requirement. (NRS 608.018)
- 5 This bill removes the exclusion from overtime pay for employees earning at
- 6 least one and one-half times the minimum wage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 608.018 is hereby amended to read as follows:
- 2 608.018 1. Except as otherwise provided in this section, an
- 3 employer shall pay one and one-half times an employee's regular
- 4 wage rate whenever an employee works:
- 5 (a) More than 40 hours in any scheduled week of work; or
- 6 (b) More than 8 hours in any workday unless by mutual
- 7 agreement the employee works a scheduled 10 hours per day for 4
- 8 calendar days within any scheduled week of work.
- 9 2. The provisions of subsection 1 do not apply to:



(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

~~(b) Employees who receive compensation for employment at a rate not less than one and one-half times the minimum rate prescribed pursuant to NRS 608.250;~~

~~—(c)~~ Outside buyers;

~~(d)~~ (c) Salesmen earning commissions in a retail business if their regular rate is more than one and one-half times the minimum wage, and more than one-half their compensation comes from commissions;

~~(e)~~ (d) Employees who are employed in bona fide executive, administrative or professional capacities;

~~(f)~~ (e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

~~(g)~~ (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

~~(h)~~ (g) Employees of a railroad;

~~(i)~~ (h) Employees of a carrier by air;

~~(j)~~ (i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

~~(k)~~ (j) Drivers of taxicabs or limousines;

~~(l)~~ (k) Agricultural employees;

~~(m)~~ (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year; and

~~(n)~~ (m) Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment.

3. The provisions of this section do not apply to a mechanic or workman for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

Sec. 2. This act becomes effective on July 1, 2005.

