

## Amendment No. 579

Assembly Amendment to Assembly Bill No. 44	(BDR 53-761)
<b>Proposed by:</b> Committee on Commerce and Labor	
<b>Amendment Box:</b> Replaces Amendment No. 520.	
<b>Resolves Conflicts with:</b> N/A	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 1, by deleting line 2 and inserting:

“608.018 1. ~~[Except as otherwise provided in this section, an]~~ *An*”.

Amend section 1, page 1, line 4, after “employee” by inserting:

*“who receives compensation for employment at a rate less than one and one-half times the minimum rate prescribed pursuant to NRS 608.250”.*

Amend section 1, page 1, by deleting line 9 and inserting:

*“2. An employer shall pay one and one-half times an employee’s regular wage rate whenever an employee who receives compensation for employment at a rate not less than one and one-half times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.*

3. The provisions of ~~[subsection]~~ *subsections 1 and 2* do not apply to:”.

Amend section 1, page 2, by deleting line 28 and inserting:

~~“[3. The provisions of this section do not apply to a]~~

**(n) A** mechanic or”.

Amend the title of the bill to read as follows:

“AN ACT relating to employment practices; making employees who earn one and one-half times  
minimum wage or more per hour subject to the jurisdiction of the Labor Commissioner  
for disputes regarding overtime; and providing other matters properly relating thereto.”.

**If this amendment is adopted, the Legislative  
Counsel's Digest will be changed to read as follows:**

**Legislative Counsel's Digest:**

The federal Fair Labor Standards Act sets forth the minimum overtime compensation benefits required by federal law. (29 U.S.C. §§ 201 et seq.) However, states are allowed to provide employees with overtime benefits that are equal to or greater than those required under federal law. Any such overtime provisions enacted in Nevada would be enforced by the Nevada Labor Commissioner. (NRS 608.180)

Existing state law requires the payment of overtime, with certain exceptions, to employees who earn less than one and one-half times the hourly minimum wage. (NRS 608.180) Therefore, any disputes concerning the application of state overtime provisions to those employees are within the jurisdiction of the Nevada Labor Commissioner. (NRS 608.180) However, existing state law exempts employees who earn one and one-half times the hourly minimum wage or more from the state overtime provisions. (NRS 608.018) Therefore, with certain exceptions, the overtime requirements of the federal Fair Labor Standards Act apply to those employees and any disputes concerning the application of those federal overtime requirements to those employees are within the jurisdiction of the United States Department of Labor.

This bill removes the exemption in state overtime provisions for employees in Nevada who earn one and one-half times the hourly minimum wage or more and places the overtime requirement for those employees in state law. Therefore, because the overtime requirements of state law rather than federal law apply to those employees, this bill effectively provides jurisdiction over disputes relating

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to overtime concerning those employees to the Nevada Labor Commissioner rather than the United States Department of Labor.