

Amendment No. 859

Senate Amendment to Assembly Bill No. 44 First Reprint

(BDR 53-761)

Proposed by: Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** 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 2, by deleting lines 4 through 17 and inserting:

“regular wage rate whenever an employee works ~~for~~:

—(a) ~~More~~ *more* than 40 hours in any scheduled week of work . ~~for~~ or

—(b) ~~More than 8 hours in any workday unless by mutual agreement the employee works a~~
~~scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

2. The provisions of subsection 1 do not”.

Amend the title of the bill, fourth line, after “overtime;” by inserting:

“eliminating the requirement for payment of overtime whenever an employee works more than 8
hours in a workday;”.

**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

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

Existing state law requires the payment of overtime whenever an employee works more than 40 hours in any scheduled week of work or, with one exception, more than 8 hours in any workday.
(NRS 608.018)

This bill eliminates the requirement for payment of overtime whenever an employee works more than 8 hours in a workday, but retains intact the requirement for payment of overtime whenever an employee works more than 40 hours in any scheduled week of work.