

ASSEMBLY BILL NO. 248—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

MARCH 6, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing gaming. (BDR 41-383)

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 gaming; making various changes concerning pooling tips and gratuities by certain employees of a gaming establishment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 2** of this bill provides that employees of a gaming establishment who
2 directly assist patrons with playing any games, other than games played with a
3 gaming device, may enter into an agreement to pool tips or gratuities with other
4 employees who customarily and regularly receive tips or gratuities directly from
5 patrons for performing the same essential duties of their jobs. **Section 2** further
6 specifies the manner in which such pools must be distributed, prohibits the gaming
7 establishment from requiring a pool that violates the provisions of the section and
8 provides that the requirements do not apply to an employee who is covered by a
9 collective bargaining agreement. **Section 3** of this bill requires the Labor
10 Commissioner to enforce the provisions governing pooling tips and gratuities.
11 **Section 3** also makes a violation of the provisions of statutes and regulation
12 governing pooling of tips and gratuities by certain employees of gaming
13 establishments a misdemeanor and further authorizes the Labor Commissioner to
14 impose administrative penalties for such violations.



* A B 2 4 8 R 1 *

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *An employee of a gaming establishment who directly assists patrons with playing any game, other than a game played with a gaming device, and who customarily and regularly receives tips and gratuities from such patrons may enter into an agreement to pool tips and gratuities with other employees who customarily and regularly receive tips and gratuities directly from patrons for performing the same essential duties of their job. An employee who does not customarily and regularly receive tips and gratuities directly from patrons while performing an essential duty of his job may not participate in an agreement to pool tips and gratuities with other employees who are authorized to pool tips and gratuities pursuant to this subsection.*

2. Any agreement to pool tips and gratuities entered into pursuant to subsection 1 must provide that the tips and gratuities so pooled must be distributed based on the number of hours worked, but may include a provision to allow tips and gratuities to be received by an employee during authorized periods of leave, including, without limitation, any annual or sick leave.

3. An employee of a gaming establishment shall not accept tips or gratuities from an employee with whom he is not authorized to pool pursuant to subsection 1 and shall not request or compel another employee with whom he is not authorized to pool pursuant to subsection 1 to share his tips or gratuities.

4. A gaming establishment shall not require an employee to pool tips and gratuities in a manner which violates the provisions of this section.

5. The provisions of this section do not apply to any employee who is covered by a collective bargaining agreement to the extent that the collective bargaining agreement conflicts with this section.

Sec. 3. 1. *The Labor Commissioner shall enforce the provisions of section 2 of this act and may adopt any regulations he deems necessary to carry out the provisions of this section and section 2 of this act.*

2. A person who violates any of the provisions of section 2 of this act or any regulation adopted pursuant this section is guilty of a misdemeanor.

3. In addition to any other remedy or penalty, the Labor Commissioner may impose against a person who violates any of the provisions of section 2 of this act or any regulation adopted



- 1 *pursuant this section, after providing notice and an opportunity*
- 2 *for a hearing, an administrative penalty of not more than \$5,000*
- 3 *for each such violation.*
- 4 **Sec. 4.** This act become effective upon passage and approval.

