

ASSEMBLY BILL NO. 210—ASSEMBLYMEN SHERWOOD,
WOODBURY, DIAZ; HAMBRICK, HAMMOND, HICKEY AND
MCARTHUR

FEBRUARY 24, 2011

JOINT SPONSORS: SENATORS CEGAVSKE, HARDY AND DENIS

Referred to Committee on Commerce and Labor

SUMMARY—Clarifies that the relationship between a person who agrees to provide services for certain programs and a person with a disability or mental retardation who is participating in such a program does not constitute employment for the purposes of provisions governing the minimum wage. (BDR 53-898)

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

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

AN ACT relating to employment; clarifying that the relationship between a person who agrees to provide services for certain programs and a person with a disability or mental retardation who is participating in such a program does not constitute employment for the purposes of provisions governing the minimum wage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the minimum wage that must be paid to an employee. (Chapter 608 of NRS; Nev. Const. Art. 15, § 16) Existing law also provides that certain relationships do not constitute employment and are therefore not subject to these provisions. The relationships are: (1) the relationship between a rehabilitation facility or workshop and an individual with a disability who is participating in a training or rehabilitative program pursuant to chapter 615 of NRS; and (2) the relationship between a provider of certain jobs and day training services and a person with mental retardation or person with related conditions participating in a jobs and day training services program. (NRS 608.255) **Section 1** of this bill clarifies that a person who agrees with an entity conducting one of these programs to provide training, rehabilitative services or jobs or day training services is



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12 similarly not in an employment relationship with a person who is participating in
13 the program.

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

1 **Section 1.** NRS 608.255 is hereby amended to read as follows:
2 608.255 For the purposes of this chapter and any other
3 statutory or constitutional provision governing the minimum wage
4 paid to an employee, the following relationships do not constitute
5 employment relationships and are therefore not subject to those
6 provisions:

7 1. The relationship between ~~fa~~ :
8 (a) A rehabilitation facility or workshop established by the
9 Department of Employment, Training and Rehabilitation pursuant to
10 chapter 615 of NRS ; and ~~fan~~

11 (b) An individual with a disability who is participating in a
12 training or rehabilitative program of such a facility or workshop.

13 2. The relationship between ~~fa~~ :

14 (a) A provider of jobs and day training services which is
15 recognized as exempt pursuant to the provisions of 26 U.S.C. §
16 501(c)(3) and which has been issued a certificate by the Division of
17 Mental Health and Developmental Services of the Department of
18 Health and Human Services pursuant to NRS 435.130 to 435.310,
19 inclusive ~~f-and-a~~ ; and

20 (b) A person with mental retardation or person with related
21 conditions participating in a jobs and day training services program.

22 3. *The relationship between:*

23 (a) *A person who agrees with an entity conducting a program*
24 *pursuant to subsection 1 or 2 to provide training, rehabilitative*
25 *services or jobs or day training services, as appropriate, to a*
26 *person participating in the program under the same terms and*
27 *conditions as the entity conducting the program; and*

28 (b) *A person participating in the program.*

29 **Sec. 2.** This act becomes effective on July 1, 2011.

