

SENATE BILL NO. 249—SENATOR HARDY

MARCH 13, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes relating to employment.
(BDR 53-836)

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 employment; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer, with certain exceptions, to pay an employee 1 1/2 times the regular wage rate of the employee for certain overtime worked by the employee. (NRS 608.018) Under the federal Fair Labor Standards Act, this requirement does not apply to a person employed to work in a private home to provide certain services for persons who, because of age or infirmity, are unable to care for themselves. (29 U.S.C. § 213(a)(15)) This bill establishes the same exception for such workers under Nevada law.

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

Section 1. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; 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. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for



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1 employment at a rate not less than 1 1/2 times the minimum rate
2 prescribed pursuant to NRS 608.250 works more than 40 hours in
3 any scheduled week of work.

4 3. The provisions of subsections 1 and 2 do not apply to:

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

7 (b) Outside buyers;

8 (c) Employees in a retail or service business if their regular rate
9 is more than 1 1/2 times the minimum wage, and more than half
10 their compensation for a representative period comes from
11 commissions on goods or services, with the representative period
12 being, to the extent allowed pursuant to federal law, not less than 1
13 month;

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

16 (e) Employees covered by collective bargaining agreements
17 which provide otherwise for overtime;

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

20 (g) Employees of a railroad;

21 (h) Employees of a carrier by air;

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

24 (j) Drivers of taxicabs or limousines;

25 (k) Agricultural employees;

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

28 (m) Any salesperson or mechanic primarily engaged in selling
29 or servicing automobiles, trucks or farm equipment; ~~and~~

30 (n) A mechanic or worker for any hours to which the provisions
31 of subsection 3 or 4 of NRS 338.020 apply ~~and~~; and

32 *(o) To the extent authorized by the Fair Labor Standards Act*
33 *of 1938, 29 U.S.C. §§ 201 et seq., a home care worker who*
34 *provides companionship services for persons who, because of age*
35 *or infirmity, are unable to care for themselves, as described in*
36 *section 13(a)(15) of the Fair Labor Standards Act of 1938, 29*
37 *U.S.C. § 213(a)(15), and any regulations adopted pursuant*
38 *thereto.*

