

Amendment No. 481

Senate Amendment to Senate Bill No. 146	(BDR 53-629)
<b>Proposed by:</b> Senate Committee on Commerce, Labor and Energy	
<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"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

RAE/JRS



Date: 4/18/2015

S.B. No. 146—Revises provisions relating to the payment of wages to certain employees. (BDR 53-629)



## SENATE BILL NO. 146—SENATORS PARKS AND SPEARMAN

FEBRUARY 12, 2015

JOINT SPONSOR: ASSEMBLYWOMAN BUSTAMANTE ADAMS

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to the payment of wages to certain employees. (BDR 53-629)

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 wages; authorizing ~~an employer~~ ***certain employers*** and ~~employee~~ ***employees*** to enter into a written agreement to exclude from ~~the~~ ***an*** employee's wages ~~in a regularly scheduled sleeping period under certain circumstances;~~ ***payment for certain specified periods;*** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires an employer to pay an employee wages for each hour the employee works. (NRS 608.016) Existing federal regulations allow employees who work shifts of 24 hours or more to agree to not be paid for a sleeping period not to exceed 8 hours under certain circumstances. (29 C.F.R. § 785.22) This bill provides that an employee ***who is employed in a certain residential facility and*** who works for 24 hours or more may agree to not be paid for a sleeping period not to exceed 8 hours if ~~1. (1)~~ ***adequate*** sleeping facilities are provided by the employer. ~~1. and (2) the employee can normally enjoy 8 hours of uninterrupted sleep while on duty.~~

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

**Section 1.** Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. If an employee specified in paragraph (a) of subsection 3 is required to be on duty for 24 hours or more, the employer and employee may agree in writing to exclude from the employee's wages a regularly scheduled sleeping period not to exceed 8 hours if***

~~—(a) Adequate~~ ***adequate*** sleeping facilities are furnished by the employer. ~~1.~~

~~(b) The employee can normally enjoy 8 hours of uninterrupted sleep while on duty.~~

2. If the sleeping period is interrupted by any call for service by the employer, the interruption must be counted as hours worked. If the sleeping period is interrupted by any call for service by the employer to such an extent that the sleeping period is less than 5 hours, the employee must be paid for the entire sleeping period.

3. The provisions of subsections 1 and 2:

(a) Apply only to an employee who is on duty at a residential facility for a group of similarly situated persons who require supervision, care or other assistance from employees at the residential facility; and

(b) Do not apply to a firefighter, a member of a rescue or emergency services crew or a peace officer, including, without limitation, a correctional officer.

4. As used in this section, "on":

(a) "A group of similarly situated persons" includes, without limitation, a group of:

(1) Persons with a mental illness;

(2) Persons with a physical disability;

(3) Persons with an intellectual disability;

(4) Persons who are elderly;

(5) Persons recovering from alcohol or drug abuse;

(6) Children in foster care; and

(7) Children in a program to address emotional or behavioral problems.

(b) "On duty" means any period during which an employee is working or is required to remain on the premises of the employer.

(c) "Residential facility" means:

(1) A dormitory, any structure similar to a dormitory or any structure similar to a private residence in which a group of similarly situated persons reside for the purpose of receiving supervision, care or other assistance from employees on duty at the residential facility. Any such dormitory or structure similar to a dormitory may include a studio apartment for the use of the employees.

(2) In the case of a program for children to address emotional or behavioral problems, any structure which provides for residential living for the children and employees.

Sec. 2. NRS 608.016 is hereby amended to read as follows:

608.016 ~~1-4-11~~ Except as otherwise provided in section 1 of this act, an employer shall pay to the employee wages for each hour the employee works. An employer shall not require an employee to work without wages during a trial or break-in period.

Sec. 3. This act becomes effective on July 1, 2015.