

SENATE BILL NO. 165—SENATOR SEGERBLOM

FEBRUARY 16, 2015

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Enacts the Domestic Workers’ Bill of Rights.
(BDR 53-135)

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

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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 domestic workers; enacting the Domestic Workers’ Bill of Rights; providing for the mandatory payment of wages and overtime wages for certain hours worked, limitations on deductions for food and lodging, rest breaks and days off; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that employees must be paid a minimum wage and must be paid overtime for certain hours. (NRS 608.018, 608.250; Nev. Const. Art. 15, § 16) **Section 6** of this bill enacts the Domestic Workers’ Bill of Rights. **Section 6** defines a “domestic worker” to mean a natural person who is paid by an employer to perform work of a domestic nature and requires that an employer of a domestic worker supply the domestic worker with certain written documentation of the conditions of his or her employment and his or her rights under the law. **Section 6** also requires that a domestic worker be compensated for all hours during which he or she is required to be on duty and is required to remain in the employer’s household. **Section 6** requires that a domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer’s household be paid overtime wages for certain hours; however, per the Labor Commissioner, a domestic worker who resides in the employer’s household is only entitled to his or her regular wages for all hours worked. **Section 6** further requires that a domestic worker be allowed at least 1 day off per week and 2 consecutive days off at least once per month. **Section 6** also prohibits an employer from limiting or monitoring a domestic worker’s private communications or taking or holding such a worker’s personal documents. **Section 1** of this bill sets limits on the amount an employer may deduct from a worker’s pay for lodging provided by the employer. **Section 2** of this bill revises the amounts an employer may deduct from a worker’s pay for meals. Existing law provides that children under the age of 16 years employed in domestic service, farm labor or motion picture performances



23 are exempt from limitations on working hours. (NRS 609.240) **Section 3** of this bill
24 deletes the exemption for children employed in domestic service.

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

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

3 **1. A part of wages or compensation may, if mutually agreed**
4 **upon by an employee and employer in the contract of employment,**
5 **consist of lodging. In no case may the value of the lodging be**
6 **computed at more than five times the statutory minimum hourly**
7 **wage for each week that lodging is provided to the employee.**

8 **2. The monetary limitations on the value of lodging specified**
9 **in subsection 1 do not apply to agricultural employees.**

10 **Sec. 2.** NRS 608.155 is hereby amended to read as follows:

11 608.155 1. A part of wages or compensation may, if mutually
12 agreed upon by an employee and employer in the contract of
13 employment, consist of meals. In no case shall the value of the
14 meals be computed at more than ~~[\$1.50]~~ **100 percent of the**
15 **statutory minimum hourly wage** per day. In no case shall the value
16 of the meals consumed by such employee be computed or valued at
17 more than ~~[35-cents]~~ **25 percent of the statutory minimum hourly**
18 **wage** for each breakfast actually consumed, ~~[45-cents]~~ **25 percent of**
19 **the statutory minimum hourly wage** for each lunch actually
20 consumed, and ~~[70-cents]~~ **50 percent of the statutory minimum**
21 **hourly wage** for each dinner actually consumed.

22 2. The monetary limitations on the value of meals, contained in
23 subsection 1, do not apply to agricultural employees.

24 **Sec. 3.** NRS 609.240 is hereby amended to read as follows:

25 609.240 1. No child under the age of 16 years may be
26 employed, permitted or suffered to work at any gainful occupation,
27 other than ~~[domestic service,]~~ employment as a performer in the
28 production of a motion picture or work on a farm, more than 48
29 hours in any 1 week, or more than 8 hours in any 1 day.

30 2. The presence of a child in any establishment during working
31 hours is prima facie evidence of employment of the child therein.

32 **Sec. 4.** Chapter 613 of NRS is hereby amended by adding
33 thereto the provisions set forth as sections 5 and 6 of this act.

34 **Sec. 5. This section and section 6 of this act may be cited as**
35 **the Domestic Workers' Bill of Rights.**

36 **Sec. 6. 1. The Legislature hereby declares that a domestic**
37 **worker must be afforded the following rights and protections:**

38 **(a) An employer shall provide to a domestic worker, when the**
39 **domestic worker begins his or her employment, a written**



employment agreement outlining the conditions of his or her employment. If the domestic worker is not able to understand the provisions of the written agreement, the employer shall ensure that those provisions are explained to the domestic worker in a language that the domestic worker understands. The employment agreement must include, without limitation:

(1) The full name and address of the employer;
(2) The name of the domestic worker and a description of the duties for which he or she is being employed;

(3) Each place where the domestic worker is required to work;

(4) The date on which the employment will begin;

(5) The period of notice required for either party to terminate the employment or, if the employment is for a specified period, the date on which the employment will end;

(6) The ordinary workdays and hours of work required of the domestic worker, including any breaks;

(7) The rate of pay, rate and conditions of overtime pay and any other payment or benefits, including, without limitation, health insurance, workers' compensation insurance or paid leave, which the domestic worker is entitled to receive;

(8) The frequency and method of pay;

(9) Any deductions to be made from the domestic worker's wages;

(10) If the domestic worker is to reside in the employer's household, the conditions under which the employer may enter the domestic worker's designated living space; and

(11) A notice of all applicable state and federal laws pertaining to the employment of domestic workers. A copy of the notice provided in subsection 3 will satisfy the requirement to comply with this subparagraph.

(b) Except as otherwise provided in this section and subject to the provisions of chapter 608 of NRS, a domestic worker must, for all of his or her working time, be paid at least the minimum hourly wage published pursuant to Section 16 of Article 15 of the Nevada Constitution.

(c) A domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer's household must be paid not less than one and one half times the domestic worker's regular rate of wages for all working time in excess of 8 hours in a workday or 40 hours in a week of work as provided in NRS 608.018. A domestic worker who resides in the employer's household is not entitled to pay in excess of the minimum hourly wage for any working time in excess of 8 hours in a workday or 40 hours in a week of work.



(d) If a domestic worker is required to be on duty, he or she must be paid for all working time, including, without limitation, sleeping time and meal breaks.

(e) If a domestic worker is hired to work for 40 hours per week or more, his or her employer must provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month. The domestic worker may agree in writing to work on a scheduled day of rest but must be compensated for such time pursuant to this section.

(f) An employer may deduct from the wages of a domestic worker an amount for food and beverages supplied by the employer if the domestic worker freely and voluntarily accepts such food and beverages and provides written consent for such a deduction. An employer must not make a deduction for food and beverages supplied by the employer if a domestic worker cannot easily bring or prepare meals on the premises. Any deduction for food and beverages pursuant to this paragraph must not exceed the limits set forth in NRS 608.155.

(g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker freely and voluntarily accepts such lodging and provides written consent for such a deduction. An employer may not make a deduction for lodging if the domestic worker is required to reside on the employer's premises as a condition of his or her employment. Any deduction for lodging pursuant to this paragraph must not exceed the limits set forth in section 1 of this act.

(h) If a domestic worker is required to wear a uniform, the employer may not deduct from his or her wages the cost of the uniform or its care.

(i) An employer shall not restrict, interfere with or monitor a domestic worker's private communications or take any of the domestic worker's documents or other personal effects.

(j) A domestic worker may request a written evaluation of his or her work performance from the employer 3 months after his or her employment began and annually thereafter.

(k) If a domestic worker resides in the employer's household and the employer terminates his or her employment without cause, the employer shall provide written notice and at least 30 days of lodging to the domestic worker, either on-site or in comparable off-site conditions.

(l) An employer shall keep a record of the wages and hours of the domestic worker as required by NRS 608.115.

2. The provisions of this section are not intended to prevent an employer from providing greater wages and benefits than those required by this section.



3. *The Labor Commissioner shall adopt regulations to carry out the provisions of this section and shall post on his or her Internet website, if any, a multilingual notice of employment rights provided under this section and any applicable state and federal laws pertaining to the employment of domestic workers.*

4. *As used in this section, unless the context otherwise requires:*

(a) *“Domestic worker” means a natural person who is paid by an employer to perform work of a domestic nature for the employer’s household, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. The term does not include persons who provide services on a casual, irregular or intermittent basis or persons who are employed by a third-party service or agency.*

(b) *“Employer” means a person who employs a domestic worker to work for the employer’s household.*

(c) *“Household” means the premises of an employer’s residence and includes any living quarters on the employer’s property.*

(d) *“On duty” means any period during which a domestic worker is working or is required to remain on the employer’s property.*

(e) *“Period of rest” means a period during which the domestic worker has complete freedom from all duties and is free to leave the employer’s household or stay within the household solely for personal pursuits.*

(f) *“Working time” means all compensable time, other than periods of rest, during which a domestic worker is on duty, regardless of whether the domestic worker is actually working.*

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

