

**Amendment No. 959**

Assembly Amendment to Senate Bill No. 232 First Reprint (BDR 53-887)

**Proposed by:** Assemblywoman Bustamante Adams

**Amends:** 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.

WLK



Date: 5/25/2017

S.B. No. 232—Enacts the Domestic Workers’ Bill of Rights. (BDR 53-887)





SENATE BILL NO. 232—SENATORS SEGERBLOM, MANENDO, CANCELA, PARKS; AND  
WOODHOUSE

MARCH 1, 2017

JOINT SPONSORS: ASSEMBLYMEN NEAL;  
ARAUJO, DALY AND JOINER

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Enacts the Domestic Workers' Bill of Rights. (BDR 53-887)

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 . under certain circumstances. 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, except under certain circumstances in which the domestic worker is employed at a residential facility for a group of certain persons who require supervision, care or other assistance. **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~~ must be paid overtime wages ~~for~~ under 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.~~ circumstances. **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 are exempt from limitations on working hours. (NRS 609.240) **Section 3** of this bill deletes the exemption for children employed in domestic service.

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

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

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

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

10       **Sec. 1.5.** NRS 608.018 is hereby amended to read as follows:

11       608.018 1. An employer shall pay 1 1/2 times an employee's regular wage  
12 rate whenever an employee who receives compensation for employment at a rate  
13 less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

14       (a) More than 40 hours in any scheduled week of work; or

15       (b) More than 8 hours in any workday unless by mutual agreement the  
16 employee works a scheduled 10 hours per day for 4 calendar days within any  
17 scheduled week of work.

18       2. An employer shall pay 1 1/2 times an employee's regular wage rate  
19 whenever an employee who receives compensation for employment at a rate not  
20 less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works  
21 more than 40 hours in any scheduled week of work.

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

23       (a) ~~Employees~~ Except as otherwise provided in paragraph (o), employees  
24 who are not covered by the minimum wage provisions of NRS 608.250;

25       (b) Outside buyers;

26       (c) Employees in a retail or service business if their regular rate is more than 1  
27 1/2 times the minimum wage, and more than half their compensation for a  
28 representative period comes from commissions on goods or services, with the  
29 representative period being, to the extent allowed pursuant to federal law, not less  
30 than 1 month;

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

33       (e) Employees covered by collective bargaining agreements which provide  
34 otherwise for overtime;

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

37       (g) Employees of a railroad;

38       (h) Employees of a carrier by air;

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

41       (j) Drivers of taxicabs or limousines;

42       (k) Agricultural employees;

43       (l) Employees of business enterprises having a gross sales volume of less than  
44 \$250,000 per year;

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

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

*(o) A domestic worker who resides in the household where he or she works if the domestic worker and his or her employer agree in writing to exempt the domestic worker from the requirements of subsections 1 and 2.*

*4. As used in this section, "domestic worker" has the meaning ascribed to it in section 6 of this act.*

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

608.155 1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of meals. In no case shall the value of the meals be computed at more than ~~100 percent of the statutory minimum hourly wage~~ *100 percent of the statutory minimum hourly wage* per day. In no case shall the value of the meals consumed by such employee be computed or valued at more than ~~35 cents~~ *25 percent of the statutory minimum hourly wage* for each breakfast actually consumed, ~~45 cents~~ *25 percent of the statutory minimum hourly wage* for each lunch actually consumed, and ~~70 cents~~ *50 percent of the statutory minimum hourly wage* for each dinner actually consumed.

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

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

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

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

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

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

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

*(a) An employer shall provide to a domestic worker, when the 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) ~~*Except as otherwise provided in NRS 608.018, 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 accordance with the provisions of 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) *Except as otherwise provided in NRS 608.0195, 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 begins 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*

1 *provide written notice and at least 30 days of lodging to the domestic worker,*  
2 *either on-site or in comparable off-site conditions.*

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

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

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

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

13 *(a) "Domestic worker" means a natural person who is paid by an employer*  
14 *to perform work of a domestic nature for the employer's household, including,*  
15 *without limitation, housekeeping, housecleaning, cooking, laundering, nanny*  
16 *services, caretaking of sick, convalescing or elderly persons, gardening or*  
17 *chauffeurage. The term:*

18 *(1) Includes a natural person who is employed by a third-party service or*  
19 *agency; and*

20 *(2) Does not include a natural person who provides services on a casual,*  
21 *irregular or intermittent basis.*

22 *(b) "Employer" means a person who employs a domestic worker to work for*  
23 *the employer's household.*

24 *(c) "Household" means the premises of an employer's residence and*  
25 *includes any living quarters on the employer's property.*

26 *(d) "On duty" means any period during which a domestic worker is working*  
27 *or is required to remain on the employer's property.*

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

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

34 **Sec. 7.** This act becomes effective:

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

38 2. On January 1, 2018, for all other purposes.