

ASSEMBLY JOINT RESOLUTION NO. 10—
COMMITTEE ON COMMERCE AND LABOR

MAY 22, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Proposes to amend the Nevada Constitution to prospectively increase the required minimum wage paid to employees. (BDR C-1273)

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.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to prospectively increase the required minimum wage paid to employees.

Legislative Counsel's Digest:

Section 16 of Article 15 of the Nevada Constitution requires private employers to pay a minimum wage of \$5.15 per hour if the employer provides certain health benefits to employees or \$6.15 per hour if the employer does not provide such health benefits to employees. The Constitution also requires the minimum wage to be adjusted each year by the amount of any increase in the federal minimum wage over \$5.15 per hour or, if greater, by the cumulative increase in the cost of living measured by the Consumer Price Index (CPI), except that the CPI adjustment for any 1-year period cannot exceed 3 percent. (Nev. Const. Art. 15, §16) This joint resolution proposes to amend the Nevada Constitution to instead set the minimum wage at \$12 per hour worked beginning July 1, 2024, regardless of whether the employer provides health benefits to employees. In addition, this joint resolution removes the annual adjustment to the minimum wage and instead provides that if at any time the federal minimum wage is greater than \$12 per hour worked, the minimum wage is increased to the amount established for the federal minimum wage. In addition, this joint resolution allows the Legislature to establish a minimum wage that is greater than the hourly rate set forth in the Constitution.



RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 16 of Article 15 of the Nevada Constitution be amended to read as follows:

Sec. 16. Payment of minimum compensation to employees.

~~[A. Each]~~

1. *Except as otherwise provided in this section, beginning July 1, 2024, each* employer shall pay a wage to each employee of not less than ~~[the hourly rates set forth in this section. The rate shall be five dollars and fifteen cents (\$5.15)]~~ *twelve dollars (\$12)* per hour worked . ~~[if the employer provides health benefits as described herein, or six dollars and fifteen cents (\$6.15) per hour if the employer does not provide such benefits. Offering health benefits within the meaning of this section shall consist of making health insurance available to the employee for the employee and the employee's dependents at a total cost to the employee for premiums of not more than 10 percent of the employee's gross taxable income from the employer. These rates of wages shall be adjusted by the amount of increases in]~~

2. *If, at any time, the amount of the* federal minimum wage ~~[over \$5.15 per hour, or, if greater, by the cumulative increase in the cost of living. The cost of living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2004 of the Consumer Price Index (All Urban Consumers, U.S. City Average) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. No CPI adjustment for any one year period may be greater than 3%. The Governor or the State agency designated by the Governor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all employers and to any other person who has filed with the Governor or the designated agency a request to receive such notice but lack of notice shall not excuse noncompliance with this section. An employer shall provide written notification of the rate adjustments to each of its employees and make the necessary payroll adjustments by July 1 following the publication of the bulletin.]~~ *is greater than twelve dollars (\$12) per hour worked, each employer must pay a wage to each employee of not less than the hourly rate established for the federal minimum wage.*

3. *The Legislature may establish by law a minimum wage that an employer must pay to each employee that is greater than the hourly rate required by this section.*



4. Tips or gratuities received by employees shall not be credited as being any part of or offset against the *hourly rate established as the minimum* wage ~~[rates required by]~~ pursuant to this section.

~~[B. The]~~

5. *Except as otherwise provided in this section*, the provisions of this section may not be waived by agreement between an ~~[individual]~~ employee and ~~[an]~~ *his or her* employer. All of the provisions of this section, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this section.

6. An employer shall not *, in any manner*, discharge, reduce the compensation of or otherwise discriminate against any employee for using any civil remedies to enforce this section or otherwise asserting his or her rights under this section.

7. An employee claiming violation of this section ~~[may]~~ *is entitled to* bring an action against his or her employer in the courts of this State to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to back pay, damages, reinstatement or injunctive relief. An employee who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs.

~~[C.]~~ 8. As used in this section ~~[, "employee"]~~ :

(a) *"Employee"* means any person who is employed by an employer as defined herein but does not include an employee who is under eighteen (18) years of age, employed by a nonprofit organization for after school or summer employment or as a trainee for a period not longer than ninety (90) days.

(b) *"Employer"* means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts of employment.

~~[D.]~~ 9. If any provision of this section is declared illegal, invalid or inoperative, in whole or in part, by the final decision of any court of competent jurisdiction, the remaining provisions and all portions not declared illegal, invalid or



1 inoperative shall remain in full force or effect, and no such
2 determination shall invalidate the remaining sections or
3 portions of the sections of this section.

