

Amendment No. 107

Senate Amendment to Senate Bill No. 245	(BDR 53-829)
Proposed by: Senate Committee on Commerce and Labor	
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.



SENATE BILL NO. 245—SENATOR LANGE

MARCH 15, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Makes changes regarding employment. (BDR 53-829)

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; establishing provisions governing the exercise of jurisdiction by the Labor Commissioner over certain claims that arise under certain collective bargaining agreements; revising the definition of “wages” to include amounts due to certain former employees by employers who fail to pay certain wages within the periods required by law; ~~requiring the Labor Commissioner to take certain actions regarding amounts due to certain former employees by employers who fail to pay certain wages within the periods required by law~~; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, ~~whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge become due and payable immediately. (NRS 608.020) Whenever an employee resigns or quits his or her employment, the wages and compensation earned and unpaid at the time of the employee’s resignation or quitting must be paid no later than the day on which the employee would have regularly been paid or 7 days after the employee resigns or quits, whichever is earlier. (NRS 608.030) If the employer fails to pay the money earned by the employee within the periods established by statute, the former employee is entitled to continue to receive his or her customary compensation until he or she is paid in full or for 30 days, whichever is less. (NRS 608.040)~~ the Labor Commissioner is required to enforce all the labor laws of this State. (NRS 607.160) This includes laws governing the payment of wages, commissions and other benefits. (NRS 607.170, 608.180) Section 1 of this bill provides, with certain exceptions, that if a person who files a complaint with the Labor Commissioner is covered by a collective bargaining agreement that provides the claimant with a remedy or other relief for a violation of its terms, the Labor Commissioner is required to decline jurisdiction of the claim until the remedies, other relief and appeals, if any, provided to the claimant by the terms of the agreement are exhausted. Section 1 requires the Labor Commissioner to take jurisdiction of such a claim if he or she determines that the remedies or other relief provided to the claimant by the terms of the collective bargaining agreement are inadequate, unavailable or non-binding, and thereafter determine compliance with the labor laws of this State.

Section 1.5 of this bill revises the definition of “wages” in existing law to include amounts owed to a discharged employee or an employee who resigns or quits and whose former employer fails to pay the employee by the statutory deadlines. (NRS 608.012)

~~[— Section 2 of this bill authorizes a discharged employee or an employee who resigns or quits and believes that he or she is owed wages by a former employer who has failed to pay those wages within the existing statutory deadlines to file a claim for wages or a complaint with the Labor Commissioner. Section 2 also requires the Labor Commissioner to take appropriate administrative action to determine the amount of any wages or compensation to which the employee is entitled and to collect that amount for the benefit of the employee.]~~

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

Section 1. Chapter 607 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a claimant is covered by the terms of a collective bargaining agreement that provides the claimant with an exclusive remedy or other relief for a violation of its terms, the Labor Commissioner shall decline to take jurisdiction of the claim or complaint until the remedies, other relief and appeals, if any, provided to the claimant by the terms of the agreement are exhausted.

2. The Labor Commissioner shall take jurisdiction of a claim or complaint described in subsection 1 if the Labor Commissioner determines that the remedies or other relief provided to the claimant by the terms of the collective bargaining agreement are inadequate, unavailable or non-binding.

3. Upon taking jurisdiction pursuant to subsection 2, the Labor Commissioner shall determine compliance with all labor laws of this State, including, without limitation, the provisions of chapter 608 of NRS.

4. As used in this section, "claimant" means a person who files a claim for wages or other complaint with the Labor Commissioner.

~~[Section 1.]~~ **Sec. 1.5.** NRS 608.012 is hereby amended to read as follows:

608.012 "Wages" means:

1. The amount which an employer agrees to pay an employee for the time the employee has worked, computed in proportion to time; ~~[and]~~

2. Commissions owed the employee ~~[;]~~ **; and**
3. Amounts due to a discharged employee or to an employee who resigns or quits pursuant to NRS 608.040,

but excludes any bonus or arrangement to share profits.

Sec. 2. ~~[NRS 608.040 is hereby amended to read as follows:~~

~~608.040 1. If an employer fails to pay:~~

~~— (a) Within 3 days after the wages or compensation of a discharged employee becomes due; or~~

~~— (b) On the day the wages or compensation is due to an employee who resigns or quits;~~

~~— the wages or compensation of the employee continues at the same rate from the day the employee resigned, quit or was discharged until paid or for 30 days, whichever is less.~~

~~2. Any employee who secedes or absents himself or herself to avoid payment of his or her wages or compensation, or refuses to accept them when fully tendered to him or her, is not entitled to receive the payment thereof for the time he or she secedes or absents himself or herself to avoid payment.~~

~~3. Except as otherwise provided in subsection 2, a discharged employee or an employee who resigns or quits and who believes that he or she is entitled to be paid wages or compensation from a former employer pursuant to this section may file a claim for wages or a complaint with the Labor Commissioner. Upon receipt~~

~~and review of the claim or complaint, the Labor Commissioner shall take appropriate administrative action, including, without limitation, holding a hearing in the manner set forth in NRS 607.207, to determine the amount of any wages or compensation to which the employee is entitled and to collect that amount for the benefit of the employee.] (Deleted by amendment.)~~

Sec. 3. This act becomes effective on July 1, 2021.