

Assembly Bill No. 215—Assemblymembers
Monroe-Moreno, Hibbetts and Moore

CHAPTER.....

AN ACT relating to employment; revising provisions relating to the employment of children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Fair Labor Standards Act and existing state law establish certain standards relating to the employment of children. (29 U.S.C. § 212, 29 C.F.R. Part 570; chapter 609 of NRS) When such federal and state standards are different, the standards that provide the most protection to children apply. (29 U.S.C. § 218) With certain exceptions, both existing federal and state law restrict the daily and weekly number of hours worked in authorized employment by children who are 14 and 15 years of age. (29 C.F.R. § 570.35; NRS 609.240) In part, existing state law prohibits children who are 14 and 15 years of age from being employed, subject to certain exceptions, more than 48 hours in any 1 week. (NRS 609.240) **Section 2** of this bill reduces the maximum allowable number of weekly work hours under this prohibition to 40 hours in any 1 week. With the exception of working as certain messengers, existing state law does not place restrictions on the times of day worked in authorized employment by children who are 14 years of age and older and under 18 years of age. (NRS 609.230, 609.240) However, existing federal law limits the times of day worked in authorized employment by children who are 14 and 15 years of age to 7 a.m. to 7 p.m., except between June 1 and Labor Day when the evening hours are extended to 9 p.m. (29 C.F.R. § 570.35) **Section 2** prohibits, with certain exceptions, work between 11 p.m. and 6 a.m. on any night immediately preceding a school day by a child who is: (1) enrolled in high school at a public or private school; (2) 16 years of age or older and under 19 years of age; and (3) not emancipated. **Section 2** exempts from this time restriction the employment of a child as a lifeguard, employee of an arcade or stage or theatrical performer. **Section 2** authorizes a school district or other governing body of the high school or juvenile court to grant an exemption from this time restriction in certain circumstances.

A person who violates the prohibitions relating to the employment of children: (1) is guilty of a misdemeanor, which is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine or imprisonment; and (2) may be liable for certain civil penalties. (NRS 193.150, 609.650, 609.652) These penalties apply to persons who violate the maximum allowable number of weekly work hours or time restrictions in **section 2**.

Section 1.7 of this bill provides that a person who violates any provision of the federal Fair Labor Standards Act, or any regulation adopted pursuant thereto, relating to the hours of work and conditions of employment permitted for a child under 16 years of age is subject to these penalties.

Existing law requires every employer in this State to conspicuously post on the premises where any person is employed a printed abstract, furnished by the Labor Commissioner, of the provisions relating to compensation, wages and hours of employment. (NRS 608.013) **Section 1.3** of this bill requires the Labor Commissioner to prepare an abstract of the provisions relating to the employment of children and post the abstract to the Internet website maintained by the Office of Labor Commissioner. **Section 1.3** also requires the Labor Commissioner to include the abstract relating to the employment of children in a two-dimensional bar code, commonly known as a QR code, or other machine-readable bar code used for storing an Internet address, in the abstract relating to compensation, wages and



hours of employment that the Labor Commissioner is required to furnish to every employer in this State.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. Chapter 609 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. *The Labor Commissioner shall:*

- 1. Prepare an abstract of this chapter;*
- 2. Post the abstract on the Internet website maintained by the Office of Labor Commissioner; and*
- 3. Include the abstract in a two-dimensional bar code, commonly known as a QR code, or other machine-readable barcode used for storing an Internet address, in any abstract furnished to an employer pursuant to NRS 608.013.*

Sec. 1.7. *A violation of any provision of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., or any regulation adopted pursuant thereto, including, without limitation, 29 C.F.R. Part 570, relating to the hours of work and conditions of employment permitted for a child under 16 years of age shall be deemed to be a violation of this chapter.*

Sec. 2. 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 employment as a performer in the production of a motion picture or work on a farm, more than ~~[48]~~ 40 hours in any 1 week, or more than 8 hours in any 1 day.

2. *Except as otherwise provided in this subsection and NRS 609.230, no child may be employed, permitted or suffered to work at any gainful occupation, other than employment as a lifeguard, employee of an arcade, stage or theatrical performer or performer in the production of a motion picture or work on a farm, between 11 p.m. and 6 a.m. on any night immediately preceding a school day if the child:*

- (a) Is enrolled in high school at a public or private school;*
- (b) Is 16 years of age or older and under 19 years of age; and*
- (c) Is not declared emancipated pursuant to NRS 129.080 to 129.140, inclusive.*

↪ A school district or other governing body of the high school or juvenile court may grant an exemption from the restrictions of this



subsection if the school district, governing body or juvenile court, as applicable, determines the exemption is in the best interest of the child.

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

4. *As used in this section:*

(a) *“Private school” has the meaning ascribed to it in NRS 394.103.*

(b) *“Public school” has the meaning ascribed to it in NRS 385.007.*



