
ASSEMBLY BILL NO. 63—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE OFFICE OF ECONOMIC DEVELOPMENT)

PREFILED DECEMBER 20, 2012

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing compensation for overtime. (BDR 53-294)

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

~

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

AN ACT relating to labor; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Federal law exempts certain employees from receiving compensation for
2 overtime. (29 U.S.C. § 213) Existing law also exempts certain employees from
3 otherwise receiving compensation for overtime at 1 1/2 times the employees’
4 regular wage rate if the employee works more than 40 hours in any week or, under
5 certain circumstances, more than 8 hours in any workday. (NRS 608.018) This bill
6 revises existing law to include, to the extent authorized by 29 U.S.C. § 213, certain
7 employees in computer and information technology as being exempt from receiving
8 compensation for overtime.

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

1 **Section 1.** NRS 608.018 is hereby amended to read as follows:
2 608.018 1. An employer shall pay 1 1/2 times an employee’s
3 regular wage rate whenever an employee who receives
4 compensation for employment at a rate less than 1 1/2 times the
5 minimum rate prescribed pursuant to NRS 608.250 works:
6 (a) More than 40 hours in any scheduled week of work; or



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

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

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

10 (a) Employees who are not covered by the minimum wage
11 provisions of NRS 608.250;

12 (b) Outside buyers;

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

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

21 (e) Employees covered by collective bargaining agreements
22 which provide otherwise for overtime;

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

25 (g) Employees of a railroad;

26 (h) Employees of a carrier by air;

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

29 (j) Drivers of taxicabs or limousines;

30 (k) Agricultural employees;

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

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

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

37 *(o) To the extent authorized by 29 U.S.C. § 213, employees in*
38 *computer and information technology, including, without*
39 *limitation, computer systems analysts, computer programmers,*
40 *software engineers and other similarly skilled employees.*

