

SENATE BILL NO. 146—SENATORS PARKS AND SPEARMAN

FEBRUARY 12, 2015

JOINT SPONSOR: ASSEMBLYWOMAN BUSTAMANTE ADAMS

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to the payment of wages to certain employees. (BDR 53-629)

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 wages; authorizing certain employers and employees to enter into a written agreement to exclude from an employee’s wages payment for certain specified periods; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires an employer to pay an employee wages for each hour the
2 employee works. (NRS 608.016) Existing federal regulations allow employees who
3 work shifts of 24 hours or more to agree to not be paid for a sleeping period not to
4 exceed 8 hours under certain circumstances. (29 C.F.R. § 785.22) This bill provides
5 that an employee who is employed in a certain residential facility and who works
6 for 24 hours or more may agree to not be paid for a sleeping period not to exceed 8
7 hours if adequate sleeping facilities are provided by the employer.

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

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

3 ***1. If an employee specified in paragraph (a) of subsection 3 is***
4 ***required to be on duty for 24 hours or more, the employer and***
5 ***employee may agree in writing to exclude from the employee’s***



1 *wages a regularly scheduled sleeping period not to exceed 8 hours*
2 *if adequate sleeping facilities are furnished by the employer.*

3 2. *If the sleeping period is interrupted by any call for service*
4 *by the employer, the interruption must be counted as hours*
5 *worked. If the sleeping period is interrupted by any call for service*
6 *by the employer to such an extent that the sleeping period is less*
7 *than 5 hours, the employee must be paid for the entire sleeping*
8 *period.*

9 3. *The provisions of subsections 1 and 2:*

10 (a) *Apply only to an employee who is on duty at a residential*
11 *facility for a group of similarly situated persons who require*
12 *supervision, care or other assistance from employees at the*
13 *residential facility; and*

14 (b) *Do not apply to a firefighter, a member of a rescue or*
15 *emergency services crew or a peace officer, including, without*
16 *limitation, a correctional officer.*

17 4. *As used in this section:*

18 (a) *“A group of similarly situated persons” includes, without*
19 *limitation, a group of:*

20 (1) *Persons with a mental illness;*

21 (2) *Persons with a physical disability;*

22 (3) *Persons with an intellectual disability;*

23 (4) *Persons who are elderly;*

24 (5) *Persons recovering from alcohol or drug abuse;*

25 (6) *Children in foster care; and*

26 (7) *Children in a program to address emotional or*
27 *behavioral problems.*

28 (b) *“On duty” means any period during which an employee is*
29 *working or is required to remain on the premises of the employer.*

30 (c) *“Residential facility” means:*

31 (1) *A dormitory, any structure similar to a dormitory or any*
32 *structure similar to a private residence in which a group of*
33 *similarly situated persons reside for the purpose of receiving*
34 *supervision, care or other assistance from employees on duty at*
35 *the residential facility. Any such dormitory or structure similar to*
36 *a dormitory may include a studio apartment for the use of the*
37 *employees.*

38 (2) *In the case of a program for children to address*
39 *emotional or behavioral problems, any structure which provides*
40 *for residential living for the children and employees.*

41 **Sec. 2.** NRS 608.016 is hereby amended to read as follows:

42 608.016 ~~[Am]~~ *Except as otherwise provided in section 1 of this*
43 *act, an employer shall pay to the employee wages for each hour the*
44 *employee works. An employer shall not require an employee to*
45 *work without wages during a trial or break-in period.*



1 **Sec. 3.** This act becomes effective on July 1, 2015.

Ⓣ

