

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Senate Committee on Commerce and Labor

This measure may be considered for action during today's work session.

SENATE BILL 147

Makes changes relating to employment. (BDR 53-463)

Sponsored By: Senator Lange
Date Heard: February 22, 2023
Fiscal Notes: Effect on Local Government: No.
Effect on the State: No.

Senate Bill 147 requires an employee's unpaid wages and earned compensation to be paid immediately upon being laid off by an employer. If an employer fails to pay the wages or compensation of a laid off employee within three days of being laid off, the wages or compensation continue at the same rate for each day the laid off employee goes without their final paycheck until paid in full, or for up to 30 days, whichever is less.

The bill also provides that wages include amounts owed to a laid off employee.

Amendments:

Senator Lange proposes the following amendments (draft mock-up attached):

1. Add a new section to the bill to define "lays off," "laid off," and "layoff."
2. Amend subsection 1 of Section 2 to delete "or lays off" and "or layoff."
3. Add a new subsection to Section 2 to provided that when an employer lays off an employee or is on-call layoff, the wages earned and unpaid at the time of such layoff shall become due and payable immediately.
4. Add a new subsection to Section 2 to provide that whenever an employer lays off an employee, the compensation earned and unpaid at the time of such layoff shall become due and payable if the employee submits to the employer, a written request, within 3 days of the time of the layoff, for the payment of such compensation.
5. Amend paragraph (a) of subsection 1, Section 3 to delete "or laid off."
6. Add two new paragraphs to subsection 1 of Section 3 to provide that if an employer fails to pay the wages or compensation of the employee (1) within 3 days after the wages of a laid off employee becomes due, or (2) within 3 days of the date on which a laid off employee submits a written request with an employer the wages or compensation of the employee continue at the same rate from the day the employee resigned, quit, was discharged, or laid off until paid or for 30 days, whichever is less.

SENATE BILL NO. 147—SENATORS LANGE; CANNIZZARO,
DALY, DONATE AND FLORES

FEBRUARY 14, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Makes changes relating to employment. (BDR 53-463)

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; requiring the payment of certain wages and compensation to an employee when an employer lays off the employee; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law: (1) whenever an employer discharges an employee, the
2 wages and compensation earned and unpaid at the time of the discharge become
3 due and payable immediately; and (2) if an employer fails to pay the wages or
4 compensation within 3 days after the wages or compensation becomes due, the
5 wages and compensation continue at the same rate from the day the employee was
6 discharged until paid or for 30 days, whichever is less. (NRS 608.020, 608.040)
7 **Section 2** of this bill provides that whenever an employer lays off an employee,
8 the wages and compensation earned and unpaid at the time of such layoff also
9 become due and payable immediately. **Section 3** of this bill provides that if an
10 employer fails to pay the wages or compensation of a laid off employee within 3
11 days after the wages or compensation becomes due, the wages or compensation
12 also continues at the same rate from the day the employee was laid off until paid or
13 for 30 days, whichever is less. **Section 1** of this bill makes a conforming change to
14 provide that the term “wages” includes amounts due to a laid off employee.

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

Section 1. As used in sections 3 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in section 2 of this act have the meaning ascribed to them in that section.

Amendment Proposed By: Senator Lange

Section 2. “Lays off,” “laid off” or “layoff” means the placement of an employee on a non-working status by an employer wherein the employee remains otherwise employed by the same employer. The terms shall not include situations where an employee is on-call for available work, or where an employee is placed on suspension pending investigation, on a disciplinary suspension, or on a leave of absence.

Section 3. 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;
2. Commissions owed the employee; and
3. Amounts due to a discharged *or laid off* employee or to an employee who resigns or quits pursuant to NRS 608.040,
↳ but excludes any bonus or arrangement to share profits.

Sec. 24. NRS 608.020 is hereby amended to read as follows:

608.020 **1.** Whenever an employer discharges ~~or lays off~~ an employee, the wages and compensation earned and unpaid at the time of such discharge ~~or layoff~~ shall become due and payable immediately.

2. Whenever an employer lays off an employee or the employee is laid off but is on call, the wages earned and unpaid at the time of such layoff shall become due and payable immediately.

3. Whenever an employer lays off an employee, the compensation earned and unpaid at the time of such layoff shall become due and payable if the employee submits to the employer, a written request, within 3 days of the time of the layoff, for the payment of such compensation.

Sec. 35. 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 ~~or laid off~~ employee becomes due; ~~or~~
- (b) **Within 3 days after the wages of a laid off employee becomes due;**
- (c) **Within 3 days of the date on which a laid off employee submits a written request with an employer pursuant to subsection 3 of section 4; or**

(d) 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

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rate from the day the employee resigned, quit, ~~or~~ was discharged, *or laid off* until paid or for 30 days, whichever is less.

2. Any employee who secretes 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 secretes or absents himself or herself to avoid payment.

Sec. 46. This act becomes effective on July 1, 2023.