

ASSEMBLY LABOR & MANAGEMENT COMMITTEE MINUTES

FEBRUARY 20, 1975

MEMBERS PRESENT: Chairman Banner  
Vice-Chairman Moody  
Mr. Barengo  
Mr. Benkovich  
Mr. Getto  
Mrs. Hayes  
Mr. Schofield

MEMBERS ABSENT: None

GUEST LIST: Mr. Stan Jones, Nevada State Labor Commissioner  
(Speaking) Assemblyman Jean Ford  
L. K. Fitzgerald, United Transportation Union  
Lou Paley, Nevada State NFL-CIO  
Stan Warren, Nevada Bell  
Les Kofoed, Gaming Ind. of Nevada

Chairman Banner called the meeting to order at 9:35 a.m.

Assemblyman Jean Ford said she would like to make some additional comments on AB-219. In looking over the bill she found the bill drafters have taken their own brand of license and there are certain changes to be made. She presented a list of possible amendments which would answer questions that were raised at the previous hearing. A copy of the suggested amendments are attached hereto and made a part of these Minutes. The wording in these amendments is copied exactly from the National Wage Hour Law, and she would hope the Committee would amend and do pass AB-219.

Chairman Banner said the next bill for discussion would be AB-256.

Mr. Stan Jones, Nevada State Labor Commissioner, spoke on behalf of the bill, stating that it was an attempt to promote job decency for Nevada's 260,000 employees. It increases the minimum wage of the State of Nevada to equality with the Federal Fair Labor Standards Act minimum wage. At the present time Nevada's minimum wage is 10¢ per hour less than the Federal Act, and without the provisions of AB-256, Nevada on January 1, 1976, will be 30¢ per hour below the Federal minimum wage. Some people advocate that we let the Federal people take care of labor and industrial relations protective laws, but there are many workers in Nevada that the people in Washington have forgotten.

Mr. Jones hopes the Committee will show sensitivity to the workers of Nevada who are on the lower end of the economic structure of our financial system and who are hardest hit by the ravages of

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inflation, and will support AB-256 which will do no more than increase Nevada minimum wage to a parity with U.S. Federal Fair Labor Standards Act. Nevada needs the protection of a minimum wage.

Mr. Getto asked if there wasn't some provision in the Federal law that allowed a minor, with the consent of a parent, to work for under the minimum wage. Mr. Jones replied that he knew of no such provision. There is a provision that permits employment of a minor at a reduced rate but that is under the sanction of the Secretary of Labor.

Mr. Banner asked if the minimum wage under the Federal Law was more or less than Nevada. Mr. Jones said the present minimum wage for most covered employees under the Federal law is \$2.10 per hour, and Nevada's minimum wage is \$2.00 per hour. They are asking that effective July 1, 1975, Nevada would be increased to parity with the Federal Act. On January 1, 1976, the Federal minimum wage will be \$2.30 per hour for most covered employees, and they ask that on the same date Nevada minimum wage also be increased to the same amount.

Mr. Getto referred to the last paragraph of page 2 relating to agricultural employees, and said he thought the Federal Government requirements were more complex in that area.

The next speaker was Mr. Lou Paley, Nevada AFL-CIO. He stated he first wanted to correct the record for the meeting of February 18th. He had signed the guest register as being against AB-219, and this was an error. The record should show he is not against AB-219.

In regard to AB-256, he doesn't think the bill goes far enough. The Federal Act ~~went~~ into effect January 1st, and he feels the Committee should make the increase effective upon passage or approval, or retroactive to January 1st. There is a bill in both houses asking that public employees' wages be increased, and there should be no discrimination between public employees and private employees. The minimum wage should be increased for private employees to conform to Federal Law. He further thinks the word "female" should be taken out wherever it appears in the bill.

Mr. Paley asked if he could make reference to AB-219, and the Chairman said that discussion had been closed on that bill.

Mr. Clint Knoll, General Manager of the Nevada Association of Employers, appeared in opposition to AB-256. He stated the proponents of the bill have completely overlooked the fact

that the difference between \$2.00 and \$2.10 an hour corresponding to the Federal Statute is because in the judgment of Congress in increasing these rates they divided the increases into segments - newly covered as opposed to old covered employees. And over a period of years there will be a leveling out. This is what the projection was in the Federal Act. Newly covered employees now receive \$2.00 an hour as of January 1st, but those that were the old type employees that lost their exemptions are at \$2.10 an hour. This AB-256 does not parallel wage requirements of the Federal Statute. And amendment should be added to the bill that it does not supersede the Federal Act as far as essentials are concerned. Prospective businesses who wish to come into Nevada call each day asking about the labor code in Nevada, and they have been able to say it doesn't exceed the Federal requirements. Unless this bill is amended, they will not be able to say that in the future.

Mr. Banner asked if he thought we should do away with all Nevada laws and just follow the Federal Law. Mr. Knoll said that he did not, but he did feel Nevada should not get carried away and exceed the Federal law.

Mr. Jones stated that Mr. Knoll had made a statement that Nevada minimum wage law excludes coverage in accordance with the Federal Fair Labor Standards Act. No where in the Nevada Revised Statutes in minimum wage law of the State of Nevada does it make any reference to the Federal Fair Labor Standards Act. Nevada has lived without that for the last two years and there has been no employer that has suffered any impropriety under the Nevada revised Statutes. Up until January 1, 1965, the Nevada minimum wage law was higher than the Federal Act.

There was discussion off the record between Chairman Banner and members of the audience.

The Committee hearing reconvened to discuss AB-219.

Mr. Lou Paley questioned the bill because he thought some of the things being stricken from the law should be retained. One thing was the lodging provision. Also, under the law if you work less than 4 hours you get paid for four, and if you work beyond a 5 hour period you get paid for 8 hours. That should be retained for both men and women. Also, if a person reports for work and there is no work, they are paid for two hours. He feels all these areas should be retained.

Chairman Banner announced that the Speaker of the House had requested the meeting adjourn, so he would try to arrange a special meeting to complete the hearing on AB-219. Meeting adjourned at 10:30 a.m.

Respectfully submitted,

Jane Dunne, Acting Secretary.

AGENDA FOR COMMITTEE ON LABOR &amp; MANAGEMENT

Date 2/20/75 Time 9:30 A.M. Room 336

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*A.B. 219  
(Continued)

Makes certain provisions on wages, hours, and working conditions apply uniformly to employees without regard to sex.

A.B. 256

Increases minimum wage for employees in private employment.

Possible amendments to AB 219:

Sec. 5., line 7: change \$1 to \$1.50

Sec. 7: substitute for the entire section:

1. Except as provided in subsection 2, an employer shall pay time and one-half of an employee's regular wage rate whenever an employer works:

- (a) More than 40 hours in any workweek of 168 hours during 7 consecutive 24-hour periods.
- (b) More than 8 hours in any 24-hour period unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any 7 consecutive 24-hour periods.

2. The provisions of subsection 1 do not apply to:

- (a) Employees who are not covered by the minimum wage provisions of NRS 608.250.
- (b) Employees who receive compensation for employment at a rate not less than one and one-half times the minimum rate provided by NRS.
- (c) Employees who are employed in bona fide executive, administrative or professional capacities who consent to perform work or service beyond normal periods of employment; or
- (d) Employees covered by union contract provisions that limit number of hours that will be worked.
- (e) Outside buyers
- (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935.
- (g) Railroad employees
- (h) Air carrier employees
- (i) Drivers or drivers' helpers making local deliveries and paid on trip-rate basis or other delivery payment plan.
- (j) Taxicab drivers
- (k) Agricultural employees.
- (l) Retail commission salesmen, if their regular rate is more than 1 1/2 times the minimum wage and more than 1/2 his compensation comes from commissions on goods and services.

Sec. 9: Substitute the following language:

All special uniforms as to style, color, or material required, and including accessories of distinctive design or color, shall be furnished by the employer and laundered or cleaned by the employer without cost to the employee.

Sec. 11: Substitute the following wording: No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality or production; or (4) a differential based on any other factor other than sex. An employer who is paying a wage rate differential in violation of this subsection shall not in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

DATE: Feb. 20, 1975

LABOR & MANAGEMENT COMMITTEE

LEGISLATION TO BE CONSIDERED: \_\_\_\_\_

PLEASE PRINT LEGIBLY

Only those persons who have registered below will be permitted to speak. All persons wishing to present testimony will please sign in below, stating their name, who they represent, and whether they wish to speak for or against the matter to be considered by the committee. Witnesses with long testimony on matters before the committee are encouraged to present their information in writing and make oral summary limiting it to five minutes or less. If you wish to speak more than five minutes please contact the committee chairman or the committee secretary. Questions from other than committee members are not in order and are not allowed. No applause will be permitted.

FOR

NAME	REPRESENTING
Stan Jones	Nev. State Labor Commissioner
L. J. Fitzgerald	United Transportation Union
Law Kelly	Nev. State & L. C. A. D.

AGAINST

NAME	REPRESENTING
STAN WARREN	NEVADA BELL
Les Kofoed	Gaming Ind. Assn. of Nevada