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February 26th 2003

Assembly Commerce and Labor Committee Meeting

2:00 p.m.

Mr. Chairman and Members of the Committee. My name is Lori Ashton. I am a representative of the Southwest Regional Council of Carpenters. I wish to speak in support of AB 48.

Although we believe that the current statutes NRS 608, 607, 618 and 338 clearly does not exclude payment of wages owed to any worker regardless of their citizenship. Legal challenges to this issue continue to occur involving unnecessary legal fees, court costs and personnel time not to mention the delay in the affected worker receiving his just compensation. On these issues the courts have continued to uphold the rights of the workers. Because of the continuous legal challenges we believe that it has become necessary to clarify the intent of the existing statutes through the adoption of the language proposed in Assembly Bill 48.

In adopting and passing this legislation it should alleviate the costly litigations arising from misinterpretation of the existing statutes.

Without codification in the statute, employers have and will continue to exploit the undocumented worker. Employers have abused these statutes as a means of avoiding their financial obligation to workers. Employers, who violate these statute's claim that the undocumented worker was ineligible to be employed in the first place and therefore no

restitution can be assessed. Utilizing their interpretation of the statues the only persons who have benefited, in the past, are the employers. It is important to adopt language that will finally prevent and penalize an employer from gaining an economic and/or other competitive advantage over responsible employers as a result of their unfair and unlawful business practices. These business practices have included but are not limited to: Paying cash

Misclassification of workers

Payment of overtime at straight time rates

Piecework rates on prevailing wage projects

Soliciting and collecting monetary kickbacks as a condition of employment

As you can see through these business practices significant revenue to the State has been lost when those employers fail to pay the employee state tax, as well as industrial insurance contributions on these workers.

In closing I would respectfully ask that this committee move to recommend passage of AB 48 and I would be happy to answer any questions that the committee has. Thank-you for your time.

Submitted by:

Lori Ashton – Representative

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