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Proposed Amendment to AB 458

**Section 1.** NRS 338.020 is hereby amended to read as follows:

338.020 1. Every contract to which a public body of this state is a party, requiring the employment of skilled mechanics, skilled workmen, semiskilled mechanics, semiskilled workmen or unskilled labor in the performance of public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workmen. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the county in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and

(b) Be posted on the site of the public work in a place generally visible to the workmen.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workmen so employed applies and must be stated clearly to such mechanics and workmen when employed.

3. ***Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or workman employed by the contractor or subcontractor on the public work one and one-half times the prevailing wage applicable to the class of the mechanic or workman whenever the mechanic or workman works:***

(a) ***More than 40 hours in any scheduled week of work; or***

(b) ***More than 8 hours in any workday.***

4. ***The provisions of subsection 3 do not apply to a mechanic or workman who is covered by a collective bargaining agreement that provides for the payment of wages for work in excess of 40 hours in any scheduled week of work or 8 hours in any workday.***

5. The prevailing wage ~~{se}~~ ***and any overtime wages*** paid pursuant to ***subsection 3 or 4*** to each class of mechanics or workmen must be in accordance with the jurisdictional classes recognized in the locality where the work is performed.

~~{4.}~~ 6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

**Sec. 2.** NRS 608.018 is hereby amended to read as follows:

608.018 1. Except as ***otherwise*** provided in ~~{subsection 2.}~~ ***this section***, an employer shall pay one and one-half times an employee's regular wage rate whenever an employee works:

(a) More than 40 hours in any scheduled week of work; or

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

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 prescribed pursuant to NRS 608.250;

- (c) Outside buyers;
- (d) Salesmen earning commissions in a retail business if their regular rate is more than one and one-half times the minimum wage, and more than one-half their compensation comes from commissions;
- (e) Employees who are employed in bona fide executive, administrative or professional capacities;
- (f) Employees covered by collective bargaining agreements which provide otherwise for overtime;
- (g) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;
- (h) Employees of a railroad;
- (i) Employees of a carrier by air;
- (j) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;
- (k) Drivers of taxicabs or limousines;
- (l) Agricultural employees;
- (m) Employees of business enterprises having a gross sales volume of less than \$250,000 per year; and
- (n) Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment.

**3. *The provisions of this section do not apply to a mechanic or workman to whom the provisions of subsection 3 or 4 of NRS 338.020 apply.***