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ASSEMBLY BILL NO. 143—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE DEPARTMENT OF BUSINESS  
AND INDUSTRY, LABOR COMMISSIONER)

FEBRUARY 14, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to labor laws and powers and duties of Labor Commissioner. (BDR 53-465)

FISCAL NOTE: Effect on Local Government: Yes.  
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.

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AN ACT relating to labor; revising various provisions relating to the enforcement of the labor laws by the Labor Commissioner; authorizing the Labor Commissioner to impose administrative penalties for certain violations of the labor laws and regulations; requiring the Labor Commissioner to follow certain procedures before imposing administrative penalties; revising provisions relating to the issuance of subpoenas and the settlement of certain matters; prohibiting employers from changing regular paydays or the place of payment without providing advance written notice to employees; prohibiting employers from paying employees a lower wage, salary or compensation than the amount earned by the employees when the work was performed; prohibiting employers from decreasing the wage, salary or compensation of employees without providing advance written notice to the employees; clarifying certain provisions of the labor laws; providing penalties; and providing other matters properly relating thereto.

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



1       **Section 1.** NRS 607.140 is hereby amended to read as follows:

2       607.140 1. The Labor Commissioner shall prepare forms and  
3 blanks for the purpose of gathering the information and statistics  
4 required by this chapter, and may require any person ~~[, firm or~~  
5 ~~corporation]~~ to give the information and statistical detail designated  
6 in those forms.

7       2. Any person ~~[, firm or corporation]~~ who refuses to furnish  
8 such detail and statistics in the form required *by the Labor*  
9 *Commissioner is guilty of a misdemeanor and* shall be ~~[fined]~~  
10 *punished by a fine of* not more than \$500.

11       3. *In addition to any other remedy or penalty, the Labor*  
12 *Commissioner may impose against the person an administrative*  
13 *penalty of not more than \$500 for each such violation.*

14       **Sec. 2.** NRS 607.150 is hereby amended to read as follows:

15       607.150 1. To carry out the provisions of ~~[subsection 1 of]~~  
16 NRS 607.160, the Labor Commissioner *or a person designated by*  
17 *the Labor Commissioner* may enter any store, foundry, mill, office,  
18 workshop, mine or *other* public or private works *or place of*  
19 *employment* at any reasonable time to gather facts and statistics and  
20 make a record thereof.

21       2. Any ~~[owner, corporation, occupant or officer]~~ *person* who  
22 refuses such entry to the Labor Commissioner ~~[, his officers or~~  
23 ~~agents]~~ *or a person designated by the Labor Commissioner* is  
24 guilty of a misdemeanor.

25       3. *In addition to any other remedy or penalty, the Labor*  
26 *Commissioner may impose against the person an administrative*  
27 *penalty of not more than \$500 for each such violation.*

28       **Sec. 3.** NRS 607.160 is hereby amended to read as follows:

29       607.160 1. The Labor Commissioner:

30       (a) Shall enforce all labor laws of the State of Nevada the  
31 enforcement of which is not specifically and exclusively vested in  
32 any other officer, board or commission; and

33       (b) May adopt regulations to carry out the provisions of  
34 paragraph (a).

35       2. ~~[Whenever]~~ *If the Labor Commissioner has reason to*  
36 *believe that a person is violating or has violated a labor law or*  
37 *regulation, the Labor Commissioner may take any appropriate*  
38 *action against the person to enforce the labor law or regulation*  
39 *whether or not a claim or complaint has been made to the Labor*  
40 *Commissioner concerning the violation.*

41       3. *Before the Labor Commissioner may impose an*  
42 *administrative penalty against a person who violates a labor law or*  
43 *regulation, the Labor Commissioner must provide the person with*  
44 *notice and an opportunity for a hearing as set forth in*  
45 *NRS 607.207.*



1 4. *In determining the amount of any administrative penalty to*  
2 *be imposed against a person who violates a labor law or*  
3 *regulation, the Labor Commissioner shall consider the person's*  
4 *previous record of compliance with the labor laws and regulations*  
5 *and the severity of the violation.*

6 5. *All money collected by the Labor Commissioner as an*  
7 *administrative penalty must be deposited in the State General*  
8 *Fund.*

9 6. *The actions and remedies authorized by the labor laws are*  
10 *cumulative. If a person violates a labor law or regulation, the*  
11 *Labor Commissioner may seek a civil remedy, impose an*  
12 *administrative penalty or take other administrative action against*  
13 *the person whether or not the person is prosecuted, convicted or*  
14 *punished for the violation in a criminal proceeding. The*  
15 *imposition of a civil remedy, an administrative penalty or other*  
16 *administrative action against the person does not operate as a*  
17 *defense in any criminal proceeding brought against the person.*

18 7. *If, after due inquiry, the Labor Commissioner believes that*  
19 *a person who is financially unable to employ counsel has a valid and*  
20 *enforceable claim for wages, commissions or other demands, [he]*  
21 *the Labor Commissioner may present the facts to the Attorney*  
22 *General. [showing:*

23 ~~—(a) The names of the claimant and his alleged debtor.~~

24 ~~—(b) A description and the location of the property on which the~~  
25 ~~labor was performed, if the claim is for wages, or which is the office~~  
26 ~~or place of business of the debtor if the claim is for a commission,~~  
27 ~~and the right, title and interest of the debtor therein.~~

28 ~~—(c) Other property, if any, owned by the debtor and the probable~~  
29 ~~value thereof.~~

30 ~~—(d) The time the claimant began and the time he ceased the~~  
31 ~~labor.~~

32 ~~—(e) The number of days' labor performed by him during the~~  
33 ~~employment and the rate of wages or commission arrangement and~~  
34 ~~terms of the employment.~~

35 ~~—(f) The date or dates and the amount, if any, paid on the claim.~~

36 ~~—(g) The balance due, owing and unpaid on the claim.~~

37 ~~—(h) The date on which a demand for payment was made upon~~  
38 ~~the debtor or his agent or representative, and the response, if any, to~~  
39 ~~that demand.~~

40 ~~—(i) The names of the witnesses upon whom the claimant expects~~  
41 ~~to rely to provide facts and to what facts each of the witnesses is~~  
42 ~~expected to testify.~~

43 ~~—3.]~~ *The Attorney General shall prosecute the claim if [he] the*  
44 *Attorney General determines that the claim is valid and enforceable.*



1       **Sec. 4.** NRS 607.170 is hereby amended to read as follows:  
2       607.170 1. The Labor Commissioner may prosecute a claim  
3 for wages and commissions or commence any other action to collect  
4 wages, commissions and other demands of any person who is  
5 financially unable to employ counsel in a case in which, in the  
6 judgment of the Labor Commissioner, the claim for wages or  
7 commissions or other action is valid and enforceable in the courts.

8       2. In all matters relating to wages or commissions, ~~and before~~  
9 ~~taking any assignment,~~ the Labor Commissioner may, in  
10 accordance with the provisions of NRS 607.210, subpoena ~~to~~  
11 ~~appear before him, at a suitable place in the county of the claimant,~~  
12 ~~his employer and all other persons~~ *any person whose appearance*  
13 *is* required to adjust and settle claims *or other actions* for wages or  
14 commissions before bringing suit ~~therefor,~~ *in those matters*, and  
15 the Labor Commissioner may effect reasonable compromises of  
16 those ~~claims,~~ *matters*.

17       3. The Labor Commissioner or his Deputy may maintain a  
18 commercial account with any bank or credit union within this state  
19 for the deposit of money collected for claims for wages or  
20 commissions. The money must be promptly paid to the person  
21 entitled thereto. At the end of each calendar year, any unclaimed  
22 money in the commercial account which has been a part of the  
23 account for 1 year or more is presumed abandoned under  
24 NRS 120A.220.

25       **Sec. 5.** NRS 607.205 is hereby amended to read as follows:  
26       607.205 In aid of his enforcement responsibilities under the  
27 labor laws of the State of Nevada, ~~including, but not limited to, the~~  
28 ~~provisions of NRS 338.030, 412.1393, 412.1395, 607.160, 607.170,~~  
29 ~~608.270 and chapter 611 of NRS,~~ the Labor Commissioner or a  
30 person designated by him may conduct hearings and issue decisions  
31 thereon in the manner set forth in NRS 607.207.

32       **Sec. 6.** NRS 608.080 is hereby amended to read as follows:  
33       608.080 1. Every employer shall establish and maintain  
34 regular paydays as provided in this chapter and shall post and  
35 maintain posted notices, printed in plain type or written in plain  
36 script, in at least two conspicuous places where such notices can be  
37 seen by the employees, setting forth the regular paydays as  
38 prescribed in this chapter and *the* place of payment, which ~~shall~~  
39 *must* be within the justice's court precinct in which such services  
40 were performed.

41       2. *After an employer establishes regular paydays and the*  
42 *place of payment, the employer shall not change a regular payday*  
43 *or the place of payment unless, not fewer than 7 days before the*  
44 *change is made, the employer provides the employees affected by*



1 *the change with written notice in a manner that is calculated to*  
2 *provide actual notice of the change to each such employee.*

3 3. If an employee ~~[shall be]~~ *is* absent at the time and place of  
4 the payment of ~~[such]~~ wages or compensation, due and payable as  
5 prescribed in this chapter, provided he does not secrete or absent  
6 himself to avoid such payment, ~~[he shall]~~ *the employee must* be  
7 paid the same within 5 days after making written demand therefor.

8 **Sec. 7.** NRS 608.100 is hereby amended to read as follows:

9 608.100 1. It ~~[shall be]~~ *is* unlawful for any employer ~~[of labor~~  
10 ~~in this state to pay]~~ *to:*

11 (a) *Pay* a lower wage, salary or compensation to ~~[his]~~ *an*  
12 employee than ~~[that]~~ *the amount* agreed upon through a collective  
13 bargaining agreement, if any ~~[, or to pay]~~ ;

14 (b) *Pay* a lower wage, salary or compensation *to an employee*  
15 than the amount that the employer is required to pay to ~~[his]~~ *the*  
16 employee by virtue of any ~~[existing statute of this state]~~ *statute or*  
17 *regulation* or by contract between the employer and the employee  
18 ~~[;]~~ *or*

19 (c) *Pay a lower wage, salary or compensation to an employee*  
20 *than the amount earned by the employee when the work was*  
21 *performed.*

22 2. It ~~[shall be]~~ *is* unlawful for any employer ~~[of labor in this~~  
23 ~~state]~~ to require ~~[his]~~ *an* employee to rebate, refund or return any  
24 part of the wage, salary or compensation ~~[theretofore]~~ *earned by*  
25 *and* paid to ~~[such]~~ *the* employee.

26 3. ~~[Any person violating the provisions of this section shall be~~  
27 ~~guilty of a misdemeanor.]~~ *It is unlawful for any employer who has*  
28 *the legal authority to decrease the wage, salary or compensation of*  
29 *an employee to implement such a decrease unless:*

30 (a) *Within a reasonable time before the employee performs*  
31 *any work at the decreased wage, salary or compensation, the*  
32 *employer provides the employee with written notice of the*  
33 *decrease; and*

34 (b) *The employer complies with any other requirements*  
35 *relating to the decrease that are imposed on the employer pursuant*  
36 *to the provisions of any collective bargaining agreement or any*  
37 *contract between the employer and the employee.*

38 **Sec. 8.** NRS 608.180 is hereby amended to read as follows:

39 608.180 The Labor Commissioner or his representative shall  
40 cause the provisions of NRS 608.005 to ~~[608.170,]~~ *608.195,*  
41 inclusive, to be enforced, and upon notice from the Labor  
42 Commissioner or his representative:

43 1. The district attorney of any county in which a violation of  
44 those sections has occurred;



1 2. The Deputy Labor Commissioner, as provided in  
2 NRS 607.050;

3 3. The Attorney General, as provided in NRS 607.160 ~~{}~~ *or*  
4 *607.220*; or

5 4. The special counsel, as provided in NRS 607.065,  
6 shall prosecute the action for enforcement according to law.

7 **Sec. 9.** NRS 608.195 is hereby amended to read as follows:

8 608.195 *1.* Except as otherwise provided in NRS 608.0165,  
9 ~~[every person violating any of the provisions]~~ *any person who*  
10 *violates any provision* of NRS 608.005 to ~~[608.190,]~~ *608.195,*  
11 *inclusive, or any regulation adopted pursuant thereto,* is guilty of a  
12 misdemeanor.

13 *2. In addition to any other remedy or penalty, the Labor*  
14 *Commissioner may impose against the person an administrative*  
15 *penalty of not more than \$5,000 for each such violation.*

16 **Sec. 10.** NRS 608.200 is hereby amended to read as follows:

17 608.200 *1.* Except as otherwise provided in this section, the  
18 period of employment for all persons who are employed, occupied  
19 or engaged in work or labor of any kind or nature in underground  
20 mines or underground workings in search for or in extraction of  
21 minerals, whether base or precious, metallic or nonmetallic, or who  
22 are engaged in such underground mines or underground workings,  
23 or who are employed, engaged or occupied in other underground  
24 workings of any kind or nature for the purpose of tunneling, making  
25 excavations or to accomplish any other purpose or design, must not  
26 exceed 8 hours within any 24 hours. The 8-hour limit applies only to  
27 time actually employed in the mine and does not include time  
28 consumed for meals or travel into or out of the actual work site. It is  
29 unlawful for a person or his agent to hire, contract with or cause any  
30 person to work for a period longer than the provisions of this section  
31 allow.

32 *2.* In cases of emergency where life or property is in danger,  
33 the period may be prolonged during the continuance of the  
34 emergency.

35 *3.* This section does not prevent change in the hours of  
36 employment from one part of the day to another at stated periods,  
37 nor does it prevent the employment of any of the persons mentioned  
38 in this section for more than 8 hours during the day in which a  
39 change is made. Such a change in the hours of employment must not  
40 occur more than once in any 2 weeks.

41 *4.* This section does not preclude a repair or maintenance crew  
42 from completing any repair or maintenance work upon which it is  
43 engaged at the end of an 8-hour period. This section does not  
44 preclude an employee from working a subsequent shift or period



1 thereof in the same 24 hours if no qualified employee is available  
2 for relief.

3 5. If a majority of the employees whose hours are limited by  
4 this section agree to a policy proposed by their employer for periods  
5 of work in excess of 8 hours in a 24-hour period, the employer may  
6 adopt such a policy. The agreement required for such a policy must  
7 be evidenced by the results of an election held during regular  
8 working hours using secret ballots. All affected employees who are  
9 employed by the employer not later than 24 hours before the voting  
10 begins are eligible to cast a ballot.

11 6. Before such an election may be conducted, the employer  
12 ~~shall~~ **must** hold informational meetings for the affected employees  
13 on each shift during the regular working hours of the affected  
14 employees. At each such meeting the employer shall explain the  
15 effect of the proposed policy on the hours and compensation of the  
16 employees. Written notice of these informational meetings must be  
17 posted conspicuously in at least three locations throughout the mine  
18 site for at least 7 consecutive days before the date of the meetings.  
19 The notice must include the time, date, place and purpose of the  
20 meetings. Written notice of the time, date, place and purpose of the  
21 election must be posted in the same manner and for the same period.  
22 Failure to comply with the procedural requirements of this  
23 subsection make the results of the election void for the purposes of  
24 this section.

25 7. ~~The limitation set forth in subsection 1 and the other~~  
26 ~~provisions in this section do~~ **This section does** not apply to  
27 employees who are covered by a valid collective bargaining  
28 agreement.

29 8. Any person who willfully violates *any provision of*  
30 subsection 1 ~~of this section~~ **or any regulation adopted pursuant**  
31 **thereto** is guilty of a misdemeanor.

32 **9. In addition to any other remedy or penalty, the Labor**  
33 **Commissioner may impose against the person an administrative**  
34 **penalty of not more than \$5,000 for each such violation.**

35 **Sec. 11.** NRS 608.290 is hereby amended to read as follows:

36 608.290 ~~Every person, firm, association or corporation, or any~~  
37 ~~agent, servant, employee or officer of such firm, association or~~  
38 ~~corporation, violating any of the provisions~~

39 **1. Any person who violates any provision** of NRS 608.250 ~~;~~  
40 **or any regulation adopted pursuant thereto** is guilty of a  
41 misdemeanor.

42 **2. In addition to any other remedy or penalty, the Labor**  
43 **Commissioner may impose against the person an administrative**  
44 **penalty of not more than \$5,000 for each such violation.**





1     **Sec. 12.** NRS 608.330 is hereby amended to read as follows:  
 2     608.330 *1.* Any person who ~~fails to comply with the~~  
 3 ~~provisions] violates any provision~~ of NRS 608.300 to 608.330,  
 4 inclusive, *or any regulation adopted pursuant thereto* is guilty of a  
 5 misdemeanor.

6     *2. In addition to any other remedy or penalty, the Labor*  
 7 *Commissioner may impose against the person an administrative*  
 8 *penalty of not more than \$5,000 for each such violation.*

9     **Sec. 13.** NRS 609.270 is hereby amended to read as follows:  
 10     609.270 Except as otherwise provided in NRS 609.190 to  
 11 609.260, inclusive, ~~whichever] any person who~~ employs any child ~~;~~  
 12 ~~and whoever, having under his control as parent, guardian or~~  
 13 ~~otherwise, any child, permits or suffers] in violation of any~~  
 14 *provision of this chapter or any regulation adopted pursuant*  
 15 *thereto, or any person who has the care, custody or control of* any  
 16 child *and who permits or requires the child* to be employed or to  
 17 work in violation of any *provision of* ~~the provisions of NRS~~  
 18 ~~609.190 to 609.260, inclusive,] this chapter or any regulation~~  
 19 *adopted pursuant thereto*, is guilty of a misdemeanor.

20     **Sec. 14.** NRS 609.281 is hereby amended to read as follows:  
 21     609.281 ~~[A person who knowingly employs, permits or~~  
 22 ~~requires a child to work in violation of NRS 609.221 is liable, in] In~~  
 23 addition to any other *remedy or* penalty ~~[or remedy that may be~~  
 24 ~~provided by law, for a civil] , if any person commits a violation~~  
 25 *described in NRS 609.270, the Labor Commissioner may impose*  
 26 *against the person an administrative* penalty of not more than  
 27 \$2,500 for each such violation . ~~which may be recovered in a civil~~  
 28 ~~action brought by the Labor Commissioner. All money collected as~~  
 29 ~~civil penalties pursuant to this section must be deposited in the State~~  
 30 ~~General Fund.]~~

31     **Sec. 15.** NRS 611.320 is hereby amended to read as follows:  
 32     611.320 *1.* Any person who violates any ~~[of the provisions]~~  
 33 *provision* of NRS 611.020 to ~~[611.310,] 611.320~~, inclusive, or any  
 34 regulation adopted ~~[thereunder,] pursuant thereto~~, is guilty of a  
 35 misdemeanor.

36     *2. In addition to any other remedy or penalty, the Labor*  
 37 *Commissioner may impose against the person an administrative*  
 38 *penalty of not more than \$5,000 for each such violation.*

39     **Sec. 16.** NRS 613.200 is hereby amended to read as follows:  
 40     613.200 *1.* Except as otherwise provided in ~~[subsection 2,]~~  
 41 *this section*, any person, association, company or corporation within  
 42 this state, or any agent or officer on behalf of the person,  
 43 association, company or corporation, who willfully does anything  
 44 intended to prevent any person who for any cause left or was  
 45 discharged from his or its employ from obtaining employment





1 elsewhere in this state *is guilty of a gross misdemeanor and* shall be  
2 punished by a fine of not more than \$5,000.

3 *2. In addition to any other remedy or penalty, the Labor*  
4 *Commissioner may impose against each culpable party an*  
5 *administrative penalty of not more than \$5,000 for each such*  
6 *violation.*

7 *3. If a fine or an administrative penalty* is imposed pursuant to  
8 this section, the costs of the proceeding, including investigative  
9 costs and attorney’s fees, may be recovered by the Labor  
10 Commissioner.

11 ~~2.~~ 4. The provisions of ~~[subsection 1]~~ *this section* do not  
12 prohibit a person, association, company, corporation, agent or  
13 officer from negotiating, executing and enforcing an agreement with  
14 an employee of the person, association, company or corporation  
15 which, upon termination of the employment, prohibits the employee  
16 from:

17 (a) Pursuing a similar vocation in competition with or becoming  
18 employed by a competitor of the person, association, company or  
19 corporation; or

20 (b) Disclosing any trade secrets, business methods, lists of  
21 customers, secret formulas or processes or confidential information  
22 learned or obtained during the course of his employment with the  
23 person, association, company or corporation,  
24 if the agreement is supported by valuable consideration and is  
25 otherwise reasonable in its scope and duration.

26 **Sec. 17.** NRS 613.500 is hereby amended to read as follows:

27 613.500 1. ~~[The]~~ *If any person violates any provision of*  
28 *NRS 613.440 to 613.510, inclusive, or any regulation adopted*  
29 *pursuant thereto, the Labor Commissioner may* ~~[, after notice and~~  
30 ~~an opportunity for a hearing, impose a civil]~~ *impose against the*  
31 *person an administrative* penalty of not more than \$9,000 for each  
32 *such* violation . ~~[of any provision of NRS 613.440 to 613.510,~~  
33 ~~inclusive.]~~

34 *2. In determining the amount of any administrative penalty* ~~[,]~~  
35 *to be imposed against the person,* the Labor Commissioner shall  
36 consider the previous record of the person ~~[committing the~~  
37 ~~violation]~~ in terms of compliance with NRS 613.440 to 613.510,  
38 inclusive, *and any regulation adopted pursuant thereto,* and the  
39 ~~[gravity]~~ *severity* of the violation. ~~[The civil]~~ *Any administrative*  
40 *penalty imposed* ~~[by this subsection]~~ *against the person* is in  
41 addition to any other ~~[penalties]~~ *remedy or penalty* provided  
42 pursuant to NRS 613.440 to 613.510, inclusive.

43 ~~2.~~ 3. The Labor Commissioner may bring ~~[an]~~ *a civil* action  
44 pursuant to this section to restrain violations of NRS 613.440 to  
45 613.510, inclusive ~~[,]~~ *, or any regulation adopted pursuant thereto.*



1 A court of competent jurisdiction may issue, without bond, a  
2 temporary or permanent restraining order or injunction to require  
3 compliance with NRS 613.440 to 613.510, inclusive, *or any*  
4 *regulation adopted pursuant thereto*, including any legal or  
5 equitable relief incident thereto as may be appropriate, such as  
6 employment of a prospective employee, reinstatement or promotion  
7 of an employee, and the payment of lost wages and benefits.

8 **Sec. 18.** NRS 338.015 is hereby amended to read as follows:

9 338.015 1. The Labor Commissioner shall enforce the  
10 provisions of NRS 338.010 to 338.130, inclusive. ~~When informed~~  
11 ~~of a violation~~

12 2. *In addition to any other remedy or penalty provided in this*  
13 *chapter, if any person violates any provision* of NRS 338.010 to  
14 338.130, inclusive, *or any regulation adopted pursuant thereto*, the  
15 Labor Commissioner may ~~hold hearings on and assess a fine~~  
16 *impose against the person an administrative penalty* of not more  
17 than \$5,000 for each *such* violation. ~~of those provisions and shall~~  
18 ~~report all violations to the Attorney General.~~

19 ~~2.~~ 3. The Labor Commissioner may, by regulation, establish a  
20 sliding scale based on the severity of the violation to determine the  
21 amount of the ~~fine~~ *administrative penalty* to be ~~assessed~~  
22 *imposed against the person* pursuant to ~~subsection 1.~~  
23 ~~3.~~ *this section.*

24 4. *The Labor Commissioner shall report the violation to the*  
25 *Attorney General, and the* Attorney General shall prosecute the  
26 ~~violate~~ *person* in accordance with law.

27 **Sec. 19.** NRS 338.090 is hereby amended to read as follows:

28 338.090 1. Any person, including the officers, agents or  
29 employees of a public body, who violates any ~~of the provisions~~  
30 *provision* of NRS 338.010 to 338.090, inclusive, or any regulation  
31 adopted pursuant thereto, is guilty of a misdemeanor.

32 2. The Labor Commissioner, in addition to any other *remedy*  
33 *or* penalty provided in this chapter:

34 (a) Shall assess a person who, after a hearing, is found to have  
35 failed to pay the prevailing wage required pursuant to NRS 338.020  
36 to 338.090, inclusive, an amount equal to the difference between the  
37 prevailing wages required to be paid and the wages ~~he~~ *the person*  
38 actually paid; and

39 (b) May, in addition ~~to~~ *to any other administrative penalty*,  
40 impose an administrative ~~fine~~ *penalty* not to exceed the costs ~~he~~  
41 *the Labor Commissioner* incurred to investigate and prosecute the  
42 matter.

43 **Sec. 20.** NRS 412.139 is hereby amended to read as follows:

44 412.139 1. An employer may not terminate the employment  
45 of a member of the Nevada National Guard because the member is



1 ordered to active service or duty pursuant to NRS 412.122 or  
2 412.124.

3 2. Any employer who violates subsection 1 is guilty of a  
4 misdemeanor.

5 *3. In addition to any other remedy or penalty, the Labor*  
6 *Commissioner may impose against the employer an administrative*  
7 *penalty of not more than \$5,000 for each such violation.*

8 **Sec. 21.** This act becomes effective upon passage and  
9 approval.

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