
ASSEMBLY BILL NO. 458—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 24, 2003

Referred to Committee on Government Affairs

SUMMARY—Clarifies authority of Labor Commissioner to enforce provisions relating to payment of overtime to workmen employed on public works. (BDR 28-1304)

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 public works; clarifying the authority of the Labor Commissioner to enforce provisions relating to the payment of overtime to workmen employed on public works; requiring the disclosure of the rate of compensation for overtime in contracts for public works and to day labor; 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 338.015 is hereby amended to read as follows:
2 338.015 1. The Labor Commissioner shall enforce the
3 provisions of :
4 (a) NRS 338.010 to 338.130, inclusive ~~[.]~~; and
5 (b) *NRS 608.018 with respect to the payment of overtime to*
6 *workmen employed on public works.*
7 2. When informed of a violation of ~~[NRS 338.010 to 338.130,~~
8 ~~inclusive,]~~ *the provisions set forth in subsection 1,* the Labor
9 Commissioner may hold hearings on and assess a fine of not more
10 than \$5,000 for each violation of those provisions and shall report
11 all violations to the Attorney General.



1 ~~F-1~~ 3. The Labor Commissioner may, by regulation, establish a
2 sliding scale based on the severity of the violation to determine the
3 amount of the fine to be assessed pursuant to subsection ~~F-1~~ 2.

4 ~~F-1~~ 4. The Attorney General shall prosecute the violator in
5 accordance with law.

6 **Sec. 2.** NRS 338.020 is hereby amended to read as follows:

7 338.020 1. Every contract to which a public body of this state
8 is a party, requiring the employment of skilled mechanics, skilled
9 workmen, semiskilled mechanics, semiskilled workmen or unskilled
10 labor in the performance of public work, must contain in express
11 terms the hourly and daily rate of wages to be paid each of the
12 classes of mechanics and workmen ~~F-1~~ *and the rate of compensation*
13 *for overtime, as required pursuant to NRS 608.018.* The hourly and
14 daily rate of wages must:

15 (a) Not be less than the rate of such wages then prevailing in the
16 county in which the public work is located, which prevailing rate of
17 wages must have been determined in the manner provided in NRS
18 338.030; and

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

21 2. When public work is performed by day labor, the prevailing
22 wage for each class of mechanics and workmen so employed *and*
23 *the rate of compensation for overtime, as required pursuant to*
24 *NRS 608.018*, applies and must be stated clearly to such mechanics
25 and workmen when employed.

26 3. The prevailing wage so paid to each class of mechanics or
27 workmen must be in accordance with the jurisdictional classes
28 recognized in the locality where the work is performed.

29 4. Nothing in this section prevents an employer who is
30 signatory to a collective bargaining agreement from assigning such
31 work in accordance with established practice.

32 **Sec. 3.** This act becomes effective on July 1, 2003.

