

ASSEMBLY BILL NO. 458—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 24, 2003

Referred to Committee on Government Affairs

SUMMARY—Requires payment of overtime to mechanics and workmen employed on public works under certain circumstances. (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; requiring the payment of overtime to mechanics and workmen employed on public works under certain circumstances; clarifying the authority of the Labor Commissioner to enforce that requirement; 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 338.020 is hereby amended to read as follows:
2 338.020 1. Every contract to which a public body of this state
3 is a party, requiring the employment of skilled mechanics, skilled
4 workmen, semiskilled mechanics, semiskilled workmen or unskilled
5 labor in the performance of public work, must contain in express
6 terms the hourly and daily rate of wages to be paid each of the
7 classes of mechanics and workmen. The hourly and daily rate of
8 wages must:
9 (a) Not be less than the rate of such wages then prevailing in the
10 county in which the public work is located, which prevailing rate of
11 wages must have been determined in the manner provided in NRS
12 338.030; and
13 (b) Be posted on the site of the public work in a place generally
14 visible to the workmen.



* A B 4 5 8 R 1 *

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

5 3. *Except as otherwise provided in subsection 4, a contractor
6 or subcontractor shall pay to a mechanic or workman employed by
7 the contractor or subcontractor on the public work not less than
8 one and one-half times the prevailing rate of wages applicable to
9 the class of the mechanic or workman whenever the mechanic or
10 workman works:*

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

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

13 4. *The provisions of subsection 3 do not apply to a mechanic
14 or workman who is covered by a collective bargaining agreement
15 that provides for the payment of wages at not less than one and
16 one-half times the rate of wages set forth in the collective
17 bargaining agreement for work in excess of 40 hours in any
18 scheduled week of work or 8 hours in any workday.*

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

23 ~~4.~~ 6. Nothing in this section prevents an employer who is
24 signatory to a collective bargaining agreement from assigning such
25 work in accordance with established practice.

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

27 608.018 1. Except as *otherwise* provided in ~~subsection 2,~~
28 *this section,* an employer shall pay one and one-half times an
29 employee's regular wage rate whenever an employee works:

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

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

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

35 (a) Employees who are not covered by the minimum wage
36 provisions of NRS 608.250;

37 (b) Employees who receive compensation for employment at a
38 rate not less than one and one-half times the minimum rate
39 prescribed pursuant to NRS 608.250;

40 (c) Outside buyers;

41 (d) Salesmen earning commissions in a retail business if their
42 regular rate is more than one and one-half times the minimum wage,
43 and more than one-half their compensation comes from
44 commissions;



- 1 (e) Employees who are employed in bona fide executive,
- 2 administrative or professional capacities;
- 3 (f) Employees covered by collective bargaining agreements
- 4 which provide otherwise for overtime;
- 5 (g) Drivers, drivers' helpers, loaders and mechanics for motor
- 6 carriers subject to the Motor Carrier Act of 1935, as amended;
- 7 (h) Employees of a railroad;
- 8 (i) Employees of a carrier by air;
- 9 (j) Drivers or drivers' helpers making local deliveries and paid
- 10 on a trip-rate basis or other delivery payment plan;
- 11 (k) Drivers of taxicabs or limousines;
- 12 (l) Agricultural employees;
- 13 (m) Employees of business enterprises having a gross sales
- 14 volume of less than \$250,000 per year; and
- 15 (n) Any salesman or mechanic primarily engaged in selling or
- 16 servicing automobiles, trucks or farm equipment.
- 17 **3. *The provisions of this section do not apply to a mechanic***
- 18 ***or workman for any hours to which the provisions of subsection 3***
- 19 ***or 4 of NRS 338.020 apply.***
- 20 **Sec. 3.** This act becomes effective on July 1, 2003.

