

SENATE BILL NO. 245—SENATOR LANGE

MARCH 15, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Makes changes regarding employment.  
(BDR 53-829)

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 employment; revising the definition of “wages” to include amounts due to certain former employees by employers who fail to pay certain wages within the periods required by law; requiring the Labor Commissioner to take certain actions regarding amounts due to certain former employees by employers who fail to pay certain wages within the periods required by law; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, whenever an employer discharges an employee, the wages  
2 and compensation earned and unpaid at the time of such discharge become due and  
3 payable immediately. (NRS 608.020) Whenever an employee resigns or quits his or  
4 her employment, the wages and compensation earned and unpaid at the time of the  
5 employee’s resignation or quitting must be paid no later than the day on which the  
6 employee would have regularly been paid or 7 days after the employee resigns or  
7 quits, whichever is earlier. (NRS 608.030) If the employer fails to pay the money  
8 earned by the employee within the periods established by statute, the former  
9 employee is entitled to continue to receive his or her customary compensation until  
10 he or she is paid in full or for 30 days, whichever is less. (NRS 608.040)

11 **Section 1** of this bill revises the definition of “wages” in existing law to include  
12 amounts owed to a discharged employee or an employee who resigns or quits and  
13 whose former employer fails to pay the employee by the statutory deadlines.  
14 (NRS 608.012)

15 **Section 2** of this bill authorizes a discharged employee or an employee who  
16 resigns or quits and believes that he or she is owed wages by a former employer  
17 who has failed to pay those wages within the existing statutory deadlines to file a  
18 claim for wages or a complaint with the Labor Commissioner. **Section 2** also  
19 requires the Labor Commissioner to take appropriate administrative action to



20 determine the amount of any wages or compensation to which the employee is  
21 entitled and to collect that amount for the benefit of the employee.

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

1       **Section 1.** NRS 608.012 is hereby amended to read as follows:

2       608.012 “Wages” means:

3       1. The amount which an employer agrees to pay an employee  
4 for the time the employee has worked, computed in proportion to  
5 time; ~~and~~

6       2. Commissions owed the employee ~~and~~; *and*

7       3. *Amounts due to a discharged employee or to an employee*  
8 *who resigns or quits pursuant to NRS 608.040,*

9       ↳ but excludes any bonus or arrangement to share profits.

10       **Sec. 2.** NRS 608.040 is hereby amended to read as follows:

11       608.040 1. If an employer fails to pay:

12       (a) Within 3 days after the wages or compensation of a  
13 discharged employee becomes due; or

14       (b) On the day the wages or compensation is due to an employee  
15 who resigns or quits,

16       ↳ the wages or compensation of the employee continues at the same  
17 rate from the day the employee resigned, quit or was discharged  
18 until paid or for 30 days, whichever is less.

19       2. Any employee who secretes or absents himself or herself to  
20 avoid payment of his or her wages or compensation, or refuses to  
21 accept them when fully tendered to him or her, is not entitled  
22 to receive the payment thereof for the time he or she secretes or  
23 absents himself or herself to avoid payment.

24       3. *Except as otherwise provided in subsection 2, a discharged*  
25 *employee or an employee who resigns or quits and who believes*  
26 *that he or she is entitled to be paid wages or compensation from a*  
27 *former employer pursuant to this section may file a claim for*  
28 *wages or a complaint with the Labor Commissioner. Upon receipt*  
29 *and review of the claim or complaint, the Labor Commissioner*  
30 *shall take appropriate administrative action, including, without*  
31 *limitation, holding a hearing in the manner set forth in NRS*  
32 *607.207, to determine the amount of any wages or compensation*  
33 *to which the employee is entitled and to collect that amount for the*  
34 *benefit of the employee.*

