

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; establishing provisions governing the exercise of jurisdiction by the Labor Commissioner over certain claims that arise under certain collective bargaining agreements; 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; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Labor Commissioner is required to enforce all the labor
2 laws of this State. (NRS 607.160) This includes laws governing the payment of
3 wages, commissions and other benefits. (NRS 607.170, 608.180) **Section 1** of this
4 bill provides, with certain exceptions, that if a person who files a complaint with
5 the Labor Commissioner is covered by a collective bargaining agreement that
6 provides the claimant with a remedy or other relief for a violation of its terms, the
7 Labor Commissioner is required to decline jurisdiction of the claim until the
8 remedies, other relief and appeals, if any, provided to the claimant by the terms of
9 the agreement are exhausted. **Section 1** requires the Labor Commissioner to take
10 jurisdiction of such a claim if he or she determines that the remedies or other relief
11 provided to the claimant by the terms of the collective bargaining agreement are
12 inadequate, unavailable or non-binding, and thereafter determine compliance with
13 the labor laws of this State.
14 **Section 1.5** of this bill revises the definition of “wages” in existing law to
15 include amounts owed to a discharged employee or an employee who resigns or
16 quits and whose former employer fails to pay the employee by the statutory
17 deadlines. (NRS 608.012)



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

1 **Section 1.** Chapter 607 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 2, if a claimant*
4 *is covered by the terms of a collective bargaining agreement that*
5 *provides the claimant with an exclusive remedy or other relief for*
6 *a violation of its terms, the Labor Commissioner shall decline to*
7 *take jurisdiction of the claim or complaint until the remedies,*
8 *other relief and appeals, if any, provided to the claimant by the*
9 *terms of the agreement are exhausted.*

10 2. *The Labor Commissioner shall take jurisdiction of a claim*
11 *or complaint described in subsection 1 if the Labor Commissioner*
12 *determines that the remedies or other relief provided to the*
13 *claimant by the terms of the collective bargaining agreement are*
14 *inadequate, unavailable or non-binding.*

15 3. *Upon taking jurisdiction pursuant to subsection 2, the*
16 *Labor Commissioner shall determine compliance with all labor*
17 *laws of this State, including, without limitation, the provisions of*
18 *chapter 608 of NRS.*

19 4. *As used in this section, "claimant" means a person who*
20 *files a claim for wages or other complaint with the Labor*
21 *Commissioner.*

22 **Sec. 1.5.** NRS 608.012 is hereby amended to read as follows:
23 608.012 "Wages" means:

24 1. The amount which an employer agrees to pay an employee
25 for the time the employee has worked, computed in proportion to
26 time; ~~and~~

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

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

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

31 **Sec. 2.** (Deleted by amendment.)

32 **Sec. 3.** This act becomes effective on July 1, 2021.

