

SENATE BILL NO. 146—SENATORS PARKS AND SPEARMAN

FEBRUARY 12, 2015

JOINT SPONSOR: ASSEMBLYWOMAN BUSTAMANTE ADAMS

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to the payment of wages to certain employees. (BDR 53-629)

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 wages; authorizing certain employers and employees to enter into a written agreement to exclude from an employee's wages payment for certain specified periods; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires an employer to pay an employee wages for each hour the
2 employee works. (NRS 608.016) Existing federal regulations allow employees who
3 work shifts of 24 hours or more to agree to not be paid for a sleeping period not to
4 exceed 8 hours under certain circumstances. (29 C.F.R. § 785.22) This bill provides
5 that an employee who is employed in a certain residential facility and who works
6 for 24 hours or more may agree to not be paid for a sleeping period not to exceed 8
7 hours if adequate sleeping facilities are provided by the employer.

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

1 **Section 1.** Chapter 608 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *1. If an employee specified in paragraph (a) of subsection 3 is*
4 *required to be on duty for 24 hours or more, the employer and*
5 *employee may agree in writing to exclude from the employee's*



1 wages a regularly scheduled sleeping period not to exceed 8 hours
2 if adequate sleeping facilities are furnished by the employer.

3 2. If the sleeping period is interrupted by any call for service
4 by the employer, the interruption must be counted as hours
5 worked. If the sleeping period is interrupted by any call for service
6 by the employer to such an extent that the sleeping period is less
7 than 5 hours, the employee must be paid for the entire sleeping
8 period.

9 3. The provisions of subsections 1 and 2:

10 (a) Apply only to an employee who is on duty at a residential
11 facility for a group of similarly situated persons who require
12 supervision, care or other assistance from employees at the
13 residential facility; and

14 (b) Do not apply to a firefighter, a member of a rescue or
15 emergency services crew or a peace officer, including, without
16 limitation, a correctional officer.

17 4. As used in this section:

18 (a) "A group of similarly situated persons" includes, without
19 limitation, a group of:

20 (1) Persons with a mental illness;

21 (2) Persons with a physical disability;

22 (3) Persons with an intellectual disability;

23 (4) Persons who are elderly;

24 (5) Persons recovering from alcohol or drug abuse;

25 (6) Children in foster care; and

26 (7) Children in a program to address emotional or
27 behavioral problems.

28 (b) "On duty" means any period during which an employee is
29 working or is required to remain on the premises of the employer.

30 (c) "Residential facility" means:

31 (1) A dormitory, any structure similar to a dormitory or any
32 structure similar to a private residence in which a group of
33 similarly situated persons reside for the purpose of receiving
34 supervision, care or other assistance from employees on duty at
35 the residential facility. Any such dormitory or structure similar to
36 a dormitory may include a studio apartment for the use of the
37 employees.

38 (2) In the case of a program for children to address
39 emotional or behavioral problems, any structure which provides
40 for residential living for the children and employees.

41 **Sec. 2.** NRS 608.016 is hereby amended to read as follows:

42 608.016 ~~+~~**Am** Except as otherwise provided in section 1 of this
43 act, an employer shall pay to the employee wages for each hour the
44 employee works. An employer shall not require an employee to
45 work without wages during a trial or break-in period.



1 **Sec. 3.** This act becomes effective on July 1, 2015.

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