

SENATE BILL NO. 252—SENATOR HARDY

MARCH 17, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing compensation for overtime. (BDR 53-1054)

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; providing an exception for caregivers who are employed by an agency to provide personal care services in the home from provisions requiring an employer to pay additional compensation for certain overtime worked by employees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires an employer, with certain exceptions, to pay an employee
2 1 1/2 times the regular wage rate of the employee for certain overtime worked by
3 the employee. (NRS 608.018) This bill provides an exception to that requirement
4 for caregivers who are employed by an agency to provide personal care services in
5 the home.

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

1 **Section 1.** NRS 608.018 is hereby amended to read as follows:
2 608.018 1. An employer shall pay 1 1/2 times an employee’s
3 regular wage rate whenever an employee who receives
4 compensation for employment at a rate less than 1 1/2 times the
5 minimum rate prescribed pursuant to NRS 608.250 works:
6 (a) More than 40 hours in any scheduled week of work; or
7 (b) More than 8 hours in any workday unless by mutual
8 agreement the employee works a scheduled 10 hours per day for 4
9 calendar days within any scheduled week of work.



1 2. An employer shall pay 1 1/2 times an employee's regular
2 wage rate whenever an employee who receives compensation for
3 employment at a rate not less than 1 1/2 times the minimum rate
4 prescribed pursuant to NRS 608.250 works more than 40 hours in
5 any scheduled week of work.

6 3. The provisions of subsections 1 and 2 do not apply to:

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

9 (b) Outside buyers;

10 (c) Employees in a retail or service business if their regular rate
11 is more than 1 1/2 times the minimum wage, and more than half
12 their compensation for a representative period comes from
13 commissions on goods or services, with the representative period
14 being, to the extent allowed pursuant to federal law, not less than 1
15 month;

16 (d) Employees who are employed in bona fide executive,
17 administrative or professional capacities;

18 (e) Employees covered by collective bargaining agreements
19 which provide otherwise for overtime;

20 (f) Drivers, drivers' helpers, loaders and mechanics for motor
21 carriers subject to the Motor Carrier Act of 1935, as amended;

22 (g) Employees of a railroad;

23 (h) Employees of a carrier by air;

24 (i) Drivers or drivers' helpers making local deliveries and paid
25 on a trip-rate basis or other delivery payment plan;

26 (j) Drivers of taxicabs or limousines;

27 (k) Agricultural employees;

28 (l) Employees of business enterprises having a gross sales
29 volume of less than \$250,000 per year;

30 (m) Any salesperson or mechanic primarily engaged in selling
31 or servicing automobiles, trucks or farm equipment; ~~and~~

32 (n) A mechanic or worker for any hours to which the provisions
33 of subsection 3 or 4 of NRS 338.020 apply ~~and~~; *and*

34 *(o) A caregiver who is employed by an agency to provide*
35 *personal care services in the home that is licensed by the Health*
36 *Division of the Department of Health and Human Services*
37 *pursuant to chapter 449 of NRS.*

38 **Sec. 2.** This act becomes effective on July 1, 2011.

