

ASSEMBLY BILL NO. 456—COMMITTEE
ON COMMERCE AND LABOR

MARCH 25, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the minimum wage required to be paid to employees in private employment in this State. (BDR 53-1104)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; requiring certain increases in the minimum wage paid to employees in private employment in this State; revising provisions governing a civil action brought by an employee whose employer violates the requirement to pay the minimum wage; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Labor Commissioner, in accordance with federal law,
2 to establish by regulation the minimum wage that may be paid per hour to an
3 employee in private employment in this State. (NRS 608.250) **Section 1** of this bill
4 requires the Labor Commissioner, in adopting those regulations, to ensure that the
5 minimum wage for such an employee is increased by 75 cents each year for 5 years
6 or until the minimum wage: (1) is \$12 per hour or more, if the employer of the
7 employee does not offer health insurance for the employee in accordance with
8 regulations adopted by the Labor Commissioner; and (2) is \$11 per hour or more, if
9 the employer of the employee offers health insurance for the employee in
10 accordance with regulations adopted by the Labor Commissioner. Section 16 of
11 Article 15 of the Nevada Constitution allows an employee claiming that he or she
12 was paid less than the minimum wage required by that provision to bring a civil
13 action against his or her employer. Under this constitutional provision, if the
14 employee prevails in the civil action, the employee: (1) is entitled to all legal and
15 equitable remedies appropriate to remedy the violation, including back pay,
16 damages, reinstatement or injunctive relief; and (2) must be awarded reasonable
17 attorney’s fees and costs. (Nev. Const. Art. 15, § 16) **Section 2** of this bill places in
18 statute the language of the minimum wage provision of the Nevada Constitution:
19 (1) authorizing an employee who prevails in a civil action to recover all legal or
20 equitable remedies appropriate to remedy the violation, including back pay,



21 damages, reinstatement or injunctive relief; and (2) requiring a court to award
22 reasonable attorney's fees and costs to an employee who prevails in such a civil
23 action. **Section 3** of this bill makes this bill become effective on January 1, 2020.

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

1 **Section 1.** *In adopting the regulations establishing the*
2 *minimum wage per hour that may be paid to employees in private*
3 *employment within the State pursuant to NRS 608.250, the Labor*
4 *Commissioner shall ensure that the minimum wage for each*
5 *employee to whom those regulations apply is increased by 75 cents*
6 *each year until the minimum wage that may be paid pursuant to*
7 *NRS 608.250 is:*

8 1. *If the employer of the employee does not offer health*
9 *insurance for the employee in accordance with regulations*
10 *adopted by the Labor Commissioner, \$12 per hour or more; and*

11 2. *If the employer of the employee offers health insurance for*
12 *the employee in accordance with regulations adopted by the Labor*
13 *Commissioner, \$11 per hour or more.*

14 **Sec. 2.** NRS 608.260 is hereby amended to read as follows:

15 608.260 1. If any employer pays any employee a lesser
16 amount than the minimum wage prescribed by regulation of the
17 Labor Commissioner pursuant to the provisions of NRS 608.250,
18 the employee may, at any time within 2 years, bring a civil action
19 ~~[to recover the difference between the amount paid to the employee~~
20 ~~and the amount of the minimum wage.] against the employer.~~ A
21 contract between the employer and the employee or any acceptance
22 of a lesser wage by the employee is not a bar to the action.

23 2. *If the employee prevails in a civil action brought pursuant*
24 *to subsection 1:*

25 (a) *The employee is entitled to all remedies available under the*
26 *law or in equity appropriate to remedy the violation by the*
27 *employer which may include, without limitation, back pay,*
28 *damages, reinstatement or injunctive relief; and*

29 (b) *The court must award the employee reasonable attorney's*
30 *fees and costs.*

31 **Sec. 3.** This act becomes effective on January 1, 2020.

