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ASSEMBLY BILL NO. 63—COMMITTEE  
ON COMMERCE AND LABOR

(ON BEHALF OF THE OFFICE OF ECONOMIC DEVELOPMENT)

PREFILED DECEMBER 20, 2012

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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing compensation for overtime. (BDR 53-294)

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.

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AN ACT relating to labor; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Federal law exempts certain employees from receiving compensation for  
2 overtime. (29 U.S.C. § 213) Existing law also exempts certain employees from  
3 otherwise receiving compensation for overtime at 1 1/2 times the employees’  
4 regular wage rate if the employee works more than 40 hours in any week or, under  
5 certain circumstances, more than 8 hours in any workday. (NRS 608.018) This bill  
6 revises existing law to include, to the extent authorized by 29 U.S.C. § 213, certain  
7 employees in computer and information technology as being exempt from receiving  
8 compensation for overtime.

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

1 **Section 1.** NRS 608.018 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



1 (b) More than 8 hours in any workday unless by mutual  
2 agreement the employee works a scheduled 10 hours per day for 4  
3 calendar days within any scheduled week of work.

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

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

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

12 (b) Outside buyers;

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

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

21 (e) Employees covered by collective bargaining agreements  
22 which provide otherwise for overtime;

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

25 (g) Employees of a railroad;

26 (h) Employees of a carrier by air;

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

29 (j) Drivers of taxicabs or limousines;

30 (k) Agricultural employees;

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

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

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

37 *(o) To the extent authorized by 29 U.S.C. § 213, employees in*  
38 *computer and information technology, including, without*  
39 *limitation, computer systems analysts, computer programmers,*  
40 *software engineers and other similarly skilled employees.*

