

Senate Bill No. 106—Committee on
Commerce, Labor and Energy

CHAPTER.....

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:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage that may be paid per hour to an employee in private employment in this State. (NRS 608.250) **Section 1** of this bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for such an employee is increased by 75 cents each year for 5 years or until the minimum wage: (1) is \$12 or more, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner; and (2) is \$11 or more, if the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

Section 16 of Article 15 of the Nevada Constitution provides that an employee claiming that he or she was paid less than the minimum wage required by that provision may bring a civil action against his or her employer. Under this constitutional provision, if the employee prevails in such a civil action, the employee: (1) is entitled to all legal and equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) must be awarded reasonable attorney's fees and costs. (Nev. Const. Art. 15, § 16) **Section 1.5** of this bill would enact into statute the language of the minimum wage provision of the Nevada Constitution: (1) authorizing an employee who prevails in a civil action to recover all legal or equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) requiring a court to award reasonable attorney's fees and costs to an employee who prevails in such a civil action.

Section 2 of this bill provides that this bill becomes effective on January 1, 2018.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ***[omitted material]*** is material to be omitted.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

In adopting the regulations establishing the minimum wage that may be paid per hour pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to whom those regulations apply is increased by 75 cents



each year until the minimum wage that may be paid per hour pursuant to NRS 608.250 is:

- 1. If the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, \$12 or more; and*
- 2. If the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, \$11 or more.*

Sec. 1.5. NRS 608.260 is hereby amended to read as follows:

608.260 *1.* If any employer pays any employee a lesser amount than the minimum wage prescribed by regulation of the Labor Commissioner pursuant to the provisions of NRS 608.250, the employee may, at any time within 2 years, bring a civil action ~~to recover the difference between the amount paid to the employee and the amount of the minimum wage.~~ *against his or her employer.* A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

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

(a) The employee is entitled to all remedies available under the law or in equity appropriate to remedy the violation by the employer, including, without limitation, back pay, damages, reinstatement or injunctive relief; and

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

Sec. 2. This act becomes effective on January 1, 2018.

