

Senate Bill No. 146—Senators Parks and Spearman

Joint Sponsor: Assemblywoman Bustamante Adams

CHAPTER.....

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:

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

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:

1. If an employee specified in paragraph (a) of subsection 3 is required to be on duty for 24 hours or more, the employer and employee may agree in writing to exclude from the employee's wages a regularly scheduled sleeping period not to exceed 8 hours if adequate sleeping facilities are furnished by the employer.

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

3. The provisions of subsections 1 and 2:

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

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



4. As used in this section:

(a) “A group of similarly situated persons” includes, without limitation, a group of:

- (1) Persons with a mental illness;**
- (2) Persons with a physical disability;**
- (3) Persons with an intellectual disability;**
- (4) Persons who are elderly;**
- (5) Persons recovering from alcohol or drug abuse;**
- (6) Children in foster care; and**
- (7) Children in a program to address emotional or behavioral problems.**

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

(c) “Residential facility” means:

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

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

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

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

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

