

SENATE JOINT RESOLUTION NO. 8—SENATOR SEGERBLOM

FEBRUARY 16, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Amends the Nevada Constitution to increase the minimum wage per hour worked. (BDR C-425)

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.

SENATE JOINT RESOLUTION—Amending the Nevada Constitution to increase the minimum wage per hour worked.

Legislative Counsel’s Digest:

1 The Nevada Constitution provides that all employees must be paid a minimum
2 wage of \$5.15 or \$6.15 per hour worked, dependent upon whether the employer
3 provides health benefits. The amount of the minimum wage is to be adjusted
4 annually for inflation and is presently \$7.25 or \$8.25 per hour. (Nev. Const. Art. 15,
5 § 16) This resolution proposes to increase the minimum wage to \$15 or \$16 per
6 hour worked, as applicable.

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
2 NEVADA, JOINTLY, That Section 16 of Article 15 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 16. A. Each employer shall pay a wage to each
5 employee of not less than the hourly rates set forth in this
6 section. The rate shall be ~~{five}~~ *fifteen* dollars ~~{and fifteen~~
7 ~~cents—(\$5.15)}~~ *(\$15)* per hour worked, if the employer
8 provides health benefits as described herein, or ~~{six}~~ *sixteen*
9 dollars ~~{and fifteen cents—(\$6.15)}~~ *(\$16)* per hour if the
10 employer does not provide such benefits. Offering health
11 benefits within the meaning of this section shall consist of
12 making health insurance available to the employee for the
13 employee and the employee’s dependents at a total cost to
14 the employee for premiums of not more than 10 percent of
15 the employee’s gross taxable income from the employer.



1 These rates of wages shall be adjusted by the amount of
2 increases in the federal minimum wage over ~~[\$5.15]~~ \$15 per
3 hour, or, if greater, by the cumulative increase in the cost of
4 living. The cost of living increase shall be measured by the
5 percentage increase as of December 31 in any year over the
6 level as of December 31, ~~[2004]~~ 2018, of the Consumer Price
7 Index (All Urban Consumers, U.S. City Average) as
8 published by the Bureau of Labor Statistics, U.S. Department
9 of Labor or the successor index or federal agency. No CPI
10 adjustment for any one-year period may be greater than 3%.
11 The Governor or the State agency designated by the Governor
12 shall publish a bulletin by April 1 of each year announcing
13 the adjusted rates, which shall take effect the following
14 July 1. Such bulletin will be made available to all employers
15 and to any other person who has filed with the Governor or
16 the designated agency a request to receive such notice but
17 lack of notice shall not excuse noncompliance with this
18 section. An employer shall provide written notification of
19 the rate adjustments to each of its employees and make the
20 necessary payroll adjustments by July 1 following the
21 publication of the bulletin. Tips or gratuities received by
22 employees shall not be credited as being any part of or offset
23 against the wage rates required by this section.

24 B. The provisions of this section may not be waived by
25 agreement between an individual employee and an employer.
26 All of the provisions of this section, or any part hereof, may
27 be waived in a bona fide collective bargaining agreement, but
28 only if the waiver is explicitly set forth in such agreement in
29 clear and unambiguous terms. Unilateral implementation of
30 terms and conditions of employment by either party to a
31 collective bargaining relationship shall not constitute, or be
32 permitted, as a waiver of all or any part of the provisions of
33 this section. An employer shall not discharge, reduce the
34 compensation of or otherwise discriminate against any
35 employee for using any civil remedies to enforce this section
36 or otherwise asserting his or her rights under this section. An
37 employee claiming violation of this section may bring an
38 action against his or her employer in the courts of this State to
39 enforce the provisions of this section and shall be entitled to
40 all remedies available under the law or in equity appropriate
41 to remedy any violation of this section, including but not
42 limited to back pay, damages, reinstatement or injunctive
43 relief. An employee who prevails in any action to enforce this
44 section shall be awarded his or her reasonable attorney's fees
45 and costs.



1 C. As used in this section, “employee” means any
2 person who is employed by an employer as defined herein but
3 does not include an employee who is under eighteen (18)
4 years of age, employed by a nonprofit organization for after
5 school or summer employment or as a trainee for a period not
6 longer than ninety (90) days. “Employer” means any
7 individual, proprietorship, partnership, joint venture,
8 corporation, limited liability company, trust, association, or
9 other entity that may employ individuals or enter into
10 contracts of employment.

11 D. If any provision of this section is declared illegal,
12 invalid or inoperative, in whole or in part, by the final
13 decision of any court of competent jurisdiction, the remaining
14 provisions and all portions not declared illegal, invalid or
15 inoperative shall remain in full force or effect, and no such
16 determination shall invalidate the remaining sections or
17 portions of the sections of this section.

