

ASSEMBLY BILL NO. 211—ASSEMBLYMEN JAUREGUI;  
FUMO AND MCCURDY II

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing compensation and wages. (BDR 53-764)

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.

AN ACT relating to labor; increasing the amount of the administrative penalty that may be imposed by the Labor Commissioner for the violation of certain requirements relating to wages and compensation; authorizing the Labor Commissioner, under certain circumstances, to award money to persons harmed by such a violation; requiring the Labor Commissioner to post on an Internet website the business name and address of an employer that willfully violates certain requirements relating to wages and compensation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law establishes certain requirements and prohibitions concerning the  
2 wages and compensation that must be paid to employees. An employer who  
3 violates such a requirement or prohibition is guilty of a misdemeanor. In addition to  
4 any other penalty or remedy, the Labor Commissioner is authorized to impose  
5 an administrative penalty of not more than \$5,000. (NRS 608.005-608.195,  
6 608.250-608.290)  
7 **Sections 1.3 and 1.4** of this bill increase the maximum amount of the  
8 administrative penalty the Labor Commissioner may impose from \$5,000 to  
9 \$10,000 and authorize the Labor Commissioner to award money to a person who is  
10 harmed by a violation of the laws relating to wages and compensation if the Labor  
11 Commissioner determines that it is in the best interest of this State to do so.  
12 **Sections 1.3 and 1.4** also provide that the person harmed may be awarded an  
13 amount of money deemed appropriate to compensate for the wages and benefits  
14 lost as a result of the violation, but not to exceed the amount of the administrative  
15 penalty recovered. Additionally, **sections 1.3 and 1.4** require the Labor  
16 Commissioner to post the business name and address of any employer determined



\* A B 2 1 1 R 2 \*

17 by the Labor Commissioner to have willfully violated the requirements and  
18 prohibitions concerning the wages that must be paid to employees on the Labor  
19 Commissioner's Internet website.

20 This bill also requires the Labor Commissioner to post on the Internet website  
21 the name and business address of an employer who willfully violates certain labor  
22 laws. **Sections 1.3 and 1.4** also authorize the Labor Commissioner to adopt  
23 regulations to carry out the provisions of these sections.

24 **Section 1.1** of this bill requires all money collected by the Labor Commissioner  
25 as an administrative penalty imposed pursuant to **sections 1.3 and 1.4** of this bill to  
26 be accounted for separately and used only for awards to persons who were harmed  
27 by a violation of the laws governing wages and compensation. **Sections 2, 2.3 and**  
28 **2.5** of this bill make conforming changes to reflect the other changes in the bill.  
29 **Section 3** of this bill provides that the provisions of this bill apply to any actions  
30 and proceedings brought before a final decision has been rendered in the action or  
31 proceeding.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 1.1.** NRS 607.160 is hereby amended to read as follows:  
3 607.160 1. The Labor Commissioner:

4 (a) Shall enforce all labor laws of the State of Nevada:

5 (1) Without regard to whether an employee or worker is  
6 lawfully or unlawfully employed; and

7 (2) The enforcement of which is not specifically and  
8 exclusively vested in any other officer, board or commission.

9 (b) May adopt regulations to carry out the provisions of  
10 paragraph (a).

11 2. If the Labor Commissioner has reason to believe that a  
12 person is violating or has violated a labor law or regulation, the  
13 Labor Commissioner may take any appropriate action against the  
14 person to enforce the labor law or regulation whether or not a claim  
15 or complaint has been made to the Labor Commissioner concerning  
16 the violation.

17 3. Before the Labor Commissioner may enforce an  
18 administrative penalty against a person who violates a labor law or  
19 regulation, the Labor Commissioner must provide the person with  
20 notice and an opportunity for a hearing as set forth in NRS 607.207.

21 4. In determining the amount of any administrative penalty to  
22 be imposed against a person who violates a labor law or regulation,  
23 the Labor Commissioner shall consider the person's previous record  
24 of compliance with the labor laws and regulations and the severity  
25 of the violation.

26 5. All money collected by the Labor Commissioner as an  
27 administrative penalty must be deposited in the State General Fund.  
28 *Money collected as an administrative penalty imposed pursuant to*



1 *section 1.3 or 1.4 of this act must be accounted for separately and*  
2 *used only for awards made by the Labor Commissioner pursuant*  
3 *to sections 1.3 and 1.4 of this act.*

4 6. The actions and remedies authorized by the labor laws are  
5 cumulative. If a person violates a labor law or regulation, the Labor  
6 Commissioner may seek a civil remedy, impose an administrative  
7 penalty or take other administrative action against the person  
8 whether or not the person is prosecuted, convicted or punished for  
9 the violation in a criminal proceeding. The imposition of a civil  
10 remedy, an administrative penalty or other administrative action  
11 against the person does not operate as a defense in any criminal  
12 proceeding brought against the person.

13 7. If, after due inquiry, the Labor Commissioner believes that a  
14 person who is financially unable to employ counsel has a valid and  
15 enforceable claim for wages, commissions or other demands, the  
16 Labor Commissioner may present the facts to the Attorney General.  
17 The Attorney General shall prosecute the claim if the Attorney  
18 General determines that the claim is valid and enforceable.

19 **Sec. 1.2.** Chapter 608 of NRS is hereby amended by adding  
20 thereto the provisions set forth as sections 1.3 and 1.4 of this act.

21 **Sec. 1.3.** *1. If an employer violates any provision of this*  
22 *section and NRS 608.005 to 608.195, inclusive, or any regulation*  
23 *adopted pursuant thereto, the Labor Commissioner, in addition to*  
24 *any other remedy or penalty, may impose against the employer an*  
25 *administrative penalty of not more than \$10,000 for each such*  
26 *violation.*

27 *2. Upon receipt of the proceeds of an administrative penalty*  
28 *imposed pursuant to subsection 1, the Labor Commissioner may,*  
29 *if he or she determines that it is in the best interest of this State,*  
30 *award to a person harmed by the violation for which the*  
31 *administrative penalty was imposed an amount of money deemed*  
32 *appropriate by the Labor Commissioner to compensate the person*  
33 *for the wages and benefits lost as a result of the violation, but not*  
34 *to exceed the amount of the administrative penalty.*

35 *3. If the Labor Commissioner determines that an employer's*  
36 *violation of NRS 608.005 to 608.195, inclusive, or any regulation*  
37 *adopted pursuant thereto was willful, the Labor Commissioner*  
38 *shall post the business name and address of the employer on an*  
39 *Internet website maintained by the Labor Commissioner.*

40 *4. The Labor Commissioner may adopt regulations to carry*  
41 *out the provisions of this section.*

42 **Sec. 1.4.** *1. If an employer violates any provision of NRS*  
43 *608.250 or any regulation adopted pursuant thereto, the Labor*  
44 *Commissioner, in addition to any other remedy or penalty, may*



1 *impose against the employer an administrative penalty of not more*  
2 *than \$10,000 for each such violation.*

3 2. *Upon receipt of the proceeds of an administrative penalty*  
4 *imposed pursuant to subsection 1, the Labor Commissioner may,*  
5 *if he or she determines that it is in the best interest of this State,*  
6 *award to a person harmed by the violation for which the*  
7 *administrative penalty was imposed an amount of money deemed*  
8 *appropriate by the Labor Commissioner to compensate the person*  
9 *for the wages and benefits lost as a result of the violation, but not*  
10 *to exceed the amount of the administrative penalty.*

11 3. *If the Labor Commissioner determines that an employer's*  
12 *violation of NRS 608.250 or any regulation adopted pursuant*  
13 *thereto was willful, the Labor Commissioner shall post the*  
14 *business name and address of the employer on an Internet website*  
15 *maintained by the Labor Commissioner.*

16 4. *The Labor Commissioner may adopt regulations to carry*  
17 *out the provisions of this section.*

18 **Sec. 2.** NRS 608.180 is hereby amended to read as follows:

19 608.180 The Labor Commissioner or the representative of the  
20 Labor Commissioner shall cause the provisions of NRS 608.005 to  
21 608.195, inclusive, *and section 1.3 of this act* to be enforced, and  
22 upon notice from the Labor Commissioner or the representative:

23 1. The district attorney of any county in which a violation of  
24 those sections has occurred;

25 2. The Deputy Labor Commissioner, as provided in  
26 NRS 607.050;

27 3. The Attorney General, as provided in NRS 607.160 or  
28 607.220; or

29 4. The special counsel, as provided in NRS 607.065,  
30 ↪ shall prosecute the action for enforcement according to law.

31 **Sec. 2.3.** NRS 608.195 is hereby amended to read as follows:

32 608.195 ~~++~~ Except as otherwise provided in NRS 608.0165,  
33 any person who violates any provision of NRS 608.005 to 608.195,  
34 inclusive, *and section 1.3 of this act* or any regulation adopted  
35 pursuant thereto, is guilty of a misdemeanor.

36 ~~{2. In addition to any other remedy or penalty, the Labor~~  
37 ~~Commissioner may impose against the person an administrative~~  
38 ~~penalty of not more than \$5,000 for each such violation.}~~

39 **Sec. 2.5.** NRS 608.290 is hereby amended to read as follows:

40 608.290 ~~++~~ Any person who violates any provision of NRS  
41 608.250 or any regulation adopted pursuant thereto is guilty of a  
42 misdemeanor.

43 ~~{2. In addition to any other remedy or penalty, the Labor~~  
44 ~~Commissioner may impose against the person an administrative~~  
45 ~~penalty of not more than \$5,000 for each such violation.}~~



- 1     **Sec. 3.** The provisions of this act apply to any action or  
2 proceeding brought pursuant to chapter 608 of NRS in which a final  
3 decision has not been rendered before, on or after July 1, 2017.  
4     **Sec. 4.** This act becomes effective on July 1, 2017.

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