

Amendment No. 1008

Assembly Amendment to Senate Bill No. 106	(BDR 53-865)
<b>Proposed by:</b> Assembly Committee on Commerce and Labor	
<b>Amendment Box:</b> Replaces Amendment No. 988.	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date				
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BJF



Date: 5/29/2017

S.B. No. 106—Requires certain increases in the minimum wage paid to employees in private employment in this State. (BDR 53-865)





SENATE BILL NO. 106—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

PREFILED FEBRUARY 7, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—~~[Requires certain increases in]~~ **Revises provisions governing** the minimum wage **required to be** paid to employees in private employment in this State. (BDR 53-865)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

~

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

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) ~~That~~ **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.**

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

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

3       *In adopting the regulations establishing the minimum wage that may be paid*  
4 *per hour pursuant to NRS 608.250, the Labor Commissioner shall ensure that the*  
5 *minimum wage for each employee to whom those regulations apply is increased*  
6 *by 75 cents each year until the minimum wage that may be paid per hour*  
7 *pursuant to NRS 608.250 is:*

8       1. *If the employer of the employee does not offer health insurance for the*  
9 *employee in accordance with regulations adopted by the Labor Commissioner,*  
10 *\$12 or more; and*

11       2. *If the employer of the employee offers health insurance for the employee*  
12 *in accordance with regulations adopted by the Labor Commissioner, \$11 or more.*

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

14       608.260 1. If any employer pays any employee a lesser amount than the  
15 minimum wage prescribed by regulation of the Labor Commissioner pursuant to  
16 the provisions of NRS 608.250, the employee may, at any time within 2 years,  
17 bring a civil action ~~to recover the difference between the amount paid to the~~  
18 ~~employee and the amount of the minimum wage.~~ against his or her employer. A  
19 contract between the employer and the employee or any acceptance of a lesser wage  
20 by the employee is not a bar to the action.

21       2. If the employee prevails in a civil action brought pursuant to subsection  
22 1:

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

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

27       **Sec. 2.** This act becomes effective ~~upon passage and approval.~~ on January  
28 1, 2018.