

Senate Bill No. 318—Committee on  
Health and Human Services

CHAPTER.....

AN ACT relating to wages; authorizing an agency to provide personal care services in the home and its employee to enter into a written agreement to exclude from the employee's wages payment for certain specified periods; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that an employee who is employed in a certain residential facility and who works for 24 hours or more may agree not to be paid for a sleeping period not to exceed 8 hours if adequate sleeping facilities are provided by the employer. (NRS 608.0195) This bill provides that an employee of an agency to provide personal care services in the home may similarly agree not to be paid for a sleeping period.

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

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

**Section 1.** NRS 608.0195 is hereby amended to read as follows:

608.0195 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~~:

*(a) By the employer ~~H~~ of an employee described in subparagraph (1) of paragraph (a) of subsection 3; or*

*(b) In the home in which an employee described in subparagraph (2) of paragraph (a) of subsection 3 provides personal care services,*

*↪ as applicable.*

2. If the sleeping period is interrupted by any call for service by the employer ~~H~~ *or for service to a person to whom the employee provides personal care services*, the interruption must be counted as hours worked. If the sleeping period is interrupted by any call for service by the employer *or for service to a person to whom the employee provides personal care services* 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~~ :

*(1) 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*

*(2) An employee of an agency to provide personal care services in the home who is on duty.*

(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) *"Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.*

(c) "On duty" means any period during which an employee is working or is required to remain on the premises of :

*(1) In the case of an employee described in subparagraph (1) of paragraph (a) of subsection 3, the employer ~~is~~*

~~—(e)† ; or~~

*(2) In the case of an employee described in subparagraph (2) of paragraph (a) of subsection 3, the home of a person to whom the employee provides personal care services.*

*(d) "Personal care services" means the services described in NRS 449.1935.*

(e) "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.

