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

Sec. 16. [A. Each] 1. Except as otherwise provided in this section, each employer shall pay a wage to each employee of not less than the hourly rate set forth in this section. The rate must be five dollars and fifteen cents ($5.15) per hour worked, if the employer provides health benefits as described herein, or six dollars and fifteen cents ($6.15) per hour if the
employer does not provide such benefits. Offering health benefits within the meaning of this section shall consist of making health insurance available to the employee for the employee and the employee’s dependents at a total cost to the employee for premiums of not more than 10 percent of the employee’s gross taxable income from the employer. These rates of wages shall be adjusted by the amount of increases in

 nine dollars and forty cents ($9.40) per hour worked. Beginning on January 1, 2022, this rate must be increased on January 1 of each year by one dollar and fifteen cents ($1.15) per hour worked until the rate is fourteen dollars ($14.00) per hour worked.

2. If, at any time, the federal minimum wage is higher than the rate set forth in subsection 1, each employer must pay a wage to each employee of not less than the hourly rate set forth in the federal minimum wage.

3. The Legislature may establish by law a minimum wage that an employer must pay to each employee that is higher than the hourly rate set forth in subsection 1 or 2.

4. Tips or gratuities received by employees shall not be credited as being any part of or offset against the minimum wage rate required by this section.
5. Except as otherwise provided in this subsection, the provisions of this section may not be waived by agreement between any employee and his or her employer. All of the provisions of this section, or any part thereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this section.

6. An employer shall not discharge, reduce the compensation of or otherwise discriminate against any employee for using any civil remedies to enforce this section or otherwise asserting his or her rights under this section in any manner. An employee claiming a violation of this section is entitled to bring an action against his or her employer in the courts of this State, either in his or her individual capacity or as a representative of a class of similarly situated individuals, to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to back pay, damages, reinstatement or injunctive relief. An employee who prevails in any action to enforce this section must be awarded damages in an amount equal to three times the amount which the employee would have been paid if his or her employer had complied with the provisions of this section.

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

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