

Senate Bill No. 147–Senators Lange; Cannizzaro,
Daly, Donate and Flores

CHAPTER.....

AN ACT relating to employment; requiring the payment of certain wages and compensation to an employee when an employer places the employee on a certain work status; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law: (1) whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of the discharge become due and payable immediately; and (2) if an employer fails to pay the wages or compensation within 3 days after the wages or compensation becomes due, the wages and compensation continue at the same rate from the day the employee was discharged until paid or for 30 days, whichever is less. (NRS 608.020, 608.040)

Section 2 of this bill provides that whenever an employer places an employee on nonworking status, the wages earned and unpaid at the time of such placement also become due and payable immediately. As defined for the purposes of **section 2**, the term “nonworking status” means the temporary layoff of an employee whereby the employee remains employed and may be called back to work at a future date. The term does not include an employee who an employer: (1) places on suspension pending an investigation; (2) places on suspension pursuant to a disciplinary action; (3) places on-call for available work; or (4) approves to take a leave of absence. **Section 3** of this bill provides that if an employer fails to pay the wages of an employee placed on nonworking status within 3 days after the wages become due, the wages also continue at the same rate from the day the employee was placed on nonworking status until paid or for 30 days, whichever is less. **Section 1** of this bill makes a conforming change to provide that the term “wages” includes amounts due to an employee placed on nonworking status.

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

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

Section 1. NRS 608.012 is hereby amended to read as follows:
608.012 “Wages” means:

1. The amount which an employer agrees to pay an employee for the time the employee has worked, computed in proportion to time;
2. Commissions owed the employee; and
3. Amounts due to a discharged employee , *employee placed on nonworking status pursuant to NRS 608.020* or to an employee who resigns or quits pursuant to NRS 608.040,
↳ but excludes any bonus or arrangement to share profits.



Sec. 2. NRS 608.020 is hereby amended to read as follows:

608.020 **1.** Whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable immediately.

2. *Whenever an employer places an employee on a nonworking status, the wages earned and unpaid at the time the employee is placed on nonworking status are due and payable immediately.*

3. *As used in this section, “nonworking status” means the temporary layoff of an employee by the employer whereby the employee remains employed and may be called back to work by the employer at a future date. The term does not include an employee who an employer:*

(a) Places on suspension pending an investigation relating to employment;

(b) Places on suspension pursuant to a disciplinary action relating to employment;

(c) Places on-call for available work; or

(d) Approves to take a leave of absence.

Sec. 3. NRS 608.040 is hereby amended to read as follows:

608.040 **1.** If an employer fails to pay:

(a) Within 3 days after the wages or compensation of a discharged employee becomes due; ~~for~~

(b) Within 3 days after the wages of an employee placed on nonworking status pursuant to NRS 608.020 becomes due; or

(c) On the day the wages or compensation is due to an employee who resigns or quits,

↳ the wages or compensation of the employee continues at the same rate from the day the employee resigned, quit or was discharged *or placed on nonworking status* until paid or for 30 days, whichever is less.

2. Any employee who secretes or absents himself or herself to avoid payment of his or her wages or compensation, or refuses to accept them when fully tendered to him or her, is not entitled to receive the payment thereof for the time he or she secretes or absents himself or herself to avoid payment.

Sec. 4. This act becomes effective on July 1, 2023.

