

# DOMESTIC WORKER'S BILL OF RIGHTS AND APPLICABLE STATE AND FEDERAL LAWS

## **NRS 608.009 "Domestic service employee" defined**

"Domestic service employee" means an employee who performs any household service in or about a private residence or any other location at which a person resides. The term includes, without limitation:

1. Caregivers and other persons who are employed at a residential facility for groups, as defined in [NRS 449.017](#); and
2. Companions, babysitters, cooks, waiters, valets, housekeepers, nannies, nurses, janitors, persons employed to launder clothes and linens, caretakers, persons who perform minor repairs, gardeners, home health aides, personal care aides and chauffeurs of automobiles for family use.

## **NRS 608.018 Compensation for overtime: Requirement; exceptions**

An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee whose wage rate is less than 1 1/2 times the minimum rate prescribed pursuant to the Constitution of the State of Nevada: (a) Works more than 40 hours in any scheduled week of work; or (b) Works more than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee whose wage rate is 1 1/2 times or more than the minimum rate prescribed pursuant to the Constitution, works more than 40 hours in any scheduled week of work.

The above provisions do not apply to: (a) Employees who are not covered by the minimum wage provisions of the Constitution (b) Outside buyers; (c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than one month; (d) Employees who are employed in bona fide executive, administrative or professional capacities; (e) Employees covered by collective bargaining agreements which provide otherwise for overtime; (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended; (g) Employees of a railroad; (h) Employees of a carrier by air; (i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan; (j) Drivers of taxicabs or limousines; (k) Agricultural employees; (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year; (m) Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and (n) A mechanic or workman for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply. **(O) A domestic worker who resides in the household where he or she works if the domestic worker and his or her employer agree in writing to exempt the domestic worker from the requirements of subsections 1 and 2. 4. As used in this section, "domestic worker" has the meaning ascribed to it in section 6 of this act.**

## **NRS 608.0195 Periods for sleep**

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: (a) By the employer 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 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: (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; 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.

## **NRS 608.154 Lodging as part of wages or compensation; exception**

A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of lodging. In no case may the value of the lodging be computed at more than five times the statutory minimum hourly wage for each week that lodging is provided to the employee. 2. The monetary limitations on the value of lodging specified in subsection 1 do not apply to agricultural employees.

## **NRS 608.155 Meals as part of wages or compensation; exception**

1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of meals. In no case shall the value of the meals be computed at more than 100 percent of the statutory minimum hourly wage per day. In no case shall the value of the meals consumed by such employee be computed or valued at more than 25 percent of the statutory minimum hourly wage for each breakfast actually consumed, 25 percent of the statutory minimum hourly wage for each lunch actually consumed, and 50 percent of the statutory minimum hourly wage for each dinner actually consumed. 2. The monetary limitations on the value of meals, contained in subsection 1, do not apply to agricultural employees.

## **NRS 608.215 Domestic service employees; agreements to exclude certain periods from wages; calls to duty; maintenance of records**

1. If a domestic service employee resides in the household where he or she works, the employer and domestic service employee may agree in writing to exclude from the wages of the domestic service employee: (a) Periods for meals if the period for meals is at least one-half hour for each meal; (b) Periods for sleep if the period for sleep excluded from the wages of the domestic service employee does not exceed 8 hours; and (c) Any other period of complete freedom from all duties during which the domestic service employee may either leave the premises or stay on the premises for purely personal pursuits. To be excluded from the wages of the domestic service employee pursuant to this paragraph, a period must be of sufficient duration to enable the domestic service employee to make effective use of the time. 2. If a period excluded from the wages of the domestic service employee pursuant to this section is interrupted by a call to duty by the employer, the interruption must be counted as hours worked for which compensation must be paid. 3. An agreement pursuant to this section may be used to establish the total hours of employment of a domestic service employee in a pay period in lieu of maintaining precise records of the number of hours worked per day. The employer shall keep a copy of the agreement and indicate in the record of wages pursuant to [NRS 608.115](#) that the work time of the domestic service employee generally coincides with the agreement. If it is found by the parties that there is a significant deviation from the initial agreement, a separate record must be kept for the period in which the deviation occurs or a new agreement must be reached that reflects the actual facts.

## **NRS 613.620 Legislative declaration; wages and benefits not limited; regulations**

1. The Legislature hereby declares that a domestic worker must be afforded the following rights and protections:

- (a) An employer shall provide to a domestic worker, when the domestic worker begins his or her employment, a written employment agreement outlining the conditions of his or her employment. If the domestic worker is not able to understand the provisions of the written agreement, the employer shall ensure that those provisions are explained to the domestic worker in a language that the domestic worker understands. The employment agreement must include, without limitation: (1) The full name and address of the employer; (2) The name of the domestic worker and a description of the duties for which he or she is being employed; (3) Each place where the domestic worker is required to work; (4) The date on which the employment will begin; (5) The period of notice required for either party to terminate the employment or, if the employment is for a specified period, the date on which the employment will end; (6) The ordinary workdays and hours of work required of the domestic worker, including any breaks; (7) The rate of pay, rate and conditions of overtime pay and any other payment or benefits, including, without limitation, health insurance, workers' compensation insurance or paid leave, which the domestic worker is entitled to receive; (8) The frequency and method of pay; (9) Any deductions to be made

from the domestic worker's wages; (10) If the domestic worker is to reside in the employer's household, the conditions under which the employer may enter the domestic worker's designated living space; and (11) A notice of all applicable state and federal laws pertaining to the employment of domestic workers. A copy of the notice provided in subsection 3 will satisfy the requirement to comply with this subparagraph. (b) Except as otherwise provided in this section and subject to the provisions of chapter 608 of NRS, a domestic worker must, for all of his or her working time, be paid at least the minimum hourly wage published pursuant to Section 16 of Article 15 of the Nevada Constitution. (c) Except as otherwise provided in NRS 608.018, a domestic worker who is paid less than one and one-half times the minimum hourly wage must be paid not less than one and one-half times the domestic worker's regular rate of wages for all working time in excess of 8 hours in a workday or 40 hours in a week of work in accordance with the provisions of NRS 608.018. (d) Except as otherwise provided in NRS 608.0195, if a domestic worker is required to be on duty, he or she must be paid for all working time, including, without limitation, sleeping time and meal breaks. (e) If a domestic worker is hired to work for 40 hours per week or more, his or her employer must provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month. The domestic worker may agree in writing to work on a scheduled day of rest but must be compensated for such time pursuant to this section. (f) An employer may deduct from the wages of a domestic worker an amount for food and beverages supplied by the employer if the domestic worker freely and voluntarily accepts such food and beverages and provides written consent for such a deduction. An employer must not make a deduction for food and beverages supplied by the employer if a domestic worker cannot easily bring or prepare meals on the premises. Any deduction for food and beverages pursuant to this paragraph must not exceed the limits set forth in NRS 608.155. (g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker freely and voluntarily accepts such lodging and provides written consent for such a deduction. An employer may not make a deduction for lodging if the domestic worker is required to reside on the employer's premises as a condition of his or her employment. Any deduction for lodging pursuant to this paragraph must not exceed the limits set forth in section 1 of this act. (h) If a domestic worker is required to wear a uniform, the employer may not deduct from his or her wages the cost of the uniform or its care. (i) An employer shall not restrict, interfere with or monitor a domestic worker's private communications or take any of the domestic worker's documents or other personal effects. (j) A domestic worker may request a written evaluation of his or her work performance from the employer 3 months after his or her employment begins and annually thereafter. (k) If a domestic worker resides in the employer's household and the employer terminates his or her employment without cause, the employer shall provide written notice and at least 30 days of lodging to the domestic worker, either on-site or in comparable off-site conditions. (l) An employer shall keep a record of the wages and hours of the domestic worker as required by NRS 608.115. 2. The provisions of this section are not intended to prevent an employer from providing greater wages and benefits than those required by this section. 3. The Labor Commissioner shall adopt regulations to carry out the provisions of this section and shall post on his or her Internet website, if any, a multilingual notice of employment rights provided under this section and any applicable state and federal laws pertaining to the employment of domestic workers. 4. As used in this section, unless the context otherwise requires: (a) "Domestic worker" means a natural person who is paid by an employer to perform work of a domestic nature for the employer's household, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. The term: (1) Includes a natural person who is employed by a third party service or agency; and (2) Does not include a natural person who provides services on a casual, irregular or intermittent basis. (b) "Employer" means a person who employs a domestic worker to work for the employer's household. (c) "Household" means the premises of an employer's residence and includes any living quarters on the employer's property. (d) "On duty" means any period during which a domestic worker is working or is required to remain on the employer's property. (e) "Period of rest" means a period during which the domestic worker has complete freedom from all duties and is free to leave the employer's household or stay within the household solely for personal pursuits. (f) "Working time" means all compensable time, other than periods of rest, during which a domestic worker is on duty, regardless of whether the domestic worker is actually working.

For Information on Federal Laws  
[www.dol.gov/whd/homecare/faq.htm](http://www.dol.gov/whd/homecare/faq.htm)

*For additional information or exceptions, contact the Nevada State Labor Commissioner: Carson City 775-684-1890 or Las Vegas 702-486-2650  
TOLL FREE: 1-800-992-0900 Ext. 4850 Internet: [www.labor.nv.gov](http://www.labor.nv.gov)*

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