The Office of the Labor Commissioner

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Labor Commissioner Fun Facts



In the Newspaper for Tap Dancing on Fremont Street



ACLU says rights remain curtailed

4058793

December 4, 2009 - 10:00 pm



Beverly Hills = Favorite* Real Housewives Franchise

After going on a Mediterranean Cruise, I want to move to the South of France.



Office of the Labor Commissioner

ENFORCEMENT RESPONSIBILITIES

- Wage & Hour Complaints
- Meal & Break Complaints
- General Complaints
- Prevailing Wage & Public Works Project Regulation
- Apprenticeship Utilization Act
- Minor Employment

LICENSING RESPONSIBILITIES

- Private Employment Agencies
- Professional Employer Organizations
- Public Works Project Numbers
- Register Apprenticeship Programs with the Nevada State Apprenticeship Council

NEVADA MINIMUM WAGE

Nevada Ballot Question 2 Passed November 2022 Eliminating Two-Tier Minimum Wage As Of July 1, 2024

EFFECTIVE DATE	MINIMUM WAGE
July 1, 2024	$12.00





Manner of Wages: (1) lawful money of the United States; or (2) by a good and valuable negotiable check or draft drawn only to the order of the employee

“An employer shall pay to the employee wages for each hour the employee works.” NRS 608.016*

Wages Are:

“The agreed upon rate paid for all hours worked”

- Hourly Rate
- Salary
- Commissions
- Piece Work
- Shift Work

Wages Are NOT

- Bonuses
- Profit Sharing
- Fringe Benefits
  - Exception for Prevailing Wage (NRS 338)

NRS 608.016 Amended by SB8 of Special Session (2025): Portal-to-Portal Act Adoption

October 2025: Nevada Supreme Court decides in *Amazon v. Malloy* that Nevada wage and hour laws do not incorporate FLSA's Portal-to-Portal Act

November 2025: Nevada Legislature calls a Special Session and passes Senate Bill 8, incorporating parts of the Portal-to-Portal Act

SB8 Provisions Expire 2029

Clarified preliminary and postliminary tasks can be unpaid in Nevada:

(1) walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, and

(2) activities which are preliminary to or postliminary to said principal activity or activities, which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities.

Special Types of Wages

Lodging as Part of Wages

NRS 608.154

- No more than 5x minimum hourly wage for each week of lodging
  - 5 x $12/hour = $60 maximum credit for lodging as wages
  - Must be mutually agreed upon in employment contract
- Monetary limitation inapplicable to agricultural workers

Meals as Part of Wages

NRS 608.155

- Limited to 100% of the minimum wage per day (IE $12 wage credit for all meals as part of wages per day)
  - 25% for breakfast ($3)
  - 25% for lunch ($3)
  - 50% for dinner ($6)
- Meals as Part of Wages must be mutually agreed upon in employment contract
- Monetary limitation inapplicable to agricultural workers

Nevada Overtime

- Employers must pay 1-1/2 times an employee's regular wage rate whenever an employee who is paid less than 1-1/2 times the applicable minimum wage rate works more than 40 hours in any workweek or more than 8 hours in any workday (subject to the 4/10s exception), unless otherwise exempted. (NRS 608.018)
  - Employee entitled to overtime over 8 hours in a day if regular rate of pay is less than $18 per hour
  - Employee entitled to overtime over 40 hours in a week if regular rate of pay is $18 per hour or more

- Four-Tens (4/10s) exception
  - By mutual agreement, the employee can work a schedule of four ten (4/10's) hour days in a workweek.
  - Must be a regular and consistent schedule.
  - If the 4/10 schedule is not followed it will revert to overtime

GENERAL EMPLOYMENT COMPLAINT

Non-wage related violations

- Meal and Rest breaks
- Failure to keep records
- Employee Misclassification
- Paid Leave Violations
- Pregnant & Breastfeeding Worker Accommodations

Administrative fines up to $5,000 (NRS 608.195)

Avoiding Common Statutory & Regulatory Pitfalls for Employers

- Meals & Breaks
- Final Paychecks
- Record Keeping & Deductions

WHEN ARE MEALS & BREAKS REQUIRED?

MEALS

- Required when an employee's shift is for a continuous period of eight (8) hours
- Not less than thirty (30) minutes
- Can be unpaid
- Meal period does not count towards hours worked

BREAKS

- Ten (10) minutes for every three and a half (3.5) continuous hours worked
- Must be paid
- Break time counts towards hours worked

Maintaining Wage Records

What's Required?

NRS 608.115

Records Must Reflect:

- Gross Wage/Salary
- Deductions
  - Not for breaks
  - Specific in amount, reason, and date
  - Prior written employee authorization
  - No blanket authorizations upon hire
  - No deductions for uniforms
- Net cash wage or salary
- Total Hours Employed During Pay Period Noted By Hours Per Day
- Date of Payment

Availability of Records:

- Must be made available within ten (10) days of a request
- Wage Records must be maintained for two (2) years

EVERY EMPLOYER **SHALL** ESTABLISH AND MAINTAIN RECORDS OF WAGES

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Rules for Deductions

- No deduction of wages for mandatory break periods
- Deductions need to be specific in amount, reason, and date they will be taken from check
- Employee authorization for deduction **must** occur **prior** to deduction
- No blanket authorizations upon hire for deductions
- No deductions for uniforms

FINAL CHECKS

IF EMPLOYEE QUITS OR RESIGNS…

- Earned and unpaid wages due:
  - Next regularly scheduled payday; or
  - Seven days after resignation
- Whichever event is earlier is the due date
- NRS 608.030

IF EMPLOYEE IS DISCHARGED…

- Earned and unpaid wages and compensation due immediately
- Must pay within three (3) days
- NRS 608.020
- SB147 added “nonworking status”

Failure to pay timely means wages accrue at the same rate until paid, or for thirty (30) days, whichever is less.
NRS 608.040

NRS 608 Wage Claims and General Complaints

(NAC §§ 607.060-607.080)

Case Opened: Completed Wage Claim accepted & entered in OLC case management system.

Notice of Claim: Notice of Claim mailed to employer/respondent, allowing 15 days to respond.

Investigation: Review documents, evidence, statements, payroll records, objections, and any other relevant submissions. Review potential settlement offers.

Determination/Close Claim: Determination issued regarding results and findings of investigation, including substantiated violation(s) of law and assessed penalties.

Request Hearing/Final Order: Hearing set if a written objection is submitted requesting a hearing in the matter. If no response to Determination, claim proceeds to Final Order.

Collections: After Final Order is issued, if the employer fails to remit payment, the case is forwarded to the State Controller's Office for collection.

Bulletins, Guides, and Required Postings

labor.nv.gov

Bulletins and Guides

- Tip Guide
- Nursing Mothers Accommodation
- Notice to Employer of Sick or Injured Employee
- Independent Contractor – Information Sheet & Tips to Avoid Misclassification
- Meal and Rest Period Notice
- Request for Meal and Rest Period Waiver Form
- AB 132 Guide to the Marijuana Testing Bill

Required Postings

- Annual Minimum Wage and Overtime Bulletin(s)
- Rules to be Observed by Employers
- Notice of Limitations Affecting the Application of Lie Detector Tests
- Domestic Violence/Sexual Assault Victim's Bulletin
- Domestic Worker's Bill of Rights
- Paid Leave
- Minimum Wage Bulletin
- Family Sick Leave Bill
- Notice of Career Enhancement Program and Job Connect from Department of Employment, Training and Rehabilitation (DETR)



Additional Guidance from the Office of the Labor Commissioner

Request for Advisory Opinion – NAC 607.650

Petition for Declaratory Order – NAC 607.670

Training and Seminars for Employees and Employers

Awarding/Public Body/Contractor Working Groups

Awarding/Public Body/Contractor Handbook & Guide

Visit labor.nv.gov