



State of Nevada
Department of Business & Industry
Office of the Labor Commissioner

Wage

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MAJOR RESPONSIBILITIES

- PRIVATE SECTOR EMPLOYMENT
- PREVAILING WAGES ON PUBLIC WORKS PROJECTS
- REGULATE PRIVATE EMPLOYMENT AGENCIES

Overview

Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC)

607 AUTHORITY

608 COMPENSATION, WAGES and HOURS

609 EMPLOYMENT OF MINORS

611 EMPLOYMENT AGENCIES

613 EMPLOYMENT PRACTICES

338 PREVAILING WAGES

NRS 607

Powers and duties of the Labor Commissioner. The Labor Commissioner shall enforce all labor laws of the State of Nevada the enforcement of which is not specifically and exclusively vested in any other officer, board or commission.

NRS 608

Encompasses all wage and hour issues for the state of Nevada. Refers to employer-employee relationship. However, it does not cover independent contractors.

DEFINITIONS

Employer (NRS 608.011): Every person having control or custody of any employment, place of employment or any employee.

Employee (NRS 608.010): Male and female persons in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed.

Independent Contractor (NRS 608.0155 and NAC 608.155): Are not employees.

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

NRS section 608.016

WAGES

WAGES

THE AGREED UPON RATE
PAID FOR ALL HOURS
WORKED

- Hourly rate
- Salary
- Commissions
- Piece work
- Shift work

*Meals can be part of wages – NRS 608.155

**Sleep can be excluded from wages – NRS
608.0195

WAGES ARE NOT

- Bonuses
- Profit sharing
- Fringe benefits

KEY ELEMENTS OF NEVADA'S MINIMUM WAGE REQUIREMENTS

Nevada Constitution – Article 15, Section 16
2006 Minimum Wage Amendment Passed by Voters

- Two rates – (Two Tier System)
- Tips cannot be used to offset payment of Minimum Wage (Tips can be pooled by employees pursuant to NRS 608.160)
- Can pay lower rate if employee offered Qualified Health Insurance
- Exemptions in NRS 608.250 – (*Yellow Cab Case*)
- Collectively Bargained exemption
- Annual adjustment – (Senate Bill 106 Minimum Wage Increase - Vetoed by Governor)

MINIMUM WAGE

\$7.25 PER HOUR if offered Qualified Health Insurance

Offer Qualified Health Insurance to the employee

What is Qualified Health Insurance? – See *NAC section 608.102*

(Assembly Bill 175 – Vetoed by Governor)

(*Diaz Case*)

Covers employee and dependents

Employee's share of premiums not more than 10 percent of the employee's gross taxable income from the employer. (Cannot include Tips – *Hancock Decision*)

\$8.25 PER HOUR if not offered Qualified Health Insurance

EXEMPTIONS:

- Workers under the age of 18
- Workers employed by a non-profit for after school or summer employment
- Trainees

YELLOW CAB – EXEMPTIONS IN NRS 608.250 WERE FOUND NOT TO APPLY FOR PURPOSES OF PAYING THE REQUIRED MINIMUM WAGE

UNLESS THERE IS AN EXEMPTION, OVERTIME MUST BE PAID FOR...

**More than 40 hours in any scheduled week of work
In some cases, for more than 8 hours in any workday
*(See NRS 608.018 for Exemptions)***

DAILY 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, UNLESS OTHERWISE EXEMPTED. EMPLOYERS SHOULD REFER TO NRS 608.018 FOR FURTHER DETAILS ON OVERTIME REQUIREMENTS.

FOR EMPLOYEES TO WHOM QUALIFYING HEALTH BENEFITS HAVE BEEN OFFERED BY THE EMPLOYER:

IF THE EMPLOYEE IS PAID LESS THAN \$10.875 PER HOUR

FOR ALL OTHER EMPLOYEES:

IF THE EMPLOYEE IS PAID LESS THAN \$12.375 PER HOUR

*Four-Tens exception - By mutual agreement, the employee can work a schedule of four ten hour days in a workweek. Must be a regular and consistent schedule.

Paid Time Off

There are no State Law requirements for:

- Vacations
- Sick Leave — (Senate Bill 196 – Vetoed by Governor)
- Holidays

NRS and NAC section 608 OVERVIEW

- **Non Standard Deductions (NAC 608.160):**
 - The employer is required to have the employee voluntarily authorize in writing the specific purpose, pay period, and amount of deduction.
 - May not use a blanket authorization.
- **Record Keeping (NRS 608.115 and NAC 608.140):**
 - Gross wage or salary, deductions, net cash or salary, number of hours per day, date of payment; the records have to be kept for 2 years from the date the information was recorded.
- **Uniforms (NRS 608.165):**
 - If the uniforms clearly identify the employee with the business, the employer shall provide the uniform at no cost or deposit.
 - The employer must also pay for any cost that is required for special cleaning of the uniform.
- **Payment (NRS 608.060, NRS 608.070 and NRS 608.080):**
 - At least semimonthly and maintain the same scheduled paydays.
- **Paystub (NRS 608.110 and NRS 608.115):**
 - Itemized list of deductions showing the respective deductions made from the total amount of wages or compensation; any additional deduction should be authorized by the employee.
- **Breaks & Lunches (NRS 608.019 and NAC 608.145):**
 - Provide 10 minutes for each 3 1/2 hours worked and at least 30 minutes uninterrupted lunch break for employee working a continuous period of 8 hours.
- **Employee Terminated or Resigned/Quit Payment (NRS 608.020 and NRS 608.030):**
 - Immediately or within three days – terminated by the employer.
 - Next regular payday or within 7 days – resign or quit .

608 Wage Claim Process – (See also NAC sections 607.060-607.080)

Claims are filed either online, in person, or received in the mail.

Case Opened- Completed Wage Claim has been accepted and entered into the Labor Case Tracking System.

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

Investigation- Review objections to Wage Claim or settlement offer.

Determination/Close Claim- Investigation found violation(s) of law.

No violations found or lack of jurisdiction and the Wage Claim is closed.

Request Hearing/Final Order- A written objection is submitted by employer/respondent that has merit and requests a hearing in the matter.

No response to Determination is received, so Determination proceeds to Final Order.

Collections- After a Final Order has been issued and the employer has not remitted payment, the case will be forwarded to the State Controller's Office for collection.

GENERAL EMPLOYMENT COMPLAINT

- NON-WAGE RELATED VIOLATIONS
- MAY BE ANONYMOUS COMPLAINT
- ADMINISTRATIVE FINE UP TO \$5,000 (NRS 608.195)
- MAY BE USED IN LIEU OF SOME WAGE PENALTIES
- MOST COMMON VIOLATION IS FAILURE TO KEEP RECORDS

2017 LEGISLATIVE SESSION

SENATE BILL 361 – PROVIDING LEAVE FOR VICTIMS OF
DOMESTIC VIOLENCE

ASSEMBLY BILL 113 – STATE OF NEVADA NURSING MOTHER'S
ACCOMODATION ACT

SENATE BILL 232 – DOMESTIC WORKERS' BILL OF RIGHTS

THANK YOU

For complete Statutes/Regulations and contact information visit labor.nv.gov

Carson City Office – (775) 684-1890

Las Vegas Office – (702) 486-2650