

## Frequently Asked Questions

What is Nevada's minimum wage rate?

- In the State of Nevada, the minimum wage is a tiered rate of \$8.25 or \$7.25. If you offer your employees a qualified health insurance plan, you may pay them at the lower tier of \$7.25. If they are not offered insurance, you must pay them at the higher tier of \$8.25. The employee does not have to accept the insurance to pay them at the lower tier. The employer is just required to offer it to them (Article 15 of the Nevada Constitution).

What is a qualified health insurance plan?

- To determine if your health insurance is a qualified plan, you may refer to NAC 608.102 and NAC 608.104.

How long do I have to pay my employee after separation?

- If the employee resigned from employment, you must remit their final wages to them within 7 days after they resign or by the next regularly scheduled pay day, whichever is earlier. If the employee is discharged, you must remit their final wages to them within 3 days of their termination (NRS 680.020-NRS 608.040).

How often do I have to pay my employees?

- Nevada law requires employers to pay their employees at least twice a month (NRS 608.060).

If I pay my employees a salary, do I have to pay them overtime?

- There are exemptions to overtime pay, however, just because you pay your employees a salary, does not automatically exempt them from overtime. For a list of overtime exemptions, please review NRS 608.018.

Do I have to pay my employees overtime for over 8 hours in a day or over 40 hours in a week?

- If your employee makes less than one and one half times minimum wage (\$12.38/\$10.88) per hour, you need to pay them for overtime for time worked over 8 hours in a 24-hour period and also for time worked over 40 hours in their work week. If they make more than one and one half times minimum wage, you need to pay them overtime for time worked over 40 hours in a work week. The only exception is if an employee agrees to work 4, 10 hour shifts. However, any deviations from the 4-10 rule could cause overtime to accrue (NRS 608.018) (AO 2013-04).

My employee owes me money.

Can I deduct the amount from their final check?

- Deductions, other than those required by law and contributions to benefit programs, can only be deducted from your employee's paycheck if there is prior written authorization from the employee. The written authorization must include the specific amount being deducted, the purpose for the deduction, and the pay period in which the deduction will be made. An employer may not use a blanket authorization that was made in advance by the employee to withhold any amount from the wages due to the employee (NRS 608.110 and NAC 608.160).

How often do I have to give my employees breaks?

- An employee must be given a paid, 10 minute break for each 4 hour period of work. In addition, employees are entitled to an unpaid, 30 minute meal period for each 8 hour period of work (NRS 608.019, NAC 608.145).

What are the rules regarding Tips in Nevada?

- Pursuant to NRS 608.160, it is unlawful for any Employer to:
  - (a) Take all or part of any tips or gratuities bestowed upon the employees of that person.
  - (b) Apply as a credit toward the payment of the statutory minimum hourly wage established by any law of this State any tips or gratuities bestowed upon the employees of that person; however, nothing contained in this section shall be construed to prevent such employees from entering into an agreement to divide such tips or gratuities among themselves.

Can I make tip pooling mandatory?

- Yes, employers may establish mandatory tip pools that include employees of different ranks, so long as all the tips are distributed amongst the employees, and the employer does not keep any portion of the tips for themselves.

Wynn Las Vegas, LLC v. Baldonado, et al., 129 Nev., Advance Opinion 78 (Oct. 31, 2013).