



### **What is a Public Work?**

- Any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money. Nevada Revised Statutes (NRS) 338.010(17).

### **What is a Public Body?**

- The State of Nevada or any county, city, town, school district any public agency or any political subdivision sponsoring a public work. NRS 338.010(16).

### **What contracts are subject to Prevailing Wage?**

- Every contract over \$100,000.00 to which a public body is a party. Assembly Bill (AB) 136 passed during the 2019 Legislative Session.

### **Are Charter Schools exempt from Prevailing Wage requirements?**

- Charter Schools are subject to Public Works and Prevailing Wage laws. AB 136 passed during the 2019 Legislative Session.

### **Is there a 90% rate for work done on Nevada System of Higher Education (NSHE) and School Construction?**

- The 90% NSHE and School Construction Rate was eliminated – effective July 1, 2019. It is not retroactive. AB 136 passed during the 2019 Legislative Session.

### **Are salaried employees paid Prevailing Wage?**

- Salaried employees must be paid the applicable Prevailing Wage rate for the work they perform on a prevailing wage job site. They must be paid the applicable rate of wages for the classification or work performed. There is no “salaried employee” exception for any workman under NRS 338.

### **When does overtime need to be paid?**

- A contractor or subcontractor must pay any mechanic or workman one and half times the applicable prevailing wage rate for worked performed on a public work in excess of forty hours in a workweek or eight hours in any work day. Zone rates are added to the hourly rate, and then overtime is calculated on that rate. (NRS 338.020)

### **Are there exceptions to daily overtime?**

- An exception to the daily overtime rule may apply when, by mutual agreement, a scheduled 10 hours per day for 4 calendar days (4/10) within a scheduled work week are worked. The 4/10 schedule must be strictly adhered to or overtime may become due. Advisory Opinion AO 2013-04.

### **Bona Fide Fringe Benefits**

- Established for the sole and exclusive benefit of a worker and his or her family and dependents; and for which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program. AB 190.

### **Use of Apprentices be on Public Works Projects?**

- Effect January 1, 2020 - A contractor or subcontractor employing a worker as defined in NRS 338.040...shall use one or more apprentices for at least 10% of the total hours of vertical construction and 3% of the total hours for horizontal construction of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work when more than three (3) employees of each craft are employed at the site of work. Senate Bill (SB) 207 passed during the 2019 Legislative Session. A Waiver may be granted under certain circumstances. See SB 207.

### **What Prevailing Wage rate should be applied?**

- The worker must be paid the rate for the type of work actually performed. NRS & NAC 338.

### **Must subcontractors be reported?**

- Each contractor on a public work shall report to the Labor Commissioner and the public body that awarded the contract the name and address of each subcontractor whom the contractor engages for work on the project within 10 days after the subcontractor commences the contract. (NRS 338.013)

**NRS 608.150 Original contractor liable for indebtedness for labor incurred by subcontractor or contractor acting under, by or for original contractor; exceptions; civil action to recover.**

\* Please review the most recent NRS and/or Nevada Administrative Codes for the most current laws.\*

**This document should not be considered legal advice.**