

STATE OF NEVADA

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

BRETT K. HARRIS, ESQ.
Labor Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE LABOR COMMISSIONER

June 25, 2025

Via Email and U.S. Mail

Roger L. Grandgenett, II
Littler Mendelson, P.C.
3960 Howard Hughes Parkway, Suite 300
Las Vegas, Nevada 89169-5937

Re: Request for Advisory Opinion—Daily Overtime or Weekly Overtime Calculation

Dear Mr. Grandgenett,

Pursuant to Nevada Administrative Code (“NAC”) Section 607.650, an Advisory Opinion has been requested clarifying how overtime will be calculated for an employee who makes less than 1.5x minimum wage who works more than eight hours in a single workday and more than forty hours in a workweek.

FACTS PRESENTED

In the proposed hypotheticals contained within the Request for Advisory Opinion, a daily-overtime eligible employee works more than eight hours on multiple workdays and more than forty hours during the workweek. Specifically, two scenarios were provided including the following workdays and hours for a daily overtime eligible employee:

Scenario #1

Monday	8 am to 6 pm	10 hours worked, 2 of which are daily overtime
Tuesday	8 am to noon	4 hours worked
Wednesday	8 am to 8 pm	12 hours worked, 4 of which are daily overtime
Thursday	8 am to 8 pm	12 hours worked, 4 of which are daily overtime
Friday	8 am to 2 pm	6 hours worked

44 total hours worked

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Scenario #2

Monday	8 am to 5 pm	9 hours worked, 1 of which is daily overtime
Tuesday	8 am to 4 pm	8 hours worked
Wednesday	8 am to 5pm	9 hours worked, 1 of which is daily overtime
Thursday	8 am to noon	4 hours worked
Friday	8 am to 4 pm	8 hours worked
Saturday	8 am to 2 pm	6 hours worked
44 total hours worked		

For purposes of this Advisory Opinion Request, the Labor Commissioner presumes the private employee is not employed on a public works project pursuant to NRS 338, as those employees are governed by NRS 338.020 regarding the payment of overtime, nor is the employee subject to a collective bargaining agreement that adequately provides for the payment of overtime.

ADVISORY OPINION REQUEST

Specifically, in your Request for Advisory Opinion you ask the following:

1. (Scenario #1) - We would like the Nevada Labor Commissioner's opinion on whether the employee would only be owed 10 hours of overtime for the workweek because the 10 hours of daily overtime is greater than the 4 hours of weekly overtime: or whether there is another method to calculating overtime in these circumstances.
2. (Scenario #2) - Like the above, we would appreciate the Labor Commissioner's opinion on whether the employee would be owed 4 total hours of overtime for the workweek because the 4 hours of weekly overtime is greater than the 2 hours of daily overtime: or whether there is another method to calculating overtime in this circumstance.

LEGAL AUTHORITY

NRS 608.018 indicates when overtime wages are due to private employees in Nevada. The law requires that:

1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate set forth in [NRS 608.250](#) works:
 - (a) More than 40 hours in any scheduled week of work; or
 - (b) 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.
2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate set forth in [NRS 608.250](#) works more than 40 hours in any scheduled week of work. NRS 608.018(1)-(2).

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ANALYSIS

1. (Scenario #1) - We would like the Nevada Labor Commissioner's opinion on whether the employee would only be owed 10 hours of overtime for the workweek because the 10 hours of daily overtime is greater than the 4 hours of weekly overtime: or whether there is another method to calculating overtime in these circumstances.

In the first proposed hypothetical, the employee works a total of forty-four hours in one week including two hours of daily overtime on Monday, four hours of daily overtime on Wednesday and four hours of daily overtime on Thursday. As such, the employee accrued ten hours of daily overtime. After working ten daily overtime hours already, the employee ultimately works forty-four (44) hours in the week, which is only four weekly overtime hours. The ten hours of daily overtime are greater than the four hours of weekly overtime. The Labor Commissioner recommends, when in doubt, the overtime calculation that is more advantageous to the employee should be applied. The Nevada Revised Statutes do not address another method to the calculation of overtime. As such, the employer must pay ten hours of overtime pay.

2. (Scenario #2) - Like the above, we would appreciate the Labor Commissioner's opinion on whether the employee would be owed 4 total hours of overtime for the workweek because the 4 hours of weekly overtime is greater than the 2 hours of daily overtime: or whether there is another method to calculating overtime in this circumstance.

In the second proposed hypothetical, the employee works a total of forty-four (44) hours in one week including one hour of daily overtime on Monday and one hour of daily overtime on Wednesday, resulting in two daily overtime hours accrued. However, the employee subsequently works forty-four (44) hours in the week, resulting in four weekly overtime hours. The two daily overtime hours are included in the 44 hours worked in the week, resulting in four overtime hours total for the week as the statute indicates an employer shall pay daily overtime or weekly overtime. As such, even though the employee is entitled to daily overtime first for the hours over eight worked Monday and Wednesday, since those hours are included in the weekly hours, and the weekly overtime hours are more advantageous to the employee, the employer would pay weekly overtime totaling four hours. The Nevada Revised Statutes do not address another method to the calculation of overtime. The Labor Commissioner recommends, when in doubt, the overtime calculation that is more advantageous to the employee should be applied.

Please be advised that this Advisory Opinion is limited to the specific facts and circumstances described herein. The Office of the Labor Commissioner may revisit this issue through the Administrative Rulemaking Process. Please be further advised that subsequent statutory or administrative rule changes or judicial interpretation of the statutes or rules upon which any opinion is based may require that this Advisory Opinion be modified or abandoned. Should you need additional clarification, please do not hesitate to contact our office (702) 486-2650.

Sincerely,



Brett K. Harris, Esq.
Labor Commissioner