

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

July 28, 2025

Via Email and U.S. Mail

Nick D. Crosby, Esq.
Marquis Aurbach Chtd.
10001 Park Run Drive
Las Vegas, NV 89145
ncrosby@maclaw.com

Re: Request for Advisory Opinion—Supplemental Guidance of AO-2024-01 and Interpretation of Workday Pursuant to NRS 608.0126

Dear Mr. Crosby,

Pursuant to Nevada Administrative Code (“NAC”) Section 607.650, an Advisory Opinion has been requested for supplemental guidance of Advisory Opinion AO-2024-01 and interpretation of “Workday” pursuant to Nevada law.

FACTS PRESENTED

In your request you state the following:

Nevada law requires an employer pay an employee overtime if the employee earns less than \$18.00 per hour when: ‘(1) an employee works more than 8 hours in any workday, unless the employee is working four 10-hour days.’ See NRS 608.018(1); Labor commissioner 2024 Annual Bulletin. Nevada Revised Statute 608.0126 defines ‘Workday’ as ‘a period of 24 consecutive hours which begins when the employee begins work.’

While the 2024 AO states that ‘there can be overlapping workdays,’ the supporting ‘Example Chart’ does not illustrate overlapping workdays, making the opinion ambiguous. Instead, the Example Chart in the 2024 AO illustrates what has been referred to as a ‘rolling 24-hour period,’ a 24-hour period where a ‘New Employee Workday’ can only begin after the expiration of the prior 24-hour period.

Day	Start Time	End Time	Total Hrs Worked	Overlap	Reg Hrs	OT Hrs
<i>Employee's</i>	<i>First</i>	<i>Workday</i>				
Wednesday	8:00 AM	4:00 PM	8		8	
Thursday	6:00 AM	8:00 AM	2	2		2
<i>New</i>	<i>Employee</i>	<i>Workday</i>				
	8:00 AM	3:00 PM	7		7	
Friday	4:00 AM	5:30 AM	1.5	1.5	1	0.5
<i>Employee</i>	<i>Day</i>	<i>Off</i>				
<i>New</i>	<i>Employee</i>	<i>Workday</i>				
Saturday	7:00 AM	3:00 PM	8		8	
	3:00 PM	4:00 PM	1			1
Total			27.5		24	3.5

2024 AO Example Chart

Your letter included additional commentary and requested clarification of the overtime application relating to a 24-hour workday and included the following scenarios:

Example 1 (shifts over 8 hours in a day): Assuming the employee is eligible for overtime based on their regular wage, what is the amount of overtime owed to the employee based on the following schedule under Nevada law?

Day	Start Time	End Time	Total Hours
Monday	11:00 a.m.	5:00 p.m.	6
Tuesday	8:00 a.m.	7:00 p.m.	11
Wednesday	OFF		
Thursday	11:00 a.m.	7:00 p.m.	8
Friday	10:30 a.m.	7:00 p.m.	8.5
Saturday	11:00 a.m.	7:00 p.m.	8
Sunday	9:00 a.m.	11:00 a.m.	2
Total			43.5

Example 2 (shifts with earlier start times the day before): Assuming the employee is eligible for overtime based on their regular wage, what is the amount of overtime owed to the employee based on the following schedule under Nevada law?

Day	Start Time	End Time	Total Hours
Monday	11:00 a.m.	7:00 p.m.	8
Tuesday	8:00 a.m.	3:00 p.m.	7
Wednesday	9:00 a.m.	5:00 p.m.	8
Thursday	OFF		
Friday	OFF		
Saturday	OFF		
Sunday	OFF		
Total			19

Example 3 (rolling 24 hours with shift over 8 hours after multiple days): Assuming the employee is eligible for overtime based on their regular wage, what is the amount of overtime owed to the employee based on the following schedule under Nevada law?

Day	Start Time	End Time	Total Hours
Monday	OFF		
Tuesday	6:00 a.m.	12:15 p.m.	6.25
Wednesday	4:15 a.m.	12:15 p.m.	8
Thursday	4:15 a.m.	12:15 p.m.	8
Friday	4:15 a.m.	12:30 p.m.	8.25
Saturday	OFF		
Sunday	OFF		
Total			30.5

Example 4 (multiple shifts in a day): Assuming the employee is eligible for overtime based on their regular wage, the employee works a normal 6:00 a.m. to 1:00 p.m. shift and goes home. The manager calls the employee after their shift on Monday and asks the employee to come back and work another shift from 7:00 p.m. to 11:00 p.m. to cover for a sick employee, which they do. The employee works from 7:00 a.m. to 3:00 p.m. the following day (Tuesday). What overtime is owed to the employee under Nevada law?

Day	Start Time	End Time	Total Hours
Monday	6:00 a.m.	1:00 p.m.	7
Monday	7:00 p.m.	11:00 p.m.	4
Tuesday	7:00 a.m.	3:00 p.m.	8
Total			19

We appreciate your consideration of this request for supplemental guidance of the 2024 AO and look forward to receiving additional guidance on the questions above.

LEGAL AUTHORITY

NRS 608.0126 “Workday” defined. “Workday” means a period of 24 consecutive hours which begins when the employee begins work.

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).

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.

ADVISORY OPINION

Your Advisory Opinion requests clarity for “overlapping workdays” from the January 2024, Advisory Opinion, which opines that an employee entitled to daily overtime in a workday schedule can trigger daily overtime if the employee is scheduled to work multiple shifts that begin within a 24-hour period on a single calendar day. The language calling it an “overlapping workday” in fact is two individual employee workdays occurring consecutively during one shift due to the employee’s workday happening across two calendar days. In addition, you requested an analysis of the following scenarios:

Example 1 (shifts over 8 hours in a day): Assuming the employee is eligible for overtime based on their regular wage, what is the amount of overtime owed to the employee based on the following schedule under Nevada law?

Example 2 (shifts with earlier start times the day before): Assuming the employee is eligible for overtime based on their regular wage, what is the amount of overtime owed to the employee based on the following schedule under Nevada law?

Example 3 (rolling 24 hours with shifts over 8 hours after multiple days): Assuming the employee is eligible for overtime based on their regular wage, what is the amount of overtime owed to the employee based on the following schedule under Nevada law?

Example 4 (multiple shifts in a day): Assuming the employee is eligible for overtime based on their regular wage, the employee works a normal 6:00 am to 1:00 p.m. shift and goes home. The manager calls the employee after their shift on Monday and asks the employee to come back and work another shift from 7:00 a.m. to 11:00 p.m. to cover for a sick employee, which they do. The employee works from 7:00 am to 3:00 pm. The following day (Tuesday). What overtime is owed to the employee under Nevada law?

ANALYSIS

Example #1 – In the proposed hypothetical, the employee works a total of 43.5 hours in one week. The employee begins working at 11am Monday until 5pm for a total of 6 regular hours. On Tuesday, the employee begins working at 8am until 7pm for a total of 11 hours. However, 8am to 11am is within the 24-hour period that began on Monday at 11am. Of those hours, 2 will be counted as regular hours and 1 as overtime. The additional 8 hours will be counted as regular hours. Therefore, the hours will be calculated as 10 regular hours and 1 overtime hour. On Wednesday, the employee did not work. On Thursday, the employee begins working at 11am until 7pm for a total of 8 regular hours. On Friday, the employee begins working at 10:30am until 7pm for a total of 8.5 hours. However, 10:30am to 11am is within the 24-hour period that began on Thursday. That ½ hour will be counted as overtime. Therefore, the hours will be calculated as 8 regular hours and .5 overtime hours. On Saturday, the employee begins working at 11am until 7pm for a total of 8 regular hours. On Sunday, the employee begins working from 9am until 11am for a total of 2 hours. However, 9am to 11am is within the 24-hour period that began on Saturday. Therefore, the hours will be calculated as 2 overtime hours. The total hours worked by the employee this week equals 40 regular hours and 3.5 overtime hours.

Example #2 – In the example, the employee works a total of 23 hours in one week. The

employee begins working at 11am on Monday until 7pm for a total of 8 regular hours. On Tuesday, the employee begins working at 8am until 3pm for a total of 7 hours. However, 8am to 11am is within the 24-hour period that began on Monday at 11am. Those 3 hours will be counted as overtime hours. Therefore, the hours will be calculated as 4 regular hours and 3 overtime hours. On Wednesday the employee begins working at 9am until 5pm for a total of 8 hours. However, 9am to 11am is within the 24-hour period that began on Tuesday. Those 2 hours will be counted as regular hours. Therefore, the total hours will be calculated as 8 regular hours. The employee did not work on Thursday, Friday, Saturday or Sunday. The total hours worked by the employee this week equals 20 regular hours and 3 overtime hours.

Example #3 – In the example, the employee works a total of 30.5 hours in one week. The employee does not work on Monday and instead begins working at 6am on Tuesday until 12:15 pm for a total of 6.25 regular hours. On Wednesday, the employee begins working from 4:15am until 12:15pm. for a total of 8 hours. However, 4:15am to 6am is within the 24-hour period that began on Tuesday at 6am. Therefore, 1.75 regular hours will be counted in addition to 6.25 regular hours for a total of 8 regular hours. On Thursday, the employee begins work at 4:15am until 12:15pm. However, 4:15am to 6am is within the 24-hour period that began on Wednesday. Therefore, 1.75 regular hours will be counted in addition to 6.25 regular hours for a total of 8 regular hours. On Friday, the employee begins working at 4:15 am until 12:30pm for a total of 8.25 hours. However, 4:15am to 12:30pm is within the 24-hour period that began on Thursday. Therefore, 1.75 regular hours will be counted in addition to the 6.50 regular hours for a total of 8.25 regular hours. The employee did not work on Saturday or Sunday. The total hours worked by the employee for this week equals 30.5 regular hours.

Example #4 – In the example, the employee works a total of 19 hours in one week. The employee begins working from 6am on Monday until 1pm for a total of 7 regular hours. On Monday, the employee returned to work at 7pm and worked until 11pm. For a total of 4 hours. However, 7pm to 11pm is within the 24-hour period that began on Monday at 6am. Therefore, the hours will be calculated at 1 regular and 3 overtime hours. On Tuesday, the employee begins working from 7am until 3pm for a total of 8 regular hours. The total hours worked by the employee this week equals 16 regular and 3 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 at (702) 486-2650.

Sincerely,



Brett K. Harris, Esq.
Labor Commissioner