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THIRD PARTY COMPLAINTS

NEVADA ADMINISTRATIVE CODE (NAC) SECTION 338.107 PROVIDES FOR THE FILING OF COMPLAINTS INCLUDING, COMPLAINTS BY THIRD PARTIES AGAINST CONTRACTORS AND AWARDING BODIES.

PLEASE SEE THE LINK BELOW FOR INFORMATION ON NAC SECTION 338.107 AND THE NEW ADOPTED REGULATIONS OF THE LABOR COMMISSIONER - LCB FILE NO. R018-18, APPROVED BY THE LEGISLATIVE COMMISSION ON JUNE 5, 2020, THAT MADE CHANGES TO NAC 338.107 AND ADDED A NEW SECTION 2 BELOW.

PLEASE ALSO SEE NAC SECTIONS 607.200-607.210 FOR “ADMINISTRATIVE COMPLAINTS” AND FILING AN ANSWER TO ADMINISTRATIVE COMPLAINTS.

<https://www.leg.state.nv.us/nac/NAC-607.html#NAC607Sec200>

<http://labor.nv.gov/uploadedFiles/labornvgov/content/Meeting/2015/R018-18A.pdf>

Failure to file an answer to a complaint pursuant to Section 2 of “Adopted Regulation of The Labor Commissioner” – LCB File No. R018-18, approved by the Legislative Commission on June 5, 2020 may result in a default decision being issued by the Labor Commissioner.

1. Within 15 days after being served a complaint pursuant to NAC 338.107, the person alleged to have committed the violation which is the subject of the complaint shall file an answer to the complaint with the Labor Commissioner and serve a copy of the answer on the complainant, if the identity of the complainant is included in the complaint, and every other person who is a party to the proceeding.
2. Matters that are alleged as an affirmative defense must be separately stated and numbered.
3. If, after reviewing the complaint and answer, the Labor Commissioner determines that further investigation is warranted, the Labor Commissioner will order the awarding body to conduct such further investigation pursuant to NAC 338.110, or the Labor Commissioner will conduct his or her own investigation. Complaints filed against the awarding body for which further investigation is warranted will be investigated by the Labor Commissioner.
4. If no answer is timely filed and served pursuant to subsection 1, the Labor Commissioner will determine that the person alleged to have committed the violation is in default and, within 30 days after the determination of a default, issue a decision and order based solely on the facts as presented in the complaint. A decision issued by the Labor Commissioner pursuant to this subsection constitutes the final order of the Labor Commissioner on the matter.