

# *OFFICE OF THE LABOR COMMISSIONER*

## *NAC 338.107 TRAINING*

*FILING A COMPLAINT OF VIOLATION  
WITH THE LABOR COMMISSIONER;  
CONTENTS; SERVICES; LIMITATION ON  
ACCEPTANCE OF COMPLAINT.*



# *WHEN TO FILE A COMPLAINT:*

- When alleged violations of [NRS 338.010](#) to [338.090](#), inclusive, or [NAC 338.005](#) to [338.125](#), inclusive have occurred.
- Alleged violation has occurred within 24 months of filing the complaint.



# WHAT TO INCLUDE IN A COMPLAINT

- Full name and address of the person filing the complaint (Awarding Body or 3<sup>rd</sup> Party Organization)
- Full name and address of the person alleged to have committed the violation (If a Sub-contractor, provide the General Contractor's full name and address as well)
- A clear statement of facts sufficient to establish the alleged violation. Provide a paragraph for each alleged violation.
- Cite each statute (NRS) and/or regulation (NAC) for each violation alleged.
- If wages are owed, prepare a spreadsheet or list containing:
  - ❖ Each worker's name
  - ❖ Total wages due
  - ❖ Total forfeitures due
  - ❖ Total of all wages due
  - ❖ Total of all forfeitures due
- A statement by the person filing the complaint that the facts alleged in the complaint are true to the best knowledge & belief of the person filing the complaint.
- Signature of person filing the complaint.
- Mail or personally serve the complaint to the person alleged to have commit the violation
- Submit original copy to the Office of the Labor Commissioner ***with a certificate of service attached.***





# EXAMPLE OF A COMPLAINT

Date

Office of the Labor Commissioner  
3340 W. Sahara Ave.  
Las Vegas, NV 89102

**RE: PUBLIC WORKS PROJECT COMPLAINT**

**Project:** Name, PWP Number, Project Number

**Awarding Body:** Name & Address (Include email contact if you have it)

**Contractor:** Name & Address (Include email contact if you have it)

**Complainant:** Name & Address (Include email contact)

On behalf of all named and unnamed workers employed on a public works project, please consider this a formal complaint by **NAME** for alleged violations of NRS/NAC Chapter 338 and other laws on the above identified **AWARDING BODY** public works project.

## SUMMARY OF CLAIMS

### A. PREMIUM PAY

The **NAME** alleges that **CONTRACTOR** failed to pay the premium rates for work performed on a weekend. The affected trades are: cement mason, highway striper, laborer, operating engineer and truck driver.

Per the YEAR (“2024-2025”) posted Prevailing Wage Rates, the following Premium Pay Rates apply;

#### CEMENT MASON

##### ADD PREMIUM PAY

**OVERTIME** – The first two (2) hours worked outside the regularly constituted shift shall be at the rate of time and one-half (1 ½). All additional hours shall be at the rate of double time (2x). On Saturday work, the first ten (10) hours shall be at time and one-half (1 ½) and all additional hours at double time (2x). Sundays and Holidays shall be at double time (2x). All hours worked after ten (10) hours are at the rate of double time (2x) Monday through Saturday.

The **NAME** alleges that the following workers are due back wages for work on a Saturday and/or Sunday; the details of which can be found on the following page.

### VIOLATIONS OF NRS/NAC

1. NRS 338.020 Hourly and daily rate of wages must not be less than prevailing wage in region; rate must be included in contract and posted on-site; payment of overtime; wages paid in accordance with jurisdictional classes recognized in region.
2. NRS 338.060 Forfeitures when workers paid less than designated rates or willfully reported in inaccurate or incomplete manner or not reported to public body; forfeiture clause in contracts; regulation establishing sliding scale for penalties; recovery of investigative costs and attorney's fees; waiver or reduction of penalty.
3. NAC 338.0095 Workers and apprentices: Payment of applicable prevailing rate of wage for type of work actually performed and in accordance with recognized class of worker

### RELIEF REQUESTED

1. A complete and thorough investigation into this matter including but not limited to, document reviews as well as worker interviews.
2. All forfeitures and penalties

The information contained herein is true to my best knowledge and belief, with all rights reserved.

Sincerely,

*Signature*

Name

Enclosures (2): Certified Payroll Reports  
cc: Contractor

<b>CPR No.</b>	<b>DATE</b>	<b>EMPLOYEE</b>	<b>TRADE/CRAFT</b>	<b>WAGES DUE</b>	<b>PENALTY (NRS 338.060(1))</b>
2	Saturday, August 19, 2023	Full Name	Cement Mason	\$63.62	\$50.00
2	Saturday, August 19, 2023	Full Name	Cement Mason	\$86.39	\$50.00
3	Saturday, August 26, 2023	Full Name	Cement Mason	\$302.37	\$50.00
3	Saturday, August 26, 2023	Full Name	Cement Mason	\$221.20	\$50.00
4	Saturday, September 2, 2023	Full Name	Cement Mason	\$259.17	\$50.00
4	Saturday, September 2, 2023	Full Name	Cement Mason	\$259.17	\$50.00
5	Saturday, September 9, 2023	Full Name	Cement Mason	\$345.56	\$50.00
8	Saturday, September 30, 2023	Full Name	Cement Mason	\$190.89	\$50.00
8	Saturday, September 30, 2023	Full Name	Cement Mason	\$189.60	\$50.00
8	Saturday, September 30, 2023	Full Name	Cement Mason	\$189.60	\$50.00
<b>TOTALS</b>				<b>\$2,107.57</b>	<b>\$500.00</b>

Exhibit A

Date

Office of the Labor Commissioner 3340 W.  
Sahara Ave.  
Las Vegas, NV 89102

**RE: PUBLIC WORKS PROJECT COMPLAINT**

**Project:** Name, P/WP Number, Project Number  
**Awarding Body:** Name & Address (Include email contact if you have it)  
**Contractor:** Name & Address (Include email contact if you have it)  
**Complainant:** Name & Address (Include email contact)

On behalf of all named and unnamed workers employed on a public works project, please consider this a formal complaint by **NAME** for alleged violations of NRS/NAC Chapter 338 and other laws on the above identified **AWARDING BODY** public works project.

**SUMMARY OF CLAIMS**

**A. PREMIUM PAY**

The **NAME** alleges that **CONTRACTOR** failed to pay the premium rates for work performed on a weekend. The affected trades are: cement mason, highway striper, laborer, operating engineer and truck driver.

Per the **YEAB** ("2024-2025") posted Prevailing Wage Rates, the following Premium Pay Rates apply:

**CEMENT MASON**

**ADD PREMIUM PAY**

**OVERTIME** – The first two (2) hours worked outside the regularly constituted shift shall be at the rate of time and one-half (1 1/2). All additional hours shall be at the rate of double time (2x). On Saturday work, the first ten (10) hours shall be at time and one-half (1 1/2) and all additional hours at double time (2x). Sundays and Holidays shall be at double time (2x). All hours worked after ten (10) hours are at the rate of double time (2x) Monday through Saturday.

The **NAME** alleges that the following workers are due back wages for work on a Saturday and/or Sunday; the details of which can be found on the following page.

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**VIOLATIONS OF NRS/NAC**

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**RELIEF REQUESTED**

1. A complete and thorough investigation into this matter including but not limited to, document reviews as well as worker interviews.
2. All forfeitures and penalties

The information contained herein is true to my best knowledge and belief, with all rights reserved.

Sincerely,

Signature

Name

Enclosures (2): Certified Payroll Reports  
cc: Contractor

A large-scale construction site under a clear blue sky. In the foreground, a yellow tracked excavator is partially visible. The middle ground shows a multi-story building under construction with a complex network of steel beams and concrete. A tall yellow tower crane stands on the left, and a red tower crane is on the right. In the background, several modern high-rise buildings with glass facades are visible against the sky.

**BRETT HARRIS**

**LABOR COMMISSIONER**

**MALIA TATOM**

**DEPUTY LABOR COMMISSIONER**

**EILEEN WOLTZ**

**CHIEF ASSISTANT**

**KATE ALLEN**

**CHIEF COMPLIANCE/AUDIT INVESTIGATOR**

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**CONTACT US:**

**LAS VEGAS OFFICE: 702-486-2650**

**CARSON CITY OFFICE: 775-684-1890**

**EMAIL: MAIL1@LABOR.NV.GOV**

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**FOR MORE INFORMATION:**

**LABOR.NV.GOV**





*THANK YOU*

Kate Allen

775-684-1890

[Kate.allen@labor.nv.gov](mailto:Kate.allen@labor.nv.gov)

[Labor.nv.gov](http://Labor.nv.gov)