

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDDY MARTEL, A/K/A MARTEL-RODRIGUEZ; MARY ANNE CAPILLA; JANICE JACKSON-WILLIAMS; AND WHITNEY VAUGHAN, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED,

Appellants,

vs.

HG STAFFING, LLC; AND MEI-GSR HOLDINGS, LLC, D/B/A GRAND SIERRA RESORT,

Respondents.

No. 82161

**FILED**

SEP 08 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER AMENDING OPINION*

On August 11, 2022, this court issued an opinion affirming the district court's final judgment concerning unpaid wages claims in this matter, *Martel v. HG Staffing, LLC*, 138 Nev., Adv. Op. 56, \_\_\_ P.3d \_\_\_ (2022). The opinion is amended as follows.

On page 2, we strike the first paragraph and replace it with the following paragraph:

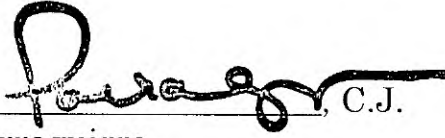
“Appellants filed a class action complaint against their former employer to obtain unpaid minimum and overtime wages. For various reasons, their claims were dismissed and denied. In this appeal from the district court's orders, we clarify four matters of employment law. First, a two-year limitations period applies to appellants' wage claims. Second, a collective bargaining agreement (CBA) is valid so long as the employer and the union objectively manifest their assent to the agreement. Third, claims under NRS 608.040, which penalizes employers for failing to timely pay earned wages to former employees, cannot be utilized to recover wages that

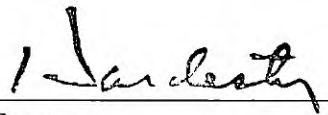
are time-barred under other statutes. And fourth, an employer that is a party to a CBA is exempt from Nevada's overtime statute, NRS 608.018, when the CBA provides overtime in a manner different from the statute. Because the district court adhered to this law in its orders and appellants failed to show a genuine issue of material fact, we affirm."


On page 8, we strike the last sentence and replace it with this: "We address the Martel employees' arguments as follows."

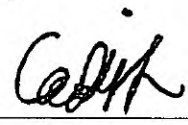
The amended opinion, which replaces the opinion filed on August 11, is being filed concurrently with this order.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Parraguirre

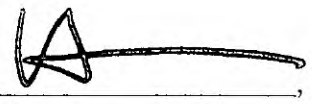
  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Silver

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Herndon

cc: Hon. Lynne K. Simons, District Judge  
Thierman Buck LLP  
Little Mendelson, P.C./Las Vegas  
Washoe District Court Clerk