

# EMPLOYER GUIDE TO NEVADA'S NEW RETIREMENT SAVINGS PROGRAM FOR PRIVATE SECTOR EMPLOYEES

Insights  
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Nevada's new state-facilitated retirement program for private-sector employees is now live. While the Nevada Employee Savings Trust (NEST) Program is designed to minimize the administrative, cost, and liability burdens for employers, the program represents a significant change for businesses and will require careful navigation of new compliance obligations. You must act quickly to understand the scope of your responsibilities and ensure you either register for the program or certify your exemption by September 1. We'll explain everything private businesses in Nevada must know about the NEST Program – and how to stay compliant.

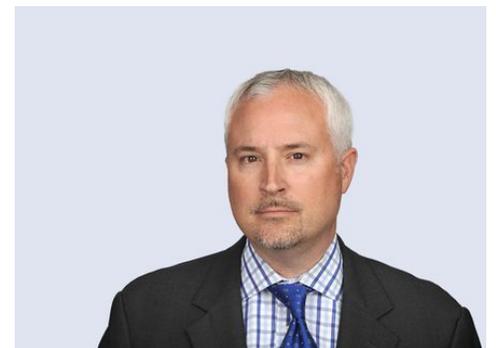
## What is the NEST Program and why did Nevada create it?

The NEST Program is a state-facilitated retirement savings program for private sector employees. It was created by a state law ([NRS 353D](#)) enacted in 2023 and is now live after launching this month (ahead of its originally scheduled July 1 date).

The program is designed to close the retirement savings gap for private-sector workers who do not have access to an employer-sponsored retirement plan. It simplifies retirement savings through automatic payroll deductions that are deposited into Roth individual retirement accounts (IRAs) administered by the state, without cost or complex administration for employers.

The NEST Program is governed by a Board of Trustees, and the Nevada State Treasurer's Financial Literacy and Security

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**Growing Trend.** Seventeen states, including California, Colorado, Illinois, Oregon, and New York, have successfully launched auto-IRA programs to expand access to retirement savings plans.

### **When is the compliance deadline and which employers must comply?**

Employers must either register or certify their exemption by **September 1, 2025**. You should receive (if you haven't already) direct notification by email or mail that includes a NEST Access Code and step-by-step instructions for completing this process. You can find more information and the registration portal on the [NEST Employer Program Details page](#).

An employer is required to participate in the NEST Program if it:

- has six or more employees;
- has been in business for at least 36 months; and
- does not offer a tax-qualified retirement plan, such as a 401(k), 403(b), [SIMPLE IRA](#), or [SEP](#) plan.

Employers that already offer comparable tax-favored plans, such as those through chambers of commerce or trade associations, are not required to enroll in NEST – but they must certify their exemption through the NEST portal by the September 1 deadline, unless the state has already identified their exemption based on their federal Form 5500 filings.

While the state has not yet announced any penalties for noncompliance, employers are encouraged to complete the registration or exemption certification by the deadline.

### **How does enrollment work and which employees are eligible?**

State officials will open NEST accounts for eligible employees based on information their employers submitted through the NEST portal. Employees are eligible if they:

- are at least 18 years old;
- have been employed by the organization for at least 120 days; and



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Employees are automatically enrolled at a default 5% contribution rate, and state officials will notify employees once a Roth IRA has been opened in their name. From the date of notice, each employee will have 30 days to opt out or customize their account. At the end of the 30-day period, employers must enter contribution information into the portal and begin payroll deductions.

### **What are employers' responsibilities related to the NEST Program?**

While the NEST Board manages many features of the program, employers are responsible for these core tasks:

- **Registration.** Once you receive a NEST Access Code (via mail or email), you must set up your employer account or certify your exemption by September 1.
- **Sending Contributions.** As mentioned above, you must enter contribution information into the portal and begin payroll deductions following the initial 30-day opt-out window. You will need to submit contributions through the NEST portal (by either manually uploading employee information or submitting an Excel spreadsheet) or work with your payroll provider to do so (learn about payroll integrations [here](#)).
- **Ongoing Maintenance.** This includes distributing program materials to employees, including opt-out forms and FAQs (NEST will supply all necessary documents). This also includes regularly submitting payroll, roster, and contribution information through the NEST portal. (**Note:** once contributions begin, employees may adjust their contribute rates or opt out at any time).
- **Protect Privacy of Employee Data.** Participant information is protected by confidentiality rules.

Employers are **not** responsible for:

- Managing employee accounts or investments
- Making fiduciary decisions
- Processing distributions
- Paying program fees or costs

This structure is designed to minimize employer burden and shield businesses from liability.

For additional guidance, check out NEST's [Employer Fact Sheet](#) and [Registration Checklist](#).

To learn more about how NEST communicates the Roth IRA program to employees, and for educational materials you can share, see the [NEST Employee Fact Sheet](#).

### **What protections do employers have?**

Significant legal protections are afforded to employers under the NEST program. Under this framework, employers are granted immunity from civil liability for various decisions made by employees or the Board in connection with the program. This includes an employee's choice to participate in or opt out of the program, investment decisions made by participants or the Board, and any financial consequences, such as losses or failure to realize gains, resulting from participation. These safeguards ensure that employers can implement the program without fear of legal repercussions related to these decisions.

### **How can employers prepare?**

- 1. Look out for the official registration notice.** If you have not received one already, you will receive a registration ID and step-by-step instructions via email or mail.
- 2. Register for the program – or certify your exemption.** After determining whether you are required to participate in the NEST program, either register or certify your exemption through the NEST portal by September 1.
- 3. Update your payroll system.** Coordinate with your payroll provider to ensure systems are ready to process payroll deductions for NEST contributions. If your payroll is in-house, withholdings can be submitted through ACH to NEST once the portal is fully active.
- 4. Communicate with employees.** Use official NEST materials to explain the program, opt-out rights, and how the contributions will be handled.

### **Conclusion**

We will continue monitoring developments and offer guidance as the Nest Program rollout evolves. If you need

support deciding how to comply or communicate with your team about NEST, contact your Fisher Phillips attorney, the authors of this insight, or any attorney in our [Las Vegas office](#) for guidance. Be sure to subscribe to the [Fisher Phillips' Insight System](#) to stay informed on the latest workplace compliance and safety updates.