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NRS 338.030 Procedure for determination of prevailing wage in county.

1. The public body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain from the labor commissioner the prevailing wage in the county in which the public work is to be performed for each craft or type of work.

2. To establish a prevailing wage in each county, including Carson City, the labor commissioner shall, annually, survey contractors, and labor organizations that represent the employees who have performed private and public nonresidential construction work on projects where the total value of the construction is \$100,000 or more in the county. Residential construction shall mean construction inside the property line of single family residences and multi family residences under 4 stories. Within 30 days after the determination is issued:

(a) A public body or person entitled under subsection 5 to be heard may submit an objection to the labor commissioner with evidence to substantiate that a different wage prevails; and

(b) Any person may submit information to the labor commissioner that would support a change in the prevailing wage of a craft or type of work by 50 cents or more per hour in any county.

3. The labor commissioner shall hold a hearing in the locality in which the work is to be executed if he:

(a) Is in doubt as to the prevailing wage; or

(b) Receives an objection or information pursuant to subsection 2.

(c) Evidence to "substantiate" or "information" as used in this section must be liberally construed when the Labor Commissioner receives an objection or information pursuant to subsection 2 so that any disputed determination will be decided based on the evidence presented at the hearing.

The labor commissioner may hold only one hearing a year on the prevailing wage of any craft or type of work in any county.

4. Notice of the hearing must be advertised in a newspaper nearest to the locality of the work once a week for 2 weeks before the time of the hearing.

5. At the hearing, any public body, the crafts affiliated with the state federation of labor or other recognized national labor organizations, and the contractors of the locality or their representatives must be heard. From the evidence presented, the labor commissioner shall determine the prevailing wage.

6. The wages so determined must be filed by the labor commissioner and must be available to any public body which awards a contract for any public work.

7. Nothing contained in NRS 338.020 to 338.090, inclusive, may be construed to authorize the fixing of any wage below any rate which may now or hereafter be established as a minimum wage for any person employed upon any public work, or employed by any officer or agent of any political subdivision of the State of Nevada.

[2:139:1937; 1931 NCL § 6179.52]—(NRS A 1985, 2040; 2001, 1147)

SUBCOMMITTEE Commerce & Labor

DATE: 3/17/03 EXHIBIT C

SUBMITTED BY: RICHARD DALY