

ASSEMBLY BILL NO. 36—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE LABOR COMMISSIONER)

PREFILED DECEMBER 20, 2012

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning apprenticeships for federal recognition of the Office of the Labor Commissioner as the Registration Agency for purposes relating to apprenticeship programs and apprentices. (BDR 53-357)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment; making various changes concerning apprenticeships for conformity to federal regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The federal National Apprenticeship Act authorizes and directs the United
2 States Secretary of Labor to: (1) formulate and promote the furtherance of labor
3 standards to safeguard the welfare of apprentices; (2) encourage the inclusion of
4 such standards in contracts of apprenticeship; (3) bring together employers and
5 labor for the creation of programs of apprenticeship; and (4) cooperate with state
6 agencies in the establishment and promotion of standards of apprenticeship. (29
7 U.S.C. §§ 50 et seq.) In 1977, the Secretary of Labor promulgated regulations
8 implementing the National Apprenticeship Act which placed responsibility for
9 accomplishing those goals in the United States Department of Labor, but authorized
10 the Department to delegate authority to administer certain portions of the
11 regulations to states under certain circumstances where a state's apprenticeship
12 laws conform to the federal regulations and the state's entities satisfy the
13 requirements for recognition by the Department. (29 C.F.R. Part 29 (1977))

14 In 2008, the Secretary of Labor updated the federal regulations concerning
15 apprenticeship and required participating states to conform their apprenticeship
16 laws, regulations and policies to those federal regulations in order to continue or
17 obtain federal recognition. (29 C.F.R. Part 29) The requirements for conformity and
18 recognition include, among other things, certain changes in: (1) the standards for



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apprenticeship programs; and (2) the roles and responsibilities of administrative entities of state government responsible for apprenticeship. (29 C.F.R. §§ 29.2, 29.5, 29.13)

Existing law conforms to the federal regulations promulgated in 1977 but does not conform to those regulations promulgated in 2008. This bill makes the various changes necessary to conform the provisions of chapter 610 of NRS to the updated federal regulations to ensure continued recognition of a Nevada agency as an agency authorized to register apprenticeship programs for certain federal purposes under the National Apprenticeship Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 610.010 is hereby amended to read as follows:
610.010 As used in this chapter, unless the context otherwise requires:

1. ~~“Agreement” means a written and signed agreement of indenture as an apprentice.~~

~~2. “Apprentice” means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.~~

~~3. has the meaning ascribed to it in 29 C.F.R. § 29.2.~~

2. “Apprenticeable occupation” means an occupation in which a person may be apprenticed that is specified by industry and satisfies the conditions set forth in 29 C.F.R. § 29.4.

3. “Apprenticeship agreement” or “agreement” has the meaning ascribed to “apprenticeship agreement” in 29 C.F.R. § 29.2.

4. “Apprenticeship committee” or “committee” has the meaning ascribed to “apprenticeship committee” in 29 C.F.R. § 29.2.

5. “Apprenticeship program” or “program” has the meaning ascribed to “apprenticeship program” in 29 C.F.R. § 29.2.

6. “Cancellation” has the meaning ascribed to it in 29 C.F.R. § 29.2.

7. “Certificate” means a document issued by the State Apprenticeship Agency as evidence that:

(a) A person is eligible for probationary employment as an apprentice under an apprenticeship program that is registered and approved by the State Apprenticeship Agency;

(b) A sponsor’s apprenticeship program is registered and approved by the State Apprenticeship Agency;

(c) An apprentice has successfully met the requirements to receive an interim credential; or



(d) A person has successfully completed his or her apprenticeship.

8. "Competency" has the meaning ascribed to it in 29 C.F.R. § 29.2.

9. "Competency-based approach" means a method of measuring the skills and knowledge acquired by an apprentice through his or her successful demonstration of such skills and knowledge, as verified by the sponsor, and completion of an on-the-job learning component.

10. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

~~14.1~~ 11. "Electronic media" has the meaning ascribed to it in 29 C.F.R. § 29.2.

12. "Employer" has the meaning ascribed to it in 29 C.F.R. § 29.2.

13. "Federal purposes" has the meaning ascribed to it in 29 C.F.R. § 29.2.

14. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

~~15. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.~~

~~6.1~~ 15. "Hybrid approach" means a method of measuring the skills and knowledge acquired by an apprentice by incorporating elements of the time-based approach and the competency-based approach by assessing a specified minimum number of hours of on-the-job learning completed by the apprentice and by his or her successful demonstration of competency as described in a work process schedule.

16. "Interim credential" means a certificate issued by the State Apprenticeship Agency upon request of the appropriate sponsor, as certification of competency by an apprentice.

17. "Journeyworker" has the meaning ascribed to it in 29 C.F.R. § 29.2.

18. "Office of Apprenticeship" has the meaning ascribed to it in 29 C.F.R. § 29.2.

19. "Registration" means:

(a) The acceptance and recording of an apprenticeship agreement by the State Apprenticeship Agency as evidence of an apprentice's participation in a particular registered apprenticeship program.



(b) *The acceptance and recording of an apprenticeship program by the State Apprenticeship Agency as evidence that the program meets the requirements of this chapter and the basic standards and requirements of the United States Department of Labor for approval of such a program for federal purposes.*

20. *"Related instruction" means an organized and systematic form of instruction designed to provide an apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given in a classroom, through occupational or industrial courses, through correspondence courses of equivalent value, through electronic media or by other forms of self-study approved by the State Apprenticeship Agency in accordance with standards established by the State Apprenticeship Council pursuant to NRS 610.090.*

21. *"Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*

22. *"Sponsor" has the meaning ascribed to it in 29 C.F.R. § 29.2.*

23. *"State Apprenticeship Agency" has the meaning ascribed to it in 29 C.F.R. § 29.2.*

24. *"State Apprenticeship Council" means the entity created by NRS 610.030.*

25. *"Time-based approach" means a method of measuring the skills and knowledge acquired by an apprentice through his or her completion of at least 2,000 hours of on-the-job learning as described in a work process schedule.*

26. *"Transfer" has the meaning ascribed to it in 29 C.F.R. § 29.2.*

Sec. 2. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, under conditions providing adequate training and reasonable earnings.



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4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship *Agency that has the responsibility and accountability for apprenticeship within this State and the authority to carry out the purposes of this chapter.*

~~7. To establish a State Apprenticeship Council *with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees to* to assist the State Apprenticeship ~~assist~~ Agency~~ in carrying out the purposes of this chapter.

~~7~~ 8. To provide for a State Director of Apprenticeship ~~to~~ *with the authority to assist in carrying out the purposes of this chapter.*

~~8~~ 9. To provide for *apprenticeship committees to assist in carrying out the purposes of this chapter.*

10. *To provide for* reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

~~9~~ 11. To establish procedures for regulating programs and deciding controversies concerning programs and agreements.

~~10~~ 12. To accomplish related ends.

Sec. 3. NRS 610.030 is hereby amended to read as follows:

610.030 1. A State Apprenticeship Council composed of seven members is hereby created ~~to~~ *to act in a regulatory capacity as directed by the State Apprenticeship Agency, to provide advice and guidance to the State Apprenticeship Agency and to assist in carrying out the purposes of this chapter.*

2. The Labor Commissioner shall appoint:

(a) Three members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) Three members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public and who, before appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).

3. The state official who has been designated by the State Board for Career and Technical Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.



1 **Sec. 4.** NRS 610.090 is hereby amended to read as follows:

2 610.090 The State Apprenticeship Council shall ~~§~~ , *under the*
3 *direction of the State Apprenticeship Agency:*

4 1. Establish standards for programs and agreements that are not
5 lower than those prescribed by this chapter.

6 2. Upon review and approval, extend written reciprocal
7 recognition to multistate joint programs.

8 3. Adopt such regulations as may be necessary to carry out the
9 intent and purposes of this chapter ~~§~~ , *including, without*
10 *limitation:*

11 (a) *Standards and reasonable safeguards to ensure that a*
12 *course taken by correspondence, electronic media or other forms*
13 *of self-study is completed by the person who receives credit for*
14 *completing the course; and*

15 (b) *Standards for the approval of courses of related*
16 *instruction.*

17 4. *Provide advice and guidance to the State Apprenticeship*
18 *Agency on the operation of the apprenticeship system.*

19 5. Perform such other functions as may be necessary for the
20 fulfillment of the intent and purposes of this chapter.

21 **Sec. 5.** NRS 610.095 is hereby amended to read as follows:

22 610.095 The State Apprenticeship Council shall:

23 1. ~~Register~~ *Review* and approve or reject *the registration of*
24 *proposed programs and standards for apprenticeship* ~~§~~ *on behalf of*
25 *the State Apprenticeship Agency.*

26 2. After providing notice and a hearing and for good cause
27 shown, deny an application for approval of a program, suspend,
28 terminate, cancel or place conditions upon any approved program,
29 or place an approved program on probation for any violation of the
30 provisions of this title as specified in regulations adopted by the
31 State Apprenticeship Council.

32 **Sec. 5.5.** NRS 610.100 is hereby amended to read as follows:

33 610.100 The State Apprenticeship ~~Council~~ *Agency* shall
34 make a report of its activities and findings, through the Labor
35 Commissioner, as provided in NRS 607.080, to the Legislature and
36 to the public.

37 **Sec. 6.** NRS 610.110 is hereby amended to read as follows:

38 610.110 1. *The Office of the Labor Commissioner shall*
39 *serve as the State Apprenticeship Agency and the Registration*
40 *Agency.*

41 2. The Labor Commissioner ~~for the duly appointed~~
42 ~~representative of the Labor Commissioner~~ shall be ex officio State
43 Director of Apprenticeship.

44 3. *As used in this section, "Registration Agency" has the*
45 *meaning ascribed to it in 29 C.F.R. § 29.2.*



Sec. 7. NRS 610.120 is hereby amended to read as follows:

610.120 1. The State ~~{Director of}~~ Apprenticeship *Agency* shall:

(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.

(b) *Register apprenticeship programs and apprentices whose registration is approved by the State Apprenticeship Council pursuant to NRS 610.095.*

(c) In cooperation with the State Apprenticeship Council and ~~{local or state joint}~~ apprenticeship committees, set up conditions and standards for proposed programs, that are not less stringent than those prescribed by this chapter.

~~{(e)}~~ (d) Approve any *apprenticeship* agreement which ~~{meets}~~ :

(1) *Has been approved by the State Apprenticeship Council; and*

(2) *Meets* the standards established under this chapter and terminate or cancel any *such* agreement in accordance with the provisions of the agreement, the program, this chapter and the standards ~~{approved}~~ *established* by the State Apprenticeship Council.

~~{(d)}~~ (e) Keep a record of agreements and their dispositions.

~~{(e)}~~ (f) Issue ~~{certificates}~~ *the appropriate certificate as proof* of completion of apprenticeship at the request of ~~{the local joint}~~ *an* apprenticeship committee.

~~{(f)}~~ (g) *Conduct quality assurance assessments.*

(h) *Provide technical assistance.*

(i) *Conduct reviews for compliance with the provisions of this chapter and 29 C.F.R. Parts 29 and 30.*

(j) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.

2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the ~~{local joint}~~ apprenticeship committees.

3. *As used in this section:*

(a) *"Quality assurance assessment" means a comprehensive review conducted by the State Apprenticeship Agency concerning all aspects of the performance of an apprenticeship program, including, without limitation, the determination of whether:*

(1) *Apprentices are receiving on-the-job training in all phases of the apprenticeable occupation;*

(2) *Scheduled wage increases are consistent with registered standards;*



(3) *Related instruction is provided through appropriate curriculum and delivery systems; and*

(4) *The State Apprenticeship Agency is receiving notification of all new registrations, cancellations and completions as required by this chapter.*

(b) *“Technical assistance” means guidance provided by the Office of the Labor Commissioner to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.*

Sec. 8. NRS 610.140 is hereby amended to read as follows:

610.140 1. ~~{A-local-or-state}~~ An apprenticeship committee shall:

(a) In accordance with standards ~~{set-up}~~ *established* by the State Apprenticeship Council ~~{}~~ *pursuant to NRS 610.090*, work in an advisory capacity with employers and employees in matters regarding schedules of operations, application of wage rates, and working conditions for apprentices, which conditions must specify the number of apprentices which may be employed locally in the trade under programs and *apprenticeship* agreements entered into under this chapter.

(b) Adjust disputes concerning apprenticeships not otherwise provided for in bona fide collective bargaining agreements.

(c) Within 10 days after the termination of any *apprenticeship* agreement, submit to the State Apprenticeship ~~{Council}~~ *Agency* a written notice which includes the name of the apprentice and the reason for the termination.

(d) Keep the State Apprenticeship ~~{Council}~~ *Agency* informed of all actions.

2. The decisions of ~~{local-or-state-joint}~~ apprenticeship committees are, at all times, subject to appeal to the State Apprenticeship Council.

Sec. 9. NRS 610.144 is hereby amended to read as follows:

610.144 To be eligible for registration and approval by the State Apprenticeship ~~{Council}~~ *Agency*, a proposed program must:

1. Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an *apprenticeable* occupation ~~{in which a person may be apprenticed}~~ and be subscribed to by a sponsor who has undertaken to carry out the program.

2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(b) and, when applicable:



(a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

(b) A method of selection authorized in 29 C.F.R. § 30.5;

(c) A nondiscriminatory pool for application as an apprentice; or

(d) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the *United States* Department of Labor.

3. Contain:

(a) Provisions concerning the employment and training of the apprentice in a skilled trade . ~~†~~

(b) ~~†~~ *The term of the apprenticeship . ~~†~~ of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade; *The term must be established using the time-based approach, competency-based approach or hybrid approach. The determination of the appropriate approach must be made by the sponsor, subject to approval by the State Apprenticeship Agency of the determination as appropriate to the apprenticeable occupation for which the program standards are registered. The State Apprenticeship Agency must not approve the use of the competency-based approach or hybrid approach unless the program standards address the manner in which the required on-the-job learning component will be integrated into the program, describe competencies and identify an appropriate means of measuring the skills and knowledge acquired by the apprentice.**

(c) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process . ~~†~~

(d) Provisions for organized, related and supplemental instruction in technical subjects related to the ~~†~~ *trade* ~~†~~ *occupation* with a minimum of 144 hours for each year of apprenticeship . ~~†~~ *given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms of study approved by the State Apprenticeship Council;* *Such instruction in technical subjects may be accomplished through related instruction. Any person who provides instruction must:*

(1) Meet any requirements established by the State Board for Career and Technical Education for a vocational-technical instructor, or be an expert in a particular subject matter, such as a journeyworker, who is recognized within an industry as having expertise in a specific occupation; and



(2) Be trained in teaching techniques and styles for learning by adults, which may have been attained before or during a period of instruction provided by the instructor.

(e) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations or by a collective bargaining agreement. ‡

(f) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related instruction and the maintenance of appropriate records of such progress. ‡

(g) A numeric ratio of apprentices to ~~journeymen~~ *journeyworkers* consistent with proper supervision, training, safety, continuity of employment and applicable provisions in collective bargaining agreements, in language that is specific and clear as to its application in terms of job sites, workforces, departments or plants. ‡

(h) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship ‡, *and which does not exceed 25 percent of the length of the program or 1 year, whichever is less.*

(i) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction. ‡

(j) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of ~~not less than~~ *at least 16 years, except where a higher minimum age standard is otherwise fixed by law.* ‡

(k) Provisions for the placement of an apprentice under a written *apprenticeship* agreement as required by this chapter, incorporating directly or by reference the standards of the program. ‡

(l) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for previously acquired experience, training or skills, with commensurate wages for each advanced step granted. ‡

(m) Provisions for the transfer of ~~the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to another employer under the same or a similar program with the consent of~~ *an apprentice between apprenticeship programs and within an apprenticeship program. Any such transfer must be based on an agreement between the apprentice and the affected* ~~local joint~~ *apprenticeship committee or sponsor of the program* ‡ *and comply with the following requirements:*



1 (1) *The transferring apprentice must be provided a*
2 *transcript of related instruction and on-the-job learning by the*
3 *committees or the sponsors of the programs from which and to*
4 *which he or she is transferring;*

5 (2) *The transfer must be to the same occupation; and*

6 (3) *A new apprenticeship agreement must be executed*
7 *when the transfer occurs between sponsors.*

8 (n) Provisions for the assurance of qualified training personnel
9 and adequate supervision on the job. ~~§~~

10 (o) Provisions for the issuance of an appropriate certificate
11 evidencing the successful completion of an apprenticeship. ~~§~~ *A*
12 *certificate:*

13 (1) *Must be issued by the State Apprenticeship Agency and*
14 *be signed by the State Director of Apprenticeship and the Chair of*
15 *the State Apprenticeship Council; and*

16 (2) *If requested by the sponsor of the program, must be*
17 *obtained from the Office of Apprenticeship with the reasonable*
18 *assistance of the State Apprenticeship Agency.*

19 (p) An identification of the State Apprenticeship ~~Council~~
20 *Agency* as the agency for registration of the program. ~~§~~

21 (q) Provisions for the registration of *apprenticeship* agreements
22 and of modifications and amendments thereto. ~~§~~

23 (r) Provisions for notice to the ~~Labor Commissioner~~ *State*
24 *Apprenticeship Agency* of persons who have successfully
25 completed the program and of all cancellations, suspensions and
26 terminations of *apprenticeship* agreements and the causes therefor .
27 ~~§~~

28 (s) ~~Provisions~~ *Authority* for the termination of an
29 *apprenticeship* agreement during the probationary period by either
30 party without cause. ~~§~~ *Such a termination must not have an*
31 *adverse impact on the completion rate of the sponsor of the*
32 *program. As used in this paragraph, "completion rate" means the*
33 *percentage of any group of apprentices registered to a specific*
34 *program during a 1-year period, excluding the apprentices whose*
35 *agreement has been terminated during the probationary period,*
36 *who receive a certificate of completion of an apprenticeship within*
37 *1 year after the projected completion date.*

38 (t) A statement that the program will be conducted, operated and
39 administered in conformity with the applicable provisions of 29
40 C.F.R. Part 30 or a state plan for equal opportunity in employment
41 in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and
42 approved by the *United States* Department of Labor. ~~§~~

43 (u) The name , ~~and~~ address , *telephone number and, if*
44 *appropriate, electronic mail address* of the appropriate authority



1 under the program to receive, process and make disposition of
2 complaints. ~~†; and†~~

3 (v) Provisions for the recording and maintenance of all records
4 concerning apprenticeships as may be required by the State
5 Apprenticeship ~~†Council†~~ Agency and applicable laws.

6 *(w) If a program's standards require the competency-based*
7 *approach or the hybrid approach for progression through an*
8 *apprenticeship and the sponsor chooses to issue interim*
9 *credentials, standards which clearly identify each interim*
10 *credential, which demonstrate how each credential relates to the*
11 *components of the apprenticeable occupation and which establish*
12 *the process for assessing an apprentice's demonstration of*
13 *competency associated with each particular interim credential. An*
14 *interim credential may only be issued for recognized components*
15 *of an apprenticeable occupation which relate the interim*
16 *credential specifically to the knowledge, skills and abilities*
17 *associated with those components of the apprenticeable*
18 *occupation.*

19 *(x) Provisions for the registration, cancellation and*
20 *deregistration of the program and for the prompt submission of*
21 *any modification of or amendment to the standards of the program*
22 *to the State Apprenticeship Agency for approval.*

23 **Sec. 10.** NRS 610.150 is hereby amended to read as follows:

24 610.150 Every *apprenticeship* agreement entered into under
25 this chapter must contain:

26 1. The names and signatures of the contracting parties ,
27 *including, without limitation, the apprentice and the sponsor or*
28 *employer*, and the signature of a parent or legal guardian if the
29 apprentice is a minor.

30 2. The date of birth of the apprentice.

31 3. The name , ~~†and†~~ address , *telephone number and, if*
32 *appropriate, electronic mail address* of the sponsor of the program.

33 4. A statement of the trade or craft in which the apprentice is to
34 be trained, and the beginning date and expected duration of the
35 apprenticeship.

36 5. A statement showing :

37 *(a) If the apprenticeship program uses the:*

38 *(1) Time-based approach, the number of hours to be spent*
39 *by the apprentice in work on the job;*

40 *(2) Competency-based approach, a description of the skill*
41 *sets to be attained by completion of the program, including the*
42 *program's on-the-job learning component; or*

43 *(3) Hybrid approach, the minimum number of hours to be*
44 *spent by the apprentice in on-the-job learning and a description of*
45 *the skill sets to be attained by completion of the program; and* ~~†the†~~



(b) *The* number of hours to be spent *by the apprentice* in related ~~and supplemental~~ instruction, which instruction must not be less than 144 hours per year.

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State Apprenticeship ~~Council~~ *Agency*, and *without adverse impact on the sponsor; and*

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State Apprenticeship ~~Council~~ *Agency* of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, gender identity or expression, religion , ~~or~~ disability ~~or~~ *national origin*.

11. A statement naming the State Apprenticeship Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.

12. Such additional terms and conditions as are prescribed , *established* or approved by the State Apprenticeship Council not inconsistent with the provisions of this chapter.

Sec. 10.2. NRS 610.160 is hereby amended to read as follows:

610.160 1. No *apprenticeship* agreement under this chapter is effective until it is approved by the ~~local joint~~ apprenticeship committee and the State ~~Director of~~ Apprenticeship ~~or~~ *Council*. A copy of the *apprenticeship* agreement must be forwarded within 10 days after approval by the ~~local joint~~ apprenticeship committee to the State ~~Director of~~ Apprenticeship ~~or~~ *Council*.



2. Every *apprenticeship* agreement must be signed by the employer, by an association of employers or by an organization of employees acting as agent for an employer, and by the apprentice. If the apprentice is a minor, the *apprenticeship* agreement must also be signed by:

(a) Both parents, if the minor is living with both parents;

(b) The custodial parent, if the minor is living with only one parent; or

(c) The minor's legal guardian.

3. If a minor enters into an *apprenticeship* agreement under this chapter for a period of training extending into his or her majority, the *apprenticeship* agreement is likewise binding for the period covered during his or her majority.

Sec. 10.4. NRS 610.170 is hereby amended to read as follows:

610.170 For the purpose of providing greater diversity of training or continuity of employment, any *apprenticeship* agreement made under this chapter may, at the discretion of the ~~local joint~~ apprenticeship committee, be signed by an association of employers or an organization of employees instead of by an individual employer. In that case the *apprenticeship* agreement must provide expressly that the association of employers or organization of employees does not assume the obligation of an employer, but agrees to use its best endeavors to procure employment and training for the apprentice with one or more employers who will accept full responsibility, as provided in this chapter, for all the terms and conditions of employment and training set forth in the *apprenticeship* agreement between the apprentice and the association of employers or organization of employees during the period of employment.

Sec. 10.6. NRS 610.180 is hereby amended to read as follows:

610.180 1. Upon the complaint of any interested person or upon its own initiative, the State Apprenticeship Council may investigate to determine if there has been a violation of the terms or conditions of an approved program or an *apprenticeship* agreement made under this chapter. The State Apprenticeship Council may hold necessary hearings, inquiries and other proceedings. The parties to each *apprenticeship* agreement and the sponsors and interested participants in the program shall be given a fair and impartial hearing, after reasonable notice. A copy of the determination or decision of each hearing must be filed with the ~~Labor Commissioner,~~ *State Director of Apprenticeship*, and if no appeal therefrom is filed with the ~~Labor Commissioner,~~ *State Director of Apprenticeship* within 10 days after the date thereof the determination or decision of the State Apprenticeship Council



1 becomes the order of the *State Director of Apprenticeship*. ~~Labor~~
2 ~~Commissioner.~~

3 2. Any person aggrieved by any determination or action of the
4 State Apprenticeship Council may appeal to the ~~Labor~~
5 ~~Commissioner, whose decision, when supported by evidence,~~ *State*
6 *Director of Apprenticeship.*

7 3. *Except as otherwise provided in this subsection, the State*
8 *Director of Apprenticeship's review of the determination or*
9 *decision must be confined to the whole record. In cases*
10 *concerning alleged irregularities in procedure before the State*
11 *Apprenticeship Council that are not shown in the whole record,*
12 *the State Director of Apprenticeship may receive evidence*
13 *concerning the alleged irregularities.*

14 4. *The final decision of the State Apprenticeship Council*
15 *shall be deemed reasonable and lawful until reversed or set aside*
16 *in whole or in part by the State Director of Apprenticeship. The*
17 *burden of proof is on the party attacking or resisting the decision*
18 *to show that the final decision is invalid pursuant to subsection 5.*

19 5. *The State Director of Apprenticeship shall not substitute*
20 *his or her judgment for that of the State Apprenticeship Council*
21 *as to the weight of evidence on a question of fact. The State*
22 *Director of Apprenticeship may remand or affirm the final*
23 *decision or set it aside in whole or in part if substantial rights of*
24 *the appellant have been prejudiced because the decision of the*
25 *State Apprenticeship Council is:*

26 (a) *In violation of constitutional or statutory provisions;*

27 (b) *In excess of the statutory authority of the State*
28 *Apprenticeship Council;*

29 (c) *Made upon unlawful procedure;*

30 (d) *Affected by other error of law;*

31 (e) *Clearly erroneous in view of the reliable, probative and*
32 *substantial evidence on the whole record; or*

33 (f) *Arbitrary or capricious or characterized by abuse of*
34 *discretion.*

35 6. *The decision of the State Director of Apprenticeship is*
36 *conclusive if notice of appeal therefrom to the courts is not filed*
37 *within 30 days after the date of the decision of the* ~~Labor~~
38 ~~Commissioner.~~

39 ~~3.~~ *State Director of Apprenticeship.*

40 7. A person shall not institute any action based upon:

41 (a) An *apprenticeship* agreement;

42 (b) Proposed or approved standards for apprenticeship; or

43 (c) A program governed by this chapter,

44 ➔ unless the person first exhausts all administrative remedies
45 provided by this chapter.



1 **Sec. 11.** NRS 610.190 is hereby amended to read as follows:

2 610.190 Nothing in this chapter or in any *apprenticeship*
3 agreement, standard or program approved under this chapter
4 invalidates any :

5 1. ~~provision~~ *Provision* in any collective bargaining agreement
6 between employers and employees setting up higher standards for
7 apprenticeship ~~+~~ ; or

8 2. *Special provision for veterans, members of racial or ethnic*
9 *minority groups or women in the standards, apprentice*
10 *qualifications or operation of the program or in the apprenticeship*
11 *agreement so long as the provision is not otherwise prohibited by*
12 *federal or state law, executive order or authorized regulation.*

13 **Sec. 12.** NRS 612.607 is hereby amended to read as follows:

14 612.607 1. All payments collected pursuant to NRS 612.606
15 must be deposited in the Unemployment Compensation
16 Administration Fund. At the end of each fiscal year, the State
17 Controller shall transfer to the Clearing Account in the
18 Unemployment Compensation Fund the amount by which
19 the unencumbered balance of the money deposited in the
20 Unemployment Compensation Administration Fund pursuant to this
21 subsection exceeds the amount of that money which the Legislature
22 has authorized for expenditure during the first 90 days of the
23 succeeding fiscal year.

24 2. Except for money transferred from the Unemployment
25 Compensation Administration Fund pursuant to subsection 1, the
26 Administrator may only expend the money collected for the
27 employment and training of unemployed persons and persons
28 employed in this State to:

29 (a) Establish and administer an employment training program
30 which must foster job creation, minimize unemployment costs of
31 employers and meet the needs of employers for skilled workers by
32 providing training to unemployed persons.

33 (b) Establish or provide support for job training programs in the
34 public and private sectors for training, retraining or improving the
35 skills of persons employed in this State.

36 (c) Establish a program to provide grants of money to a
37 nonprofit private entity to be used to make loans of money to
38 veterans and senior citizens to start small businesses. The
39 Administrator shall adopt regulations establishing criteria and
40 standards relating to the eligibility for and use of any grants made
41 pursuant to this paragraph.

42 (d) Pay the costs of the collection of payments required pursuant
43 to NRS 612.606.

44 3. The money used for the program for the employment and
45 training of unemployed persons and persons employed in this State



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1 must supplement and not displace money available through existing
2 employment training programs conducted by any employer or
3 public agency and must not replace, parallel, supplant, compete with
4 or duplicate in any way existing apprenticeship programs approved
5 by the State Apprenticeship ~~Council~~ Agency.

6 4. As used in this section:

7 (a) "Senior citizen" has the meaning ascribed to it in
8 NRS 439.650.

9 (b) "Small business" means a business conducted for profit
10 which:

11 (1) Employs 50 or fewer full-time employees; and

12 (2) Has gross annual sales of less than \$5,000,000.

13 **Sec. 12.5.** NRS 616A.215 is hereby amended to read as
14 follows:

15 616A.215 1. Except as otherwise provided in subsection ~~13~~
16 4, any person who is an apprentice or trainee shall be deemed for the
17 purposes of chapters 616A to 616D, inclusive, of NRS to be an
18 employee of an apprenticeship committee registered with the State
19 Apprenticeship Council at a wage of \$150 per month while the
20 person is:

21 (a) Attending a class for vocational training; or

22 (b) Receiving bona fide instruction as an apprentice or trainee,

23 ➤ under the direction of the apprenticeship committee. Such an
24 apprentice or trainee is entitled to the benefits of chapters 616A to
25 616D, inclusive, of NRS.

26 2. A person who is an apprentice or trainee shall be deemed for
27 the purposes of chapters 616A to 616D, inclusive, of NRS to be an
28 employee of an employer who is participating in a program of
29 training and instruction as an apprentice or trainee approved
30 pursuant to chapter 610 of NRS while:

31 (a) The apprentice or trainee is performing work for that
32 employer; and

33 (b) The employer is paying the apprentice or trainee a wage for
34 the work performed.

35 ➤ The apprentice or trainee shall be deemed to be an employee at a
36 wage equal to his or her average monthly wage as determined
37 pursuant to the regulations adopted by the Administrator pursuant to
38 NRS 616C.420 and is entitled to the benefits of chapters 616A to
39 616D, inclusive, of NRS.

40 3. *Except as otherwise provided in subsection 4, any person
41 who is a trainee in a program funded by a training trust
42 authorized pursuant to 29 U.S.C. § 186 shall be deemed for the
43 purposes of chapters 616A to 616D, inclusive, of NRS to be an
44 employee of the trust at a wage of \$150 per month while the
45 person is attending a class for vocational training. Such a trainee*



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is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

4. If an apprentice or trainee who is employed by an employer participating in a program of training and instruction is injured while the apprentice or trainee, as applicable, is deemed to be an employee of the apprenticeship committee pursuant to subsection 1 and the apprentice or trainee is unable to work for an employer participating in the program solely because of that injury, the apprentice or trainee shall be deemed to be an employee of the apprenticeship committee at a wage of \$150 per month or at his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420, whichever is greater.

~~4.4~~ 5. As used in this section, "trainee" means a person who is under the direction of an apprenticeship committee specified in subsection 1 and, for that purpose, is described by that apprenticeship committee as a "journeyworker trainee."

Sec. 13. NRS 616A.215 is hereby amended to read as follows:

616A.215 1. Except as otherwise provided in subsection 4, any person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an apprenticeship committee registered with the State Apprenticeship ~~Council~~ *Agency* at a wage of \$150 per month while the person is:

(a) Attending a class for vocational training; or

(b) Receiving bona fide instruction as an apprentice or trainee, under the direction of the apprenticeship committee. Such an apprentice or trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

2. A person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an employer who is participating in a program of training and instruction as an apprentice or trainee approved pursuant to chapter 610 of NRS while:

(a) The apprentice or trainee is performing work for that employer; and

(b) The employer is paying the apprentice or trainee a wage for the work performed.

under the direction of the apprenticeship committee shall be deemed to be an employee at a wage equal to his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420 and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

3. Except as otherwise provided in subsection 4, any person who is a trainee in a program funded by a training trust authorized



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1 pursuant to 29 U.S.C. § 186 shall be deemed for the purposes of
2 chapters 616A to 616D, inclusive, of NRS to be an employee of the
3 trust at a wage of \$150 per month while the person is attending a
4 class for vocational training. Such a trainee is entitled to the benefits
5 of chapters 616A to 616D, inclusive, of NRS.

6 4. If an apprentice or trainee who is employed by an employer
7 participating in a program of training and instruction is injured
8 while the apprentice or trainee, as applicable, is deemed to be an
9 employee of the apprenticeship committee pursuant to subsection 1
10 and the apprentice or trainee is unable to work for an employer
11 participating in the program solely because of that injury, the
12 apprentice or trainee shall be deemed to be an employee of the
13 apprenticeship committee at a wage of \$150 per month or at his or
14 her average monthly wage as determined pursuant to the regulations
15 adopted by the Administrator pursuant to NRS 616C.420, whichever
16 is greater.

17 5. As used in this section, "trainee" means a person who is
18 under the direction of an apprenticeship committee specified in
19 subsection 1 and, for that purpose, is described by that
20 apprenticeship committee as a "journeyworker trainee."

21 **Sec. 14.** NRS 361.106 is hereby amended to read as follows:

22 361.106 1. Except as otherwise provided in subsection 2, the
23 real and personal property of an apprenticeship program is exempt
24 from taxation if the property is:

25 (a) Held in a trust created pursuant to 29 U.S.C. § 186; or

26 (b) Owned by a local or state apprenticeship committee and the
27 apprenticeship program is:

28 (1) Operated by an organization which is qualified pursuant
29 to 26 U.S.C. § 501(c)(3) or (5); and

30 (2) Registered and approved by the State Apprenticeship
31 ~~[-Council]~~ **Agency** pursuant to chapter 610 of NRS.

32 2. If any property exempt from taxation pursuant to subsection
33 1 is used for a purpose other than that of the apprenticeship program
34 required in subsection 1, and a rent or other valuable consideration
35 is received for its use, the property must be taxed, unless the rent or
36 other valuable consideration is paid or given by an organization that
37 qualifies as a tax-exempt organization pursuant to 26 U.S.C. §
38 501(c)(3).

39 **Sec. 15.** (Deleted by amendment.)

40 **Sec. 16.** NRS 701B.921 is hereby amended to read as follows:

41 701B.921 1. The Department of Employment, Training and
42 Rehabilitation and the Housing Division of the Department of
43 Business and Industry shall establish contractual relationships with
44 one or more nonprofit collaboratives to carry out the State's mission
45 of creating new jobs in the fields of energy efficiency and renewable



1 energy by combining job training with weatherization, energy
2 retrofit applications or the development of renewable energy plants.

3 2. To qualify as a nonprofit collaborative for the purposes of
4 this section, a nonprofit entity:

5 (a) Must enter into a written agreement relating to job training
6 and career development activities with:

7 (1) A labor management agency or other affiliated agency
8 which has established an apprenticeship program that is registered
9 and approved by the State Apprenticeship ~~Council~~ Agency
10 pursuant to chapter 610 of NRS; and

11 (2) A community college or another institution of higher
12 education; and

13 (b) Must conduct or have the ability to conduct training
14 programs in at least one of the three geographic regions of this State,
15 including southern Nevada, northern Nevada and rural Nevada.

16 ➔ Such a nonprofit entity may also enter into a written agreement
17 relating to job training and career development activities with a
18 trade association which has an accredited job skills training
19 program.

20 3. Within the limits of money available to the Department for
21 this purpose, the Department shall contract with one or more
22 qualified nonprofit collaboratives to:

23 (a) Carry out programs for job training in fields relating to
24 energy efficiency and the use of renewable energy.

25 (b) In concert with a labor management agency or other
26 affiliated agency which has established an apprenticeship program
27 that is registered and approved by the State Apprenticeship
28 ~~Council~~ Agency pursuant to chapter 610 of NRS, develop
29 apprenticeship programs to train laborers in skills related to:

30 (1) The implementation of energy efficiency measures.

31 (2) The use of renewable energy.

32 (3) Performing audits of the energy efficiency of buildings,
33 facilities, residences and structures.

34 (4) The weatherization of buildings, facilities, residences and
35 structures.

36 (5) The retrofitting of buildings, facilities, residences and
37 structures.

38 (6) The construction and operation of centralized renewable
39 energy plants.

40 (7) The manufacturing of components relating to work
41 performed pursuant to subparagraphs (1) to (6), inclusive.

42 4. The job training described in subsection 3 must be
43 sufficiently detailed to allow workers, as applicable, to perform:

44 (a) The services set forth in NRS 702.270.

45 (b) The services set forth in NRS 618.910 to 618.936, inclusive.



(c) Such other vocational or professional services, or both, as the Department deems appropriate.

5. Funding provided for the job training described in subsection 3:

(a) Must, to the extent money is available for the purpose, include the cost of tuition and supplies.

(b) May include a cost-of-living stipend which may or may not be in addition to any available unemployment compensation.

6. Within the limits of money available to the Division for the purpose, the Division shall contract with one or more governmental entities, community action agencies or nonprofit organizations, including, without limitation, qualified nonprofit collaboratives, to:

(a) Identify, in different regions of the State, neighborhoods that will qualify for funding for residential weatherization projects pursuant to federal programs focusing on residential weatherization; and

(b) Issue requests for proposals for contractors and award contracts for projects to promote energy efficiency through weatherization. Any such requests for proposals and contracts must include, without limitation:

(1) Provisions stipulating that all employees of the outside contractors who work on the project must be paid prevailing wages;

(2) Provisions requiring that each outside contractor:

(I) Employ on each such project a number of persons trained as described in paragraph (b) of subsection 3 that is equal to or greater than 50 percent of the total workforce the contractor employs on the project; or

(II) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor, that the contractor cannot reasonably comply with the provisions of sub-subparagraph (I) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship ~~Council~~ Agency pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor employs on the project;

(3) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(4) A component that requires each contractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to



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1 chapters 689A and 689B of NRS or the Employee Retirement
2 Income Security Act of 1974.

3 7. The Department and the Division:

4 (a) Shall apply for and accept any grant, appropriation,
5 allocation or other money available pursuant to:

6 (1) The Green Jobs Act of 2007, 29 U.S.C. § 2916(e); and

7 (2) The American Recovery and Reinvestment Act of 2009,
8 Public Law 111-5; and

9 (b) May apply for and accept any other available gift, grant,
10 appropriation or donation from any public or private source,

11 to assist the Department and the Division in carrying out the
12 provisions of this section.

13 8. The Department and the Division shall each report to the
14 Interim Finance Committee at each meeting held by the Interim
15 Finance Committee with respect to the activities in which they have
16 engaged pursuant to this section.

17 9. As used in this section, "community action agencies" means
18 private corporations or public agencies established pursuant to the
19 Economic Opportunity Act of 1964, Public Law 88-452, which are
20 authorized to administer money received from federal, state, local or
21 private funding entities to assess, design, operate, finance and
22 oversee antipoverty programs.

23 **Sec. 17.** NRS 701B.924 is hereby amended to read as follows:

24 701B.924 1. The State Public Works Board shall, within 90
25 days after June 9, 2009, determine the specific projects to
26 weatherize and retrofit public buildings, facilities and structures,
27 including, without limitation, traffic-control systems, and to
28 otherwise use sources of renewable energy to serve those buildings,
29 facilities and structures pursuant to the provisions of this section and
30 NRS 701B.921. The projects must be prioritized and selected on the
31 basis of the following criteria:

32 (a) The length of time necessary to commence the project.

33 (b) The number of workers estimated to be employed on the
34 project.

35 (c) The effectiveness of the project in reducing energy
36 consumption.

37 (d) The estimated cost of the project.

38 (e) Whether the project is able to be powered by or to otherwise
39 use sources of renewable energy.

40 (f) Whether the project has qualified for participation in one or
41 more of the following programs:

42 (1) The Solar Energy Systems Incentive Program created by
43 NRS 701B.240;

44 (2) The Renewable Energy School Pilot Program created by
45 NRS 701B.350;



(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and



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1 NRS 701B.921. The projects must be prioritized and selected on the
2 basis of the following criteria:

3 (a) The length of time necessary to commence the project.

4 (b) The number of workers estimated to be employed on the
5 project.

6 (c) The effectiveness of the project in reducing energy
7 consumption.

8 (d) The estimated cost of the project.

9 (e) Whether the project is able to be powered by or to otherwise
10 use sources of renewable energy.

11 (f) Whether the project has qualified for participation in one or
12 more of the following programs:

13 (1) The Solar Energy Systems Incentive Program created by
14 NRS 701B.240;

15 (2) The Renewable Energy School Pilot Program created by
16 NRS 701B.350;

17 (3) The Wind Energy Systems Demonstration Program
18 created by NRS 701B.580;

19 (4) The Waterpower Energy Systems Demonstration
20 Program created by NRS 701B.820; or

21 (5) An energy efficiency or energy conservation program
22 offered by a public utility, as defined in NRS 704.020, pursuant to a
23 plan approved by the Public Utilities Commission of Nevada
24 pursuant to NRS 704.741.

25 4. As soon as practicable after an entity described in
26 subsections 1, 2 and 3 selects a project, the entity shall proceed to
27 enter into a contract with one or more contractors to perform the
28 work on the project. The request for proposals and all contracts for
29 each project must include, without limitation:

30 (a) Provisions stipulating that all employees of the contractors
31 and subcontractors who work on the project must be paid prevailing
32 wages pursuant to the requirements of chapter 338 of NRS;

33 (b) Provisions requiring that each contractor and subcontractor
34 employed on each such project:

35 (1) Employ a number of persons trained as described in
36 paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or
37 greater than 50 percent of the total workforce the contractor or
38 subcontractor employs on the project; or

39 (2) If the Director of the Department determines in writing,
40 pursuant to a request submitted by the contractor or subcontractor,
41 that the contractor or subcontractor cannot reasonably comply with
42 the provisions of subparagraph (1) because there are not available a
43 sufficient number of such trained persons, employ a number of
44 persons trained as described in paragraph (b) of subsection 3 of NRS
45 701B.921 or trained through any apprenticeship program that is



1 registered and approved by the State Apprenticeship ~~Council~~
2 *Agency* pursuant to chapter 610 of NRS that is equal to or greater
3 than 50 percent of the total workforce the contractor or
4 subcontractor employs on the project;

5 (c) A component pursuant to which persons trained as described
6 in paragraph (b) of subsection 3 of NRS 701B.921 must be
7 classified and paid prevailing wages depending upon the
8 classification of the skill in which they are trained; and

9 (d) A component that requires each contractor or subcontractor
10 to offer to employees working on the project, and to their
11 dependents, health care in the same manner as a policy of insurance
12 pursuant to chapters 689A and 689B of NRS or the Employee
13 Retirement Income Security Act of 1974.

14 5. The State Public Works Board, each of the school districts
15 and the Board of Regents of the University of Nevada shall each
16 provide a report to the Interim Finance Committee which describes
17 the projects selected pursuant to this section and a report of the dates
18 on which those projects are scheduled to be completed.

19 **Sec. 18.** 1. This section and section 12.5 of this act become
20 effective upon passage and approval.

21 2. Sections 1 to 12, inclusive, and 13 to 17, inclusive, of this
22 act become effective:

23 (a) Upon passage and approval for the purposes of adopting
24 regulations and performing any other preliminary administrative
25 tasks that are necessary to carry out the provisions of this act; and

26 (b) On the date the United States Department of Labor
27 recognizes the Office of the Labor Commissioner, which is the State
28 Apprenticeship Agency, as the Registration Agency for federal
29 purposes in this State pursuant to 29 C.F.R. § 29.13.

30 3. Section 17 of this act expires by limitation on December 31,
31 2021.

