

Amendment No. 941

Assembly Amendment to Senate Bill No. 516 Second Reprint	(BDR 53-913)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JFD/EGO



Date: 5/24/2017

S.B. No. 516—Revises provisions governing workforce innovation and apprenticeships. (BDR 53-913)



SENATE BILL NO. 516—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 27, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing workforce innovation and apprenticeships. (BDR 53-913)

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; creating the Office of Workforce Innovation within the Office of the Governor; establishing the duties of the Office and the Executive Director of the Office; revising the membership, procedures and duties of the State Apprenticeship Council; revising the qualifications, requirements and duties of the State Director of Apprenticeship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2016, the Governor of Nevada issued Executive Order 2016-08, which established the Office of Workforce Innovation within the Office of Governor. **Sections 18-21** of this bill codify the Office into Nevada Revised Statutes. **Section 20** of this bill establishes the powers and duties of the Executive Director of the Office of Workforce Innovation. **Section 21.5** of this bill provides that the employees of the Office of Workforce Innovation are not in the classified or unclassified service of the State. **Sections 14, 20 and 23** of this bill move the responsibility for the oversight of the State's statewide longitudinal data system linking data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State from the P-20W Advisory Council to the Executive Director of the Office of Workforce Innovation.

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

In 2008, the Secretary of Labor updated the federal regulations concerning apprenticeship and required participating states to conform their apprenticeship laws, regulations and policies to those federal regulations in order to continue or obtain federal recognition. (29 C.F.R. Part 29) The requirements for conformity and recognition include, among other things, certain changes in the roles and responsibilities of administrative entities of state government responsible for apprenticeship, including a provision which prohibits a state apprenticeship council from being recognized as a state's registration agency. (29 C.F.R. § 29.2)

Under existing law, the apprenticeship program in Nevada is administered by the Labor Commissioner as the ex officio State Director of Apprenticeship with the advice and guidance of the State Apprenticeship Council. (NRS 610.110, 610.120) **Sections 11 and 18** of this bill make the Office of Workforce Innovation responsible and accountable for apprenticeship in this State as this State's registration agency. **Sections 3-6** of this bill change the membership, procedures and duties of the State Apprenticeship Council. **Section 6** also requires the State Apprenticeship Council to act as a regulatory body in administering the provisions governing the state apprenticeship program. In lieu of the Labor Commissioner serving ex officio as the State Director of Apprenticeship, **section 8** requires the Governor to appoint a State Apprenticeship Director. **Sections 7-13** of this bill impose additional qualifications, requirements and duties on the State Apprenticeship Director. **Section 13** also eliminates appeals to the Labor Commissioner of determinations or decisions of the State Apprenticeship Council regarding violations of the terms and conditions of programs or agreements.

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

4. "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+~~ 5. *"Executive Director" means the Executive Director of the Office of Workforce Innovation.*

6. "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+~~ 7. *"Office of Workforce Innovation" means the Office of Workforce Innovation in the Office of the Governor created by section 18 of this act.*

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

~~16+~~ 9. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

10. *"State Apprenticeship Director" means the person appointed pursuant to NRS 610.110.*

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.

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 Council . ~~{with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees to assist in carrying out the purposes of this chapter.}~~

7. To provide for a State *Apprenticeship* Director ~~{of Apprenticeship.}~~ *with the authority to carry out the purposes of this chapter.*

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

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

~~—10.}~~ To accomplish related ends.

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

610.030 ~~{H. A}~~ *There is hereby created a* State Apprenticeship Council composed of ~~{seven members is hereby created.}~~

~~—2. The Labor Commissioner shall appoint.}~~

1. The following voting members, appointed by the Governor:

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

(b) ~~{Three}~~ *Four* 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.}~~

2. The following nonvoting members:

(a) *The Executive Director of the Office of Economic Development or his or her designee.*

(b) *The Superintendent of Public Instruction or his or her designee.*

(c) *One representative of a community college located in a county whose population is 700,000 or more, appointed by the Chancellor of the Nevada System of Higher Education.*

(d) *One representative of a community college located in a county whose population is less than 700,000, appointed by the Chancellor of the Nevada System of Higher Education.*

1 **Sec. 4.** NRS 610.040 is hereby amended to read as follows:

2 610.040 1. ~~In making the initial appointments to the Council, the Labor~~
3 ~~Commissioner shall appoint:~~

4 ~~—(a) One member who is a representative from employer associations, one~~
5 ~~member who is a representative from employee organizations, and one member~~
6 ~~who is the representative from the general public for terms of 1 year.~~

7 ~~—(b) One member who is a representative from employer associations and one~~
8 ~~member who is a representative from employee organizations for terms of 2 years.~~

9 ~~—(c) One member who is a representative from employer associations and one~~
10 ~~member who is a representative from employee organizations for terms of 3 years.~~

11 ~~2. After the initial appointments provided for in subsection 1, each~~ *Each*
12 *voting member of the Council shall serve for a term of 3 years* ~~1~~, *so long as the*
13 *member has the qualifications required by NRS 610.030. A member of the*
14 *Council who no longer has the qualifications specified in NRS 610.030 under*
15 *which the member was appointed shall continue to serve on the Council until the*
16 *member's successor is appointed.* *A voting member may not serve more than four*
17 *terms.*

18 2. *The voting members of the Council serve at the pleasure of the Governor.*

19 3. *The nonvoting members of the Council appointed pursuant to*
20 *paragraphs (c) and (d) of subsection 2 of NRS 610.030 serve at the pleasure of*
21 *the Chancellor of the Nevada System of Higher Education.*

22 **Sec. 5.** NRS 610.070 is hereby amended to read as follows:

23 610.070 1. *The Governor shall select from the membership of the Council*
24 *a Chair and Vice Chair, who shall hold office for 1 year.*

25 2. *The State Apprenticeship Director shall serve as the nonvoting Secretary*
26 *of the Council.*

27 3. *The Council may prescribe such bylaws as it deems necessary for its*
28 *operation.*

29 4. The ~~State Apprenticeship~~ Council shall meet at least once *in each*
30 *calendar quarter* ~~and may meet at other times at the call of annually~~ *at a time and*
31 *place specified by the call of the Chair, the State Apprenticeship Director, the*
32 *Executive Director or a majority of* ~~its~~ *the* members ~~1~~ *of the Council. Special*
33 *meetings of the Council may be held at the call of the Chair, the State*
34 *Apprenticeship Director, the Executive Director or a majority of the members of*
35 *the Council at such additional times as they deem necessary.*

36 5. *Five voting members of the Council constitutes a quorum, and a quorum*
37 *may exercise any power or authority conferred on the Council.*

38 **Sec. 5.5.** NRS 610.080 is hereby amended to read as follows:

39 610.080 1. Each member of the ~~State Apprenticeship~~ Council is entitled to
40 receive a salary of not more than \$80 per day, as fixed by the Council, while
41 attending meetings of the Council.

42 2. While engaged in the business of the Council, each member and employee
43 of the Council is entitled to receive the per diem allowance and travel expenses
44 provided for state officers and employees generally.

45 **Sec. 6.** NRS 610.090 is hereby amended to read as follows:

46 610.090 The ~~State Apprenticeship~~ Council shall:

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

49 2. Upon review and approval, extend written reciprocal recognition to
50 multistate joint programs.

51 3. Adopt such regulations as may be necessary to carry out the intent and
52 purposes of this chapter.

53 4. *Administer the provisions of this chapter as a regulatory body.*

5. *Consistent with its duties and obligations under this chapter, demonstrate linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part out of public money, as set forth in 29 C.F.R. § 29.13.*

6. *Adopt regulations pursuant to 29 C.F.R. Parts 29 and 30.*

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

Sec. 7. NRS 610.100 is hereby amended to read as follows:

610.100 The State Apprenticeship ~~{Council}~~ Director shall make a report of ~~its~~ the activities and findings ~~through the Labor Commissioner, as provided in NRS 607-080, of the Council~~ to the Legislature and to the public.

Sec. 8. NRS 610.110 is hereby amended to read as follows:

610.110 1. The ~~{Labor Commissioner or the duly appointed representative of the Labor Commissioner}~~ Governor shall ~~be ex officio~~ appoint a State Apprenticeship Director. ~~{of Apprenticeship}~~

2. *The State Apprenticeship Director:*

(a) *Shall report to the Executive Director.*

(b) *Is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.*

(c) *Must have responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of this chapter.*

(d) *Must have the demonstrated ability to administer a major public agency in the field of workforce development, and must possess the following skills and attributes:*

(1) *A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his or her administrative direction.*

(2) *The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields.*

(3) *An ability to organize and present oral and written communication to the Governor, the Legislature and other pertinent officials or persons.*

(4) *A background which demonstrates that he or she can impartially serve the interests of both employees and employers.*

(e) *Must not, at the time of appointment or at any time during his or her term of office, receive payment or compensation as the officer of any labor organization or have a pecuniary interest in any labor organization.*

Sec. 9. NRS 610.120 is hereby amended to read as follows:

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

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

(b) ~~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.~~

~~—(c) Approve any agreement which meets the standards established under this chapter and terminate or cancel any agreement in accordance with the provisions of the agreement, the program, this chapter and the standards approved by the State Apprenticeship Council.~~

~~—(d) Keep a record of agreements and their dispositions.~~

~~{(e)}~~ (c) Issue certificates of completion of apprenticeship at the request of the local joint apprenticeship committee.

~~{(f)}~~ (d) *Promote apprenticeship programs through public engagement activities and other initiatives.*

(e) Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical assistance and requirements for applicants of new apprenticeship programs.

(f) Establish and maintain an Internet website that provides information regarding apprenticeship programs to the public.

(g) Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part with public money, in accordance with 29 C.F.R. § 29.13.

(h) Coordinate community-based outreach initiatives designed to promote apprenticeship opportunities among students, displaced workers and other persons who face barriers to entering the workforce.

(i) Prepare budgets and compile annual reports to the Legislature, Executive Director and Governor.

(j) Perform other administrative duties on behalf of the Council.

(k) 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, "technical assistance" means guidance provided by the Office of Workforce Innovation 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. 10. NRS 610.140 is hereby amended to read as follows:

610.140 1. A local or state apprenticeship committee shall:

(a) In accordance with standards ~~set up~~ established by the ~~State Apprenticeship~~ Council, 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 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 agreement, submit to the State Apprenticeship ~~Council~~ Director a written notice which includes the name of the apprentice and the reason for the termination.

(d) Keep the ~~State Apprenticeship~~ Council 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. 11. NRS 610.144 is hereby amended to read as follows:

610.144 To be eligible for registration and approval by the ~~State Apprenticeship~~ Council, 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 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. § ~~10.3(b)~~ 30.3(c) 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~~ **30.10**;
(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) A term of apprenticeship of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade;

(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 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;

(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 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;

(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 16 years;

(k) Provisions for the placement of an apprentice under a written 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 the apprentice and the local joint apprenticeship committee or sponsor of the program;

(n) Provisions for the assurance of qualified training personnel and adequate supervision on the job;

(o) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship;

(p) An identification of the ~~{State Apprenticeship Council}~~ *Office of Workforce Innovation* as the agency for registration of the program;

(q) Provisions for the registration of agreements and of modifications and amendments thereto;

(r) Provisions for notice to the ~~{Labor Commissioner}~~ *State Apprenticeship Director* of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes thereof;

(s) Provisions for the termination of an agreement during the probationary period by either party without cause;

(t) A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part 30 or 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;

(u) The name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and

(v) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the ~~{State Apprenticeship}~~ Council and applicable laws.

Sec. 12. NRS 610.150 is hereby amended to read as follows:

610.150 Every agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name and address of the sponsor of the program.

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

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent 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}~~ *Director*; 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}~~ *Director* 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.

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

1 differences cannot be adjusted locally or resolved in accordance with the program
2 or collective bargaining agreements.

3 12. Such additional terms and conditions as are prescribed or approved by the
4 ~~{State Apprenticeship}~~ Council not inconsistent with the provisions of this chapter.

5 **Sec. 12.5.** NRS 610.160 is hereby amended to read as follows:

6 610.160 1. No agreement under this chapter is effective until it is approved
7 by the local joint apprenticeship committee and the ~~{State Director of~~
8 ~~Apprenticeship}~~ **Council**. A copy of the agreement must be forwarded within 10
9 days after approval by the local joint apprenticeship committee to the ~~{State~~
10 ~~Director of Apprenticeship}~~ **Council**.

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

- 15 (a) Both parents, if the minor is living with both parents;
- 16 (b) The custodial parent, if the minor is living with only one parent; or
- 17 (c) The minor's legal guardian.

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


21 **Sec. 13.** NRS 610.180 is hereby amended to read as follows:

22 610.180 1. Upon the complaint of any interested person or upon its own
23 initiative, the ~~{State Apprenticeship}~~ Council may investigate to determine if there
24 has been a violation of the terms or conditions of an approved program or an
25 agreement made under this chapter. The ~~{State Apprenticeship}~~ Council may hold
26 necessary hearings, inquiries and other proceedings. The parties to each agreement
27 and the sponsors and interested participants in the program shall be given a fair and
28 impartial hearing, after reasonable notice. A copy of the determination or decision
29 of each hearing must be filed with the ~~{Labor Commissioner, and if no appeal~~
30 ~~therefrom is filed with the Labor Commissioner within 10 days after the date~~
31 ~~thereof the determination or decision of the State Apprenticeship Council becomes~~
32 ~~the order of the Labor Commissioner.}~~ **State Apprenticeship Director**.

33 2. ~~{Any person aggrieved by any determination or action of the State~~
34 ~~Apprenticeship Council may appeal to the Labor Commissioner, whose decision,~~
35 ~~when supported by evidence, is conclusive if notice of appeal therefrom to the~~
36 ~~courts is not filed within 30 days after the date of the decision of the Labor~~
37 ~~Commissioner.}~~

38 ~~3.}~~ A person shall not institute any action based upon:

- 39 (a) An agreement;
- 40 (b) Proposed or approved standards for apprenticeship; or
- 41 (c) A program governed by this chapter,

42  unless the person first exhausts all administrative remedies provided by this
43 chapter.

44 **Sec. 14.** NRS 612.265 is hereby amended to read as follows:

45 612.265 1. Except as otherwise provided in this section and NRS 239.0115
46 and 612.642, information obtained from any employing unit or person pursuant to
47 the administration of this chapter and any determination as to the benefit rights of
48 any person is confidential and may not be disclosed or be open to public inspection
49 in any manner which would reveal the person's or employing unit's identity.

50 2. Any claimant or a legal representative of a claimant is entitled to
51 information from the records of the Division, to the extent necessary for the proper
52 presentation of the claimant's claim in any proceeding pursuant to this chapter. A

1 claimant or an employing unit is not entitled to information from the records of the
2 Division for any other purpose.

3 3. The Administrator may, in accordance with a cooperative agreement
4 among all participants in the statewide longitudinal data system ~~developed~~
5 ~~administered~~ pursuant to ~~NRS-400.040,~~ *section 20 of this act*, make the
6 information obtained by the Division available to:

7 (a) The Board of Regents of the University of Nevada for the purpose of
8 complying with the provisions of subsection 4 of NRS 396.531; and

9 (b) The Director of the Department of Employment, Training and
10 Rehabilitation for the purpose of complying with the provisions of paragraph (d) of
11 subsection 1 of NRS 232.920.

12 4. Subject to such restrictions as the Administrator may by regulation
13 prescribe, the information obtained by the Division may be made available to:

14 (a) Any agency of this or any other state or any federal agency charged with
15 the administration or enforcement of laws relating to unemployment compensation,
16 public assistance, workers' compensation or labor and industrial relations, or the
17 maintenance of a system of public employment offices;

18 (b) Any state or local agency for the enforcement of child support;

19 (c) The Internal Revenue Service of the Department of the Treasury;

20 (d) The Department of Taxation;

21 (e) The State Contractors' Board in the performance of its duties to enforce the
22 provisions of chapter 624 of NRS; and

23 (f) The Secretary of State to operate the state business portal established
24 pursuant to chapter 75A of NRS for the purposes of verifying that data submitted
25 via the portal has satisfied the necessary requirements established by the Division,
26 and as necessary to maintain the technical integrity and functionality of the state
27 business portal established pursuant to chapter 75A of NRS.

28 ➤ Information obtained in connection with the administration of the Division may
29 be made available to persons or agencies for purposes appropriate to the operation
30 of a public employment service or a public assistance program.

31 5. Upon written request made by the State Controller or a public officer of a
32 local government, the Administrator shall furnish from the records of the Division
33 the name, address and place of employment of any person listed in the records of
34 employment of the Division. The request may be made electronically and must set
35 forth the social security number of the person about whom the request is made and
36 contain a statement signed by the proper authority of the State Controller or local
37 government certifying that the request is made to allow the proper authority to
38 enforce a law to recover a debt or obligation assigned to the State Controller for
39 collection or owed to the local government, as applicable. Except as otherwise
40 provided in NRS 239.0115, the information obtained by the State Controller or
41 local government is confidential and may not be used or disclosed for any purpose
42 other than the collection of a debt or obligation assigned to the State Controller for
43 collection or owed to that local government. The Administrator may charge a
44 reasonable fee for the cost of providing the requested information.

45 6. The Administrator may publish or otherwise provide information on the
46 names of employers, their addresses, their type or class of business or industry, and
47 the approximate number of employees employed by each such employer, if the
48 information released will assist unemployed persons to obtain employment or will
49 be generally useful in developing and diversifying the economic interests of this
50 State. Upon request by a state agency which is able to demonstrate that its intended
51 use of the information will benefit the residents of this State, the Administrator
52 may, in addition to the information listed in this subsection, disclose the number of
53 employees employed by each employer and the total wages paid by each employer.

1 The Administrator may charge a fee to cover the actual costs of any administrative
2 expenses relating to the disclosure of this information to a state agency. The
3 Administrator may require the state agency to certify in writing that the agency will
4 take all actions necessary to maintain the confidentiality of the information and
5 prevent its unauthorized disclosure.

6 7. Upon request therefor, the Administrator shall furnish to any agency of the
7 United States charged with the administration of public works or assistance through
8 public employment, and may furnish to any state agency similarly charged, the
9 name, address, ordinary occupation and employment status of each recipient of
10 benefits and the recipient's rights to further benefits pursuant to this chapter.

11 8. To further a current criminal investigation, the chief executive officer of
12 any law enforcement agency of this State may submit a written request to the
13 Administrator that the Administrator furnish, from the records of the Division, the
14 name, address and place of employment of any person listed in the records of
15 employment of the Division. The request must set forth the social security number
16 of the person about whom the request is made and contain a statement signed by the
17 chief executive officer certifying that the request is made to further a criminal
18 investigation currently being conducted by the agency. Upon receipt of such a
19 request, the Administrator shall furnish the information requested. The
20 Administrator may charge a fee to cover the actual costs of any related
21 administrative expenses.

22 9. In addition to the provisions of subsection 6, the Administrator shall
23 provide lists containing the names and addresses of employers, and information
24 regarding the wages paid by each employer to the Department of Taxation, upon
25 request, for use in verifying returns for the taxes imposed pursuant to chapters
26 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the
27 actual costs of any related administrative expenses.

28 10. The Division of Industrial Relations of the Department of Business and
29 Industry shall periodically submit to the Administrator, from information in the
30 index of claims established pursuant to NRS 616B.018, a list containing the name
31 of each person who received benefits pursuant to chapters 616A to 616D, inclusive,
32 or chapter 617 of NRS. Upon receipt of that information, the Administrator shall
33 compare the information so provided with the records of the Employment Security
34 Division regarding persons claiming benefits pursuant to this chapter for the same
35 period. The information submitted by the Division of Industrial Relations must be
36 in a form determined by the Administrator and must contain the social security
37 number of each such person. If it appears from the information submitted that a
38 person is simultaneously claiming benefits under this chapter and under chapters
39 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the
40 Attorney General or any other appropriate law enforcement agency.

41 11. The Administrator may request the Comptroller of the Currency of the
42 United States to cause an examination of the correctness of any return or report of
43 any national banking association rendered pursuant to the provisions of this chapter,
44 and may in connection with the request transmit any such report or return to the
45 Comptroller of the Currency of the United States as provided in section 3305(c) of
46 the Internal Revenue Code of 1954.

47 12. If any employee or member of the Board of Review, the Administrator or
48 any employee of the Administrator, in violation of the provisions of this section,
49 discloses information obtained from any employing unit or person in the
50 administration of this chapter, or if any person who has obtained a list of applicants
51 for work, or of claimants or recipients of benefits pursuant to this chapter uses or
52 permits the use of the list for any political purpose, he or she is guilty of a gross
53 misdemeanor.

13. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 21, inclusive, of this act.

Sec. 18. *1. The Office of Workforce Innovation is hereby created in the Office of the Governor.*

2. The Office of Workforce Innovation has responsibility and accountability for apprenticeship within this State.

Sec. 19. *1. The Governor shall appoint the Executive Director of the Office of Workforce Innovation.*

2. The Executive Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

Sec. 20. *The Executive Director of the Office of Workforce Innovation shall:*

1. Provide support to the Office of the Governor, the Governor's Workforce Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.

3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.

4. At the direction of the Governor:

(a) Identify, recommend and implement policies related to workforce development.

(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.

(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.

(d) In consultation with the Governor's Workforce Development Board, identify industry-recognized credentials, workforce development programs and education.

(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.

(g) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.

1 *(h) Review the status and structure of local workforce investment areas in*
2 *the State, in coordination with the Governor and the Governor's Workforce*
3 *Development Board.*

4 *(i) Report periodically to the Governor's Workforce Development Board*
5 *concerning the administration of the policies and programs of the Office of*
6 *Workforce Innovation.*

7 *(j) On or before March 31 of each year, submit to the Governor a complete*
8 *report of the activities, discussions, findings and recommendations of the Office*
9 *of Workforce Innovation.*

10 *(k) Oversee the State Apprenticeship Council and the State Apprenticeship*
11 *Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other*
12 *functions as may be necessary for the fulfillment of the intent and purposes of*
13 *chapter 610 of NRS.*

14 *(l) Suggest improvements regarding the allocation of federal and state money*
15 *to align workforce training and related education programs in the State,*
16 *including, but not limited to, career and technical education.*

17 **Sec. 21.** *The following public agencies shall submit educational and*
18 *workforce data for inclusion in the statewide longitudinal data system maintained*
19 *pursuant to paragraph (e) of subsection 4 of section 20 of this act:*

20 1. *The Department of Employment, Training and Rehabilitation.*

21 2. *The Department of Education.*

22 3. *The Nevada System of Higher Education.*

23 4. *The Department of Motor Vehicles.*

24 5. *Any other public agency which is directed by the Governor to submit*
25 *such data.*

26 **Sec. 21.5.** NRS 223.085 is hereby amended to read as follows:

27 223.085 1. The Governor may, within the limits of available money, employ
28 such persons as he or she deems necessary to provide an appropriate staff for the
29 Office of the Governor, including, without limitation, the Office of Economic
30 Development, the Office of Science, Innovation and Technology, the Office of the
31 Western Regional Education Compact, *the Office of Workforce Innovation* and
32 the Governor's mansion. Except as otherwise provided by specific statute, such
33 employees are not in the classified or unclassified service of the State and, except
34 as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the
35 Governor.

36 2. Except as otherwise provided by specific statute, the Governor shall:

37 (a) Determine the salaries and benefits of the persons employed pursuant to
38 subsection 1, within limits of money available for that purpose; and

39 (b) Adopt such rules and policies as he or she deems appropriate to establish
40 the duties and employment rights of the persons employed pursuant to subsection 1.

41 3. The Governor may:

42 (a) Appoint a Chief Information Officer of the State; or

43 (b) Designate the Administrator as the Chief Information Officer of the State.

44 ➤ If the Administrator is so appointed, the Administrator shall serve as the Chief
45 Information Officer of the State without additional compensation.

46 4. As used in this section, "Administrator" means the Administrator of the
47 Division of Enterprise Information Technology Services of the Department of
48 Administration.

49 **Sec. 22.** (Deleted by amendment.)

50 **Sec. 23.** NRS 400.040 is hereby amended to read as follows:

51 400.040 1. The Council shall address:

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) Methods to ensure the successful transition of children from early childhood education programs to elementary school, including, without limitation, methods to increase parental involvement.

(c) Methods to ensure the successful transition of pupils from:

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education or the workforce, or both,

including, without limitation, methods to increase parental involvement.

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

~~(g) [The development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.~~

~~—(h) A plan for collaborative research using data from the statewide longitudinal data system developed pursuant to paragraph (g), including, without limitation, research that assesses:~~

~~—(1) The efficiency and effectiveness of the use of state resources to improve the readiness of pupils in this State for postsecondary education and the workforce;~~

~~—(2) The effectiveness of the preparation of teachers and administrators in this State; and~~

~~—(3) The return on investment of educational and workforce development programs paid for by this State.~~

~~(i) Other matters within the scope of the Council as determined necessary or appropriate by the Council.~~

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. 1. The terms of the members of the State Apprenticeship Council created by NRS 610.030 who are incumbent on June 30, 2017, expire on that date.

2. On or before July 1, 2017, the Governor shall appoint the voting members of the State Apprenticeship Council created by NRS 610.030, as amended by section 3 of this act, to terms commencing on July 1, 2017, as follows:

(a) Three members to terms that expire on July 1, 2018;

(b) Three members to terms that expire on July 1, 2019; and

(c) Three members to terms that expire on July 1, 2020.

3. On or before July 1, 2017, the Chancellor of the Nevada System of Higher Education shall appoint the nonvoting members of the State Apprenticeship Council created by NRS 610.030, as amended by section 3 of this act, described in paragraphs (c) and (d) of subsection 2 of NRS 610.030, as amended by section 3 of this act.

4. The limitation on the number of terms a voting member may serve on the State Apprenticeship Council set forth in NRS 610.040, as amended by section 4 of this act, applies only to a term of office which commences on or after July 1, 2017.

Sec. 28. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 29. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 30. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 31. NRS 610.060 is hereby repealed.

Sec. 32. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

610.060 Officers.

1. The member who is a representative of the general public shall act as Chair of the State Apprenticeship Council but shall not vote on matters before the Council except in the case of a tie.

2. The Labor Commissioner or the appointed representative of the Labor Commissioner is the ex officio Secretary of the State Apprenticeship Council, but may not vote.