

(Reprinted with amendments adopted on May 28, 2019)

FIRST REPRINT

A.B. 68

ASSEMBLY BILL NO. 68—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing apprenticeships.
(BDR 53-181)

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

~

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

AN ACT relating to apprenticeships; revising provisions regarding discrimination in apprenticeship programs; revising the membership and operations of the State Apprenticeship Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an apprenticeship agreement to include a statement that the apprentice will not be subject to discrimination on the basis of certain categories. (NRS 610.150) Existing law also requires the suspension for 1 year of certain entities from participation in an apprenticeship program if the entity is found to have discriminated on the basis of certain categories. (NRS 610.185) **Section 16** of this bill adds genetic information, national origin and age of 40 years or older to the list of categories included in an apprenticeship agreement for which discrimination is prohibited. **Section 19** of this bill adds “genetic information” and “age of 40 years or older” to the list of categories for which an entity may be suspended for discriminating against an apprentice. **Section 9** of this bill makes conforming changes.

Existing law creates the State Apprenticeship Council, the voting members of which are appointed by the Governor. (NRS 610.030) **Section 10** of this bill changes the membership of the Council, including changing the qualifications for the voting members, reducing the number of voting members from nine to seven and providing that the voting members are appointed by the Governor upon the recommendation of the Executive Director of the Office of Workforce Innovation. **Section 24.5** of this bill provides that the terms of the existing voting members of the Council expire upon the passage and approval of this bill and that, as soon as



* A B 6 8 R 1 *

practicable after the passage and approval of this bill, the membership of the Council set forth in **section 10** of this bill must be appointed.

Existing law requires the Governor to select from the membership of the Council a Chair and Vice Chair, who hold office for 1 year. (NRS 610.070) **Section 10.5** of this bill requires the Executive Director of the Office of Workforce Innovation to select the Chair and Vice Chair of the Council and provides that the Chair, or the Vice Chair in the absence of the Chair, is not entitled to a vote, except to break a tie.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. 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 ~~for~~, *genetic information*, national origin ~~or~~ *or age of 40 years or older*, 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 ~~for~~, *genetic information*, national origin ~~or~~ *or age of 40 years or older*, 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.

7. To provide for a State Apprenticeship Director 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.



* A B 6 8 R 1 *

9. To accomplish related ends.

Sec. 10. NRS 610.030 is hereby amended to read as follows:

610.030 There is hereby created ~~[a]~~ *the* State Apprenticeship Council composed of:

1. The following voting members, appointed by the Governor ~~[]~~ *upon recommendation of the Executive Director of the Office of Workforce Innovation:*

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

~~—(b) 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.]~~
Two members who represent management and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.

(b) Two members who represent labor and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.

(c) Two members, one who represents management and one who represents labor, who have, or have had, a defined role or job in a statewide, jointly administered apprenticeship program.

(d) One member who is a representative of the general public.

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.

Sec. 10.5. NRS 610.070 is hereby amended to read as follows:

610.070 1. The ~~[Governor]~~ *Executive Director of the Office of Workforce Innovation* shall select from the membership of the Council a Chair and Vice Chair, who shall hold office for ~~[1-year.]~~ *2 years. Notwithstanding the provisions of NRS 610.030, the Chair, or the Vice Chair in the absence of the Chair, is not entitled to a vote except to break a tie.*



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

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

4. The Council shall meet at least once in each calendar quarter at a time and place specified by the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of the members of the Council. Special meetings of the Council may be held at the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of the members of the Council at such additional times as they deem necessary.

5. ~~Five~~ *The Chair, or the Vice Chair in the absence of the Chair, and four* voting members of the Council constitutes a quorum, and a quorum may exercise any power or authority conferred on the Council.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. 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 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 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 , ~~for~~ disability ~~+~~ , *genetic information, national origin or age of 40 years or older.*

11. A statement naming the 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 or approved by the Council not inconsistent with the provisions of this chapter.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 610.185 is hereby amended to read as follows:

610.185 The State Apprenticeship Council shall suspend for 1 year the right of any employer, association of employers or organization of employees acting as agent for an employer to participate in a program under the provisions of this chapter if the Nevada Equal Rights Commission, after notice and hearing, finds that the employer, association or organization has discriminated against an apprentice because of race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability ~~for~~ , *genetic information, national origin or age of 40 years or older*, in violation of this chapter.

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 24.5. 1. The terms of office of the voting members of the State Apprenticeship Council created by NRS 610.030 who are incumbent on the date of passage and approval of this act expire on that date.



1 2. As soon as practicable on or after the date of passage and
2 approval of this act, the Executive Director of the Office of
3 Workforce Innovation created by NRS 223.800 shall recommend
4 and the Governor shall appoint the voting members of the State
5 Apprenticeship Council created by NRS 610.030, as amended by
6 section 10 of this act.

7 **Sec. 25.** This act becomes effective upon passage and
8 approval.

③⑩



* A B 6 8 R 1 *