

A.B. 459

ASSEMBLY BILL NO. 459—COMMITTEE ON WAYS AND MEANS

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

APRIL 8, 2021

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to workforce development. (BDR 18-1068)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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 workforce development; moving the Office of Workforce Innovation from the Office of the Governor to the Department of Employment, Training and Rehabilitation; providing that the Executive Director of the Office of Workforce Innovation and the State Apprenticeship Director are in the unclassified service of the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Workforce Innovation in the Office of the Governor. (NRS 223.800) **Sections 1, 3 and 8** of this bill move the Office of Workforce Innovation from the Office of the Governor into the Department of Employment, Training and Rehabilitation. **Sections 2-7 and 15** of this bill reorganize existing provisions of law related to the Office of Workforce Innovation to account for moving the Office into the Department. **Sections 9-11 and 13** of this bill update internal references to existing sections of law relating to the Office.

Existing law provides that the Executive Director of the Office of Workforce Innovation is not in the classified or unclassified service of the State. (NRS 223.810) **Section 4** of this bill provides that the Executive Director is in the unclassified service of the State.

Existing law requires the Governor to appoint a State Apprenticeship Director who is not in the classified or unclassified service of the State. (NRS 610.110) **Section 12** of this bill provides that the State Apprenticeship Director is in the unclassified service of the State.



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

Section 1. NRS 223.085 is hereby amended to read as follows:

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

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

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

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

3. The Governor may:

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

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

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

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

Sec. 2. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. 1. *The Office of Workforce Innovation is hereby created in the Department.*

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

Sec. 4. 1. *The Governor shall appoint the Executive Director of the Office of Workforce Innovation.*

2. *The Executive Director is in the unclassified service of the State and serves at the pleasure of the Governor.*



Sec. 5. The Executive Director of the Office of Workforce Innovation shall:

1. Provide support to the Department, the Governor's Workforce Investment Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Investment 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 Director:

(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 Investment 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.

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

(i) Report periodically to the Governor's Workforce Investment Board concerning the administration of the policies and programs of the Office of Workforce Innovation.



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

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

(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, without limitation, career and technical education.

(m) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:

(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;

(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and

(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.

↪ As used in this paragraph, "regulatory body" has the meaning ascribed to it in NRS 622.060.

(n) On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.

Sec. 6. The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of section 5 of this act:

1. The Department of Employment, Training and Rehabilitation.

2. The Department of Education.

3. The Nevada System of Higher Education.

4. The Department of Motor Vehicles.



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

3 **Sec. 7.** NRS 232.900 is hereby amended to read as follows:
4 232.900 As used in NRS 232.900 to 232.960, inclusive, **and**
5 **sections 3 to 6, inclusive, of this act** unless the context otherwise
6 requires:

7 1. "Department" means the Department of Employment,
8 Training and Rehabilitation.

9 2. "Director" means the Director of the Department.

10 **Sec. 8.** NRS 232.910 is hereby amended to read as follows:

11 232.910 1. The Department of Employment, Training and
12 Rehabilitation is hereby created. The purpose of the Department is
13 to plan, coordinate and carry out various services and activities
14 designed to achieve and support employment and economic
15 independence for residents of this State who are disadvantaged,
16 displaced or disabled.

17 2. The Department consists of a Director and the following
18 divisions:

19 (a) Employment Security Division;

20 (b) Rehabilitation Division; and

21 (c) Such other divisions as the Director may establish.

22 3. The **Office of Workforce Innovation**, Nevada Equal Rights
23 Commission and the Board for the Education and Counseling of
24 Displaced Homemakers are within the Department.

25 **Sec. 9.** NRS 400.027 is hereby amended to read as follows:

26 400.027 1. The P-20W Research Data System Advisory
27 Committee is hereby created to assist in the coordination and
28 management of the statewide longitudinal data system administered
29 by the Office of Workforce Innovation pursuant to ~~NRS 223.820.1~~
30 **section 5 of this act.** The Chancellor of the System, the
31 Superintendent of Public Instruction and the Director of the
32 Department of Employment, Training and Rehabilitation or their
33 designees serve as ex officio members of the Committee.

34 2. The Committee may, by a vote of the majority of the
35 Committee, nominate additional members for consideration by the
36 Governor to be appointed to the Committee. The Governor may
37 appoint a nominee to the Committee if the Governor determines that
38 the addition of the nominee to the Committee is necessary or
39 desirable.

40 3. Each appointed member of the Committee serves a term of 3
41 years and may be reappointed.

42 4. The Governor shall call the first meeting of the Committee.
43 At its first meeting and annually thereafter, the members of the
44 Committee shall elect a Chair and a Vice Chair from among the
45 members of the Committee.



5. The Committee shall meet at least once each calendar year and, after its first meeting, at the call of the Chair.

6. The Office of Workforce Innovation shall provide any administrative support necessary for the Committee to carry out its duties.

Sec. 10. NRS 400.037 is hereby amended to read as follows:

400.037 1. The Committee shall:

(a) Support and advise the Executive Director of the Office of Workforce Innovation regarding the maintenance and oversight of the statewide longitudinal data system;

(b) Develop a plan for collaborative research using data from the statewide longitudinal data system; and

(c) Advise and assist the System, the Department of Education, the Office of Workforce Innovation and the Department of Employment, Training and Rehabilitation in:

(1) Applying for and obtaining grants of money for the operation of the statewide longitudinal data system or to carry out the work of the Committee;

(2) Budgeting for the operation of the statewide longitudinal data system or to carry out the work of the Committee;

(3) Proposing legislation relating to the statewide longitudinal data system or to carry out the work of the Committee; and

(4) Matters relating to any contract for any services necessary for the operation or utilization of the statewide longitudinal data system or to carry out the work of the Committee.

2. As used in this section, “statewide longitudinal data system” means the system administered by the Office of Workforce Innovation pursuant to ~~NRS 223.820.~~ *section 5 of this act.*

Sec. 11. 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.



1 5. "Executive Director" means the Executive Director of the
2 Office of Workforce Innovation.

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

6 7. "Office of Workforce Innovation" means the Office of
7 Workforce Innovation ~~in the Office of the Governor~~ created by
8 ~~[NRS 223.800.]~~ *section 3 of this act.*

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

11 9. "Sexual orientation" means having or being perceived as
12 having an orientation for heterosexuality, homosexuality or
13 bisexuality.

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

16 **Sec. 12.** NRS 610.110 is hereby amended to read as follows:

17 610.110 1. The Governor shall appoint a State
18 Apprenticeship Director.

19 2. The State Apprenticeship Director:

20 (a) Shall report to the Executive Director.

21 (b) Is ~~[not]~~ in the ~~[classified or]~~ unclassified service of the State
22 and serves at the pleasure of the Governor.

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

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

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

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

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

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

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



Sec. 13. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, 607.217 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.037 and administered pursuant to ~~NRS 223.820,~~ *section 5 of this act*, make the information obtained by the Division available to:

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

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

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

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

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

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

(d) The Department of Taxation;

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

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as



necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

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

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

6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of



benefits and the recipient's rights to further benefits pursuant to this chapter.

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

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

10. Upon the request of any district judge or jury commissioner of the judicial district in which the county is located, the Administrator shall, in accordance with other agreements entered into with other district courts and in compliance with 20 C.F.R. Part 603, and any other applicable federal laws and regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.

11. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the



1 information submitted that a person is simultaneously claiming
2 benefits under this chapter and under chapters 616A to 616D,
3 inclusive, or chapter 617 of NRS, the Administrator shall notify the
4 Attorney General or any other appropriate law enforcement agency.

5 12. The Administrator may request the Comptroller of the
6 Currency of the United States to cause an examination of the
7 correctness of any return or report of any national banking
8 association rendered pursuant to the provisions of this chapter, and
9 may in connection with the request transmit any such report or
10 return to the Comptroller of the Currency of the United States as
11 provided in section 3305(c) of the Internal Revenue Code of 1954.

12 13. The Administrator, any employee or other person acting on
13 behalf of the Administrator, or any employee or other person acting
14 on behalf of an agency or entity allowed to access information
15 obtained from any employing unit or person in the administration of
16 this chapter, or any person who has obtained a list of applicants for
17 work, or of claimants or recipients of benefits pursuant to this
18 chapter, is guilty of a gross misdemeanor if he or she:

19 (a) Uses or permits the use of the list for any political purpose;

20 (b) Uses or permits the use of the list for any purpose other than
21 one authorized by the Administrator or by law; or

22 (c) Fails to protect and prevent the unauthorized use or
23 dissemination of information derived from the list.

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

30 **Sec. 14.** The provisions of subsection 1 of NRS 218D.380 do
31 not apply to any provision of this act which adds or revises a
32 requirement to submit a report to the Legislature.

33 **Sec. 15.** NRS 223.800, 223.810, 223.820 and 223.830 are
34 hereby repealed.

35 **Sec. 16.** This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTIONS

223.800 Creation; responsibility and accountability for apprenticeship.

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.

223.810 Executive Director: Appointment; classification.

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.

223.820 Executive Director: Duties. The Executive Director of the Office of Workforce Innovation shall:

1. Provide support to the Office of the Governor, the Governor's Workforce Investment Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Investment 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 Investment 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.

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

(i) Report periodically to the Governor's Workforce Investment Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

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

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

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

(m) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:

(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;

(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and

(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.

➤ As used in this paragraph, "regulatory body" has the meaning ascribed to it in NRS 622.060.

(n) On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.



223.830 Agencies required to submit educational and workforce data for inclusion in statewide longitudinal data system maintained by Office. The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of NRS 223.820:

1. The Department of Employment, Training and Rehabilitation.
2. The Department of Education.
3. The Nevada System of Higher Education.
4. The Department of Motor Vehicles.
5. Any other public agency which is directed by the Governor to submit such data.

