

Amendment No. 755

Senate Amendment to Assembly Bill No. 459 First Reprint	(BDR 18-1068)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.

ERS/HAC



Date: 5/24/2021

A.B. No. 459—Revises provisions relating to workforce development.
(BDR 18-1068)



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; ***revising the name of the Office of Workforce Innovation***; providing that the Executive Director of the Office of Workforce Innovation and the State Apprenticeship Director are in the unclassified service of the State; revising provisions relating to the administration and oversight of the State Apprenticeship Council; 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, 10 and 13** of this bill update internal references to existing sections of law relating to the Office.

Section 3 revises the name of the Office to the Governor's Office of Workforce Innovation. Section 10.2 of this bill makes a conforming change related to renaming 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.

Under existing law, the Office of Workforce Innovation is responsible and accountable for apprenticeship in this State as this State's registration agency. (NRS 223.800) **Section 10.5** of this bill instead requires the Office of the Labor Commissioner to: (1) act as the State Apprenticeship Agency; and (2) oversee the State Apprenticeship Council and the State Apprenticeship Director. **Sections 11, 11.3, 11.7, 12.3 and 12.7** of this bill make conforming changes to existing provisions of law related to the Office of Workforce Innovation to account for the Labor Commissioner's oversight of the State Apprenticeship Council. ***Section 13.5 of***

this bill makes conforming changes to Senate Bill No. 247 of the 81st Legislative Session to account for this change.

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 instead requires the Labor Commissioner to appoint a State Apprenticeship Director and 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. The Governor's Office of Workforce Innovation is hereby created in the Department.

Sec. 4. 1. The Governor shall appoint the Executive Director of the Governor's 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 Governor's 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

1 *the State as the Executive Director of the Office may deem essential to further the*
2 *objectives of the Governor's Office of Workforce Innovation.*

3 4. *At the direction of the Director:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 2. *The Department of Education.*

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

10 4. *The Department of Motor Vehicles.*

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

13 **Sec. 7.** NRS 232.900 is hereby amended to read as follows:

14 232.900 As used in NRS 232.900 to 232.960, inclusive, *and sections 3 to 6,*
15 *inclusive, of this act* unless the context otherwise requires:

16 1. "Department" means the Department of Employment, Training and
17 Rehabilitation.

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

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

20 232.910 1. The Department of Employment, Training and Rehabilitation is
21 hereby created. The purpose of the Department is to plan, coordinate and carry out
22 various services and activities designed to achieve and support employment and
23 economic independence for residents of this State who are disadvantaged, displaced
24 or disabled.

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

26 (a) Employment Security Division;

27 (b) Rehabilitation Division; and

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

29 3. The *Governor's Office of Workforce Innovation*, Nevada Equal Rights
30 Commission and the Board for the Education and Counseling of Displaced
31 Homemakers are within the Department.

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

33 400.027 1. The P-20W Research Data System Advisory Committee is
34 hereby created to assist in the coordination and management of the statewide
35 longitudinal data system administered by the *Governor's Office of Workforce*
36 *Innovation* pursuant to ~~NRS 223.820~~ *section 5 of this act.* The Chancellor of the
37 System, the Superintendent of Public Instruction and the Director of the
38 Department of Employment, Training and Rehabilitation or their designees serve as
39 ex officio members of the Committee.

40 2. The Committee may, by a vote of the majority of the Committee, nominate
41 additional members for consideration by the Governor to be appointed to the
42 Committee. The Governor may appoint a nominee to the Committee if the
43 Governor determines that the addition of the nominee to the Committee is
44 necessary or desirable.

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

47 4. The Governor shall call the first meeting of the Committee. At its first
48 meeting and annually thereafter, the members of the Committee shall elect a Chair
49 and a Vice Chair from among the members of the Committee.

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

52 6. The *Governor's Office of Workforce Innovation* shall provide any
53 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 Governor's 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 Governor's 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 Governor's Office of Workforce Innovation pursuant to ~~[NRS 223.820.]~~ section 5 of this act.

Sec. 10.2. NRS 400.045 is hereby amended to read as follows:

400.045 On or before June 30 of each even-numbered year, the Committee shall:

1. Prepare and post a written report of its activities and any recommendations on the Internet website maintained by the Governor's Office of Workforce Innovation; and

2. Submit a copy of the written report prepared pursuant to subsection 1 to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) Governor.

Sec. 10.5. Chapter 607 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Office of the Labor Commissioner shall act as the State Apprenticeship Agency as defined in 29 C.F.R. § 29.2 and has responsibility and accountability for apprenticeship in this State.

2. The Labor Commissioner shall 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 deemed necessary to carry out the intent and purposes of chapter 610 of NRS.

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.

~~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.

~~7. "Office of Workforce Innovation" means the Office of Workforce Innovation in the Office of the Governor created by NRS 223.800.~~

~~8.]~~ 6. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~9.]~~ 7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

~~10.]~~ 8. "State Apprenticeship Director" means the person appointed pursuant to NRS 610.110.

Sec. 11.3. NRS 610.030 is hereby amended to read as follows:

610.030 There is hereby created 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;~~ **Labor Commissioner:**

(a) 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. 11.7. NRS 610.070 is hereby amended to read as follows:

610.070 1. The ~~Executive Director of the Office of Workforce Innovation;~~ **Labor Commissioner** shall select from the membership of the Council a Chair and Vice Chair, who shall hold office for 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~~ *Labor Commissioner* 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~~ *Labor Commissioner* or a majority of the members of the Council at such additional times as they deem necessary.

5. 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. 12. NRS 610.110 is hereby amended to read as follows:

610.110 1. The ~~Governor~~ *Labor Commissioner* shall appoint a State Apprenticeship Director.

2. The State Apprenticeship Director:

(a) Shall report to the ~~Executive Director~~ *Labor Commissioner*.

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

(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. 12.3. NRS 610.120 is hereby amended to read as follows:

610.120 1. ~~The~~ *Under the direction of the Labor Commissioner, the* State Apprenticeship Director shall:

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

(b) Keep a record of agreements and their dispositions.

(c) Issue certificates of completion of apprenticeship at the request of the local joint apprenticeship committee.

(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

1 investment system that is paid for wholly or in part with public money, in
2 accordance with 29 C.F.R. § 29.13.

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

6 (i) Prepare budgets and compile annual reports to the Legislature ~~[- Executive~~
7 ~~Director]~~ and *the* Governor.

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

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

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

15 3. As used in this section, “technical assistance” means guidance provided by
16 the ~~[Office of Workforce Innovation]~~ *State Apprenticeship Director* to the sponsor
17 of a proposed or existing apprenticeship program for the development, revision,
18 amendment or processing of standards of apprenticeship or apprenticeship
19 agreements and the provision of advice to or consultation with such a sponsor to
20 further compliance with the provisions of this chapter and any regulations adopted
21 pursuant thereto.

22 **Sec. 12.7.** NRS 610.144 is hereby amended to read as follows:

23 610.144 To be eligible for registration and approval by the Council, a
24 proposed program must:

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

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

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

32 (b) A method of selection authorized in 29 C.F.R. § 30.10;

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

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

37 3. Contain:

38 (a) Provisions concerning the employment and training of the apprentice in a
39 skilled trade;

40 (b) A term of apprenticeship of not less than 2,000 hours of work experience,
41 consistent with training requirements as established by practice in the trade;

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

45 (d) Provisions for organized, related and supplemental instruction in technical
46 subjects related to the trade with a minimum of 144 hours for each year of
47 apprenticeship, given in a classroom or through trade, industrial or correspondence
48 courses of equivalent value or other forms of study approved by the Council;

49 (e) A progressively increasing, reasonable and profitable schedule of wages to
50 be paid to the apprentice consistent with the skills acquired, not less than that
51 allowed by federal or state law or regulations or by a collective bargaining
52 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 Office of ~~Workforce Innovation~~ **the Labor Commissioner** 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 State Apprenticeship Director of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes therefor;

(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 Council and applicable laws.

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

1 use of the information will benefit the residents of this State, the Administrator
2 may, in addition to the information listed in this subsection, disclose the number of
3 employees employed by each employer and the total wages paid by each employer.
4 The Administrator may charge a fee to cover the actual costs of any administrative
5 expenses relating to the disclosure of this information to a state agency. The
6 Administrator may require the state agency to certify in writing that the agency will
7 take all actions necessary to maintain the confidentiality of the information and
8 prevent its unauthorized disclosure.

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

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

25 9. In addition to the provisions of subsection 6, the Administrator shall
26 provide lists containing the names and addresses of employers, and information
27 regarding the wages paid by each employer to the Department of Taxation, upon
28 request, for use in verifying returns for the taxes imposed pursuant to chapters
29 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the
30 actual costs of any related administrative expenses.

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

40 11. The Division of Industrial Relations of the Department of Business and
41 Industry shall periodically submit to the Administrator, from information in the
42 index of claims established pursuant to NRS 616B.018, a list containing the name
43 of each person who received benefits pursuant to chapters 616A to 616D, inclusive,
44 or chapter 617 of NRS. Upon receipt of that information, the Administrator shall
45 compare the information so provided with the records of the Employment Security
46 Division regarding persons claiming benefits pursuant to this chapter for the same
47 period. The information submitted by the Division of Industrial Relations must be
48 in a form determined by the Administrator and must contain the social security
49 number of each such person. If it appears from the information submitted that a
50 person is simultaneously claiming benefits under this chapter and under chapters
51 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the
52 Attorney General or any other appropriate law enforcement agency.

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

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

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

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

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

14. 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. 13.5. Section 2 of Senate Bill No. 247 of this session is hereby amended to read as follows:

Sec. 2. NRS 610.144 is hereby amended to read as follows:

610.144 **1.** To be eligible for registration and approval by the Council, a proposed program must:

~~[(1)]~~ (a) Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an *apprenticeable* occupation ~~[in which a person may be apprenticed]~~, as defined in 29 C.F.R. § 29.4, and be subscribed to by a sponsor who has undertaken to carry out the program.

~~[(2)]~~ (b) *Except as otherwise provided in this paragraph, use a:*

(1) *Time-based approach, as described in 29 C.F.R. § 29.5(b)(2)(i);*

(2) *Competency-based approach, as described in 29 C.F.R. § 29.5(b)(2)(ii); or*

(3) *Hybrid approach, as described in 29 C.F.R. § 29.5(b)(2)(iii).*

↪ *A program for a construction trade must use a time-based approach.*

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

~~[(a)]~~ (1) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

~~[(b)]~~ (2) A method of selection authorized in 29 C.F.R. § 30.10;

~~[(c)]~~ (3) A nondiscriminatory pool for application as an apprentice; or

~~[(d)]~~ (4) 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)]~~ (d) *Provide for the development of skills that are intended to enable an apprentice to engage in a skilled trade generally, rather than for a particular employer or sponsor.*

(e) Contain:

~~(e)~~ (1) Provisions concerning the employment and training of the apprentice in a skilled trade;

~~(b)~~ (2) A term of apprenticeship *that*:

(I) If the program uses a time-based approach, requires the completion of not less than 2,000 hours of ~~work experience,~~ on-the-job learning, consistent with training requirements as established by practice in the trade;

~~(e)~~ *(II) If the program uses a competency-based approach, specifies the skills that must be demonstrated by an apprentice and addresses how on-the-job learning will be integrated into the program; or*

(III) If the program uses a hybrid approach, specifies the skills that must be acquired and the minimum number of hours of on-the-job learning that must be completed by an apprentice;

(3) 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)~~ (4) 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 Council;

~~(e)~~ (5) 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 ~~or~~ *or by the minimum apprentice wage established by the Council;*

~~(f)~~ (6) 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)~~ (7) 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)~~ (8) 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)~~ (9) 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)~~ (10) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of not less than 16 years;

~~(k)~~ (11) 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)~~ (12) 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)~~ (13) 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;

~~(14)~~ (14) Provisions for the assurance of qualified training personnel and adequate supervision on the job;

~~(15)~~ (15) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship;

~~(16)~~ (16) An identification of the Office of the Labor Commissioner as the agency for registration of the program;

~~(17)~~ (17) Provisions for the registration of agreements and of modifications and amendments thereto;

~~(18)~~ (18) Provisions for notice to the State Apprenticeship Director of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes therefor;

~~(19)~~ (19) Provisions for the termination of an agreement during the probationary period by either party without cause;

~~(20)~~ (20) 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;

~~(21)~~ (21) The name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and

~~(22)~~ (22) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the Council and applicable laws.

2. If a program of apprenticeship in a skilled trade is proposed by an employer or association of employers for approval and registration by the Council and the Council has previously approved and registered a program for the skilled trade, the Council shall provide a copy of the proposed program to the sponsor of the approved and registered program and hold a hearing before approving or rejecting the application. The Council shall not approve a proposed program pursuant to this subsection unless the program requires the completion of at least as many hours of on-the-job learning or the demonstration of at least the same number and quality of skills, or both, as applicable, as all existing approved and registered programs in the relevant skilled trade.

3. To determine whether a proposed program should be approved or rejected pursuant to subsection 2, the Council shall consider, in addition to the requirements in subsections 1 and 2, without limitation:

(a) Relevant information concerning the approved and registered program, including, without limitation, the standards for apprenticeship of the program;

(b) Whether the sponsor of the approved and registered program is jointly administered by labor and management;

(c) The provisions of any applicable collective bargaining agreements;

(d) Dictionaries of occupational titles;

(e) Opinions of experts provided by interested parties, including, without limitation, organized labor, licensed contractors and associations of contractors;

(f) Recognized labor and management practices in the relevant industry;

(g) *Scope of work descriptions issued by the ~~Office of Workforce Innovation~~ Labor Commissioner and the United States Department of Labor; and*

(h) *The supply of skilled workers in the trade in relation to the demand for skilled workers in the trade and the extent to which the sponsor of the approved and registered program is willing and able to provide apprentices to the proposed program.*

↪ The Council may condition approval of the proposed program on the payment of compensation to apprentices that is equal to or greater than the compensation provided by the approved and registered apprenticeship program.

Sec. 14. 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. 14.5. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

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

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

Sec. 16. ~~[This]~~ 1. This section and sections 1 to 13, inclusive, and 14, 14.5 and 15 of this act ~~(becomes)~~ become effective on July 1, 2021.

2. Section 13.5 of this act becomes effective on October 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.