

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.

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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 apprenticeships; transferring certain duties relating to apprenticeships from the State Apprenticeship Council to the Office of Workforce Innovation; revising the qualifications of the member of the State Apprenticeship Council who represents the general public; revising provisions governing the appointment and supervision of the State Apprenticeship Director; revising provisions relating to the administration of apprenticeships, the evaluation of apprenticeship programs and the registration of apprenticeship programs and agreements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Eligibility for registration of an apprenticeship program for various federal
2 purposes is conditioned on a program’s acceptance and registration with the Office
3 of Apprenticeship of the Employment and Training Administration of the United
4 States Department of Labor or with a state apprenticeship agency recognized by the
5 Office of Apprenticeship. (29 C.F.R. § 29.3) To be recognized as a state
6 apprenticeship agency by the Office of Apprenticeship, an agency must submit to
7 the Department of Labor a state apprenticeship law that conforms to the
8 requirements of existing federal regulations. (29 C.F.R. § 29.13) This bill amends
9 existing law governing apprenticeships to conform with the requirements of those
10 existing federal regulations.
11 Existing federal regulations require the state apprenticeship agency of a state to
12 approve and register apprenticeship programs and exercise certain other powers and



13 duties in order for the agency to be recognized as an authorized agency for
14 registering apprenticeship programs for certain federal purposes. (29 C.F.R. §§
15 29.1, 29.5) Existing law requires the State Apprenticeship Council to: (1) establish
16 standards governing programs of apprenticeship; (2) receive, process and dispose of
17 controversies or differences arising out of an apprenticeship agreement; (3) register
18 and approve programs of apprenticeship; (4) investigate suspected violations of the
19 terms or conditions of an approved program; and (5) suspend certain persons from
20 participation in a program of apprenticeship. (NRS 610.095, 610.140, 610.144,
21 610.150, 610.180, 610.185) **Sections 4, 14-16, 18, 19 and 21-24** of this bill transfer
22 these requirements from the State Apprenticeship Council to the Office of
23 Workforce Innovation as the state apprenticeship agency in this State. **Section 11** of
24 this bill requires the State Apprenticeship Council to perform certain duties at the
25 direction of the Office of Workforce Innovation. **Section 10** of this bill requires the
26 member of the State Apprenticeship Council who is a representative of the general
27 public to be familiar with apprenticeable occupations and prohibits the Office of
28 Workforce Innovation from permitting the State Apprenticeship Council to perform
29 certain duties of the Office of Workforce Innovation.

30 **Section 3** of this bill requires the Office of Workforce Innovation to evaluate
31 the performance of each registered apprenticeship program in this State and
32 establishes standards for the conduct, operation or administration of a registered
33 apprenticeship program. **Section 5** of this bill requires the Office of Workforce
34 Innovation to grant reciprocal approval for federal purposes to certain programs of
35 apprenticeship and apprenticeship standards that are registered in other states if
36 reciprocal approval is requested and the program meets the requirements of this
37 State regarding wages, hours and apprentice ratios.

38 Existing federal regulations require that each program of apprenticeship
39 include, in addition to on-the-job training, related instruction on technical subjects
40 related to the occupation which must be taught by an apprenticeship instructor who
41 meets certain qualifications. (29 C.F.R. § 29.5) **Section 2** of this bill requires an
42 apprenticeship instructor to meet the qualifications required by federal law.

43 **Sections 6 and 7** of this bill establish procedures for the deregistration of a
44 program of apprenticeship either voluntarily or by the Office of Workforce
45 Innovation for reasonable cause.

46 Existing law requires the Governor to appoint a State Apprenticeship Director
47 who serves at the pleasure of the Governor. (NRS 610.110) **Section 12** of this bill
48 requires the Office of Workforce Innovation to employ a State Apprenticeship
49 Director and provides that the State Apprenticeship Director serves at the pleasure
50 of the Executive Director.

51 Existing law requires a program sponsor to submit to the State Apprenticeship
52 Director a written notice of the termination of an apprenticeship agreement within
53 10 days. (NRS 610.140) **Section 14** of this bill requires this notice to be submitted
54 within 45 days.

55 **Sections 15 and 16** of this bill enact provisions based on existing federal
56 regulations to establish the term of an apprenticeship, provide for the transfer of an
57 apprentice to another employer and establish the maximum length of a probationary
58 period for an apprentice.

59 Existing law requires an apprenticeship agreement to include a statement that
60 the apprentice will not be subject to discrimination on the basis of certain
61 categories. (NRS 610.150) Existing law also requires the suspension for 1 year of
62 certain entities from participation in an apprenticeship program if the entity is
63 found to have discriminated on the basis of certain categories. (NRS 610.185)
64 **Section 16** of this bill adds genetic information, national origin and age of 40 years
65 or older to the list of categories included in an apprenticeship agreement for which
66 discrimination is prohibited. **Section 16** also requires an apprenticeship agreement
67 to include a request for demographic data. **Section 19** adds genetic information and



68 age of 40 years or older to the list of categories which an entity may be suspended
69 for discriminating on the basis of.

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

1 **Section 1.** Chapter 610 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this
3 act.

4 **Sec. 2. 1. An apprenticeship instructor must:**

5 (a) *Meet the requirements of the State Board of Education to*
6 *teach career and technical education in this State or be a subject*
7 *matter expert; and*

8 (b) *Have training in teaching techniques and adult learning*
9 *styles, which may occur before or after the apprenticeship*
10 *instructor begins providing related technical instruction in*
11 *connection with a program.*

12 2. *As used in this section, "subject matter expert" means a*
13 *person who is recognized within an industry as having expertise in*
14 *a specific occupation, including, without limitation, a*
15 *journeyworker.*

16 **Sec. 3. 1. The Office of Workforce Innovation shall**
17 *evaluate the performance of each registered program. Each*
18 *registered program must be conducted, operated or administered*
19 *in adherence to the terms of the program sponsor's standards of*
20 *apprenticeship and associated appendices, in conformance with*
21 *the goals and policies of the United States Department of Labor as*
22 *articulated in 29 C.F.R. Part 29 and in guidance issued by the*
23 *Office of Apprenticeship of the Employment and Training*
24 *Administration of the United States Department of Labor.*

25 2. *The Office of Workforce Innovation shall evaluate the*
26 *completion rates of a program in comparison to the national*
27 *average for completion rates. Based on this review, the Office of*
28 *Workforce Innovation must provide technical assistance to*
29 *programs with completion rates lower than the national average.*

30 3. *The cancellation of an apprenticeship agreement during*
31 *the probationary period shall not have an adverse impact on the*
32 *completion rate of the sponsor of the program.*

33 **Sec. 4. The Office of Workforce Innovation shall:**

34 1. *Register and approve or reject proposed programs and*
35 *standards for apprenticeship.*

36 2. *After providing notice and a hearing and for good cause*
37 *shown, deny an application for approval of a program, suspend,*
38 *terminate, cancel or place conditions upon any approved program,*
39 *or place an approved program on probation for any violation of*



1 *the provisions of this title or 29 C.F.R. Part 29 as specified in*
2 *regulations adopted by the Council at the direction of the Office of*
3 *Workforce Innovation.*

4 **Sec. 5.** 1. *The Office of Workforce Innovation shall accord*
5 *reciprocal approval for federal purposes to programs and*
6 *standards that are registered in other states by the Office of*
7 *Apprenticeship of the Employment and Training Administration*
8 *of the United States Department of Labor or a state registration*
9 *agency if such reciprocity is requested by the program sponsor and*
10 *the program for which reciprocal approval is sought meets the*
11 *wage and hour provisions and apprentice ratio standards of this*
12 *State.*

13 2. *As used in this section, "registration agency" means a state*
14 *apprenticeship agency that is responsible for registering*
15 *apprenticeship programs and apprentices and that is recognized by*
16 *the United States Department of Labor.*

17 **Sec. 6.** *The Office of Workforce Innovation may deregister a*
18 *program:*

19 1. *Upon the submission by the program sponsor of a written*
20 *request for cancellation which:*

21 (a) *States that the program sponsor is requesting the*
22 *cancellation of the registration and the effective date of the*
23 *requested cancellation.*

24 (b) *Contains an attestation by the program sponsor that the*
25 *program sponsor will notify, within 15 days after the date of*
26 *acknowledgment, all apprentices registered to the program:*

27 (1) *Of the cancellation of the program and the effective*
28 *date of the cancellation;*

29 (2) *That the cancellation automatically deprives the*
30 *apprentice of individual registration;*

31 (3) *That deregistration of the program removes the*
32 *apprentice from coverage for federal purposes which require the*
33 *approval of an apprenticeship program by the United States*
34 *Secretary of Labor; and*

35 (4) *That all apprentices are referred to the Office of*
36 *Workforce Innovation for information about potential transfer to*
37 *other registered programs.*

38 2. *Upon reasonable cause, as provided by section 7 of this act.*

39 **Sec. 7.** 1. *The Office of Workforce Innovation may*
40 *commence deregistration proceedings against a program for*
41 *reasonable cause if the program is not conducted, operated or*
42 *administered in accordance with the registered standards of the*
43 *program or with the requirements of this chapter or 29 C.F.R.*
44 *Part 29.*



1 2. *If the Office of Workforce Innovation determines that a*
2 *program is not being operated in accordance with the registered*
3 *standards or with the requirements of this chapter or 29 C.F.R.*
4 *Part 29, the Office of Workforce Innovation shall notify the*
5 *program sponsor of the determination in writing. The notice must:*

6 (a) *Be sent to the contact person of the program sponsor;*

7 (b) *Be sent by registered or certified mail, with return receipt*
8 *requested;*

9 (c) *State the deficiencies identified by the Office of Workforce*
10 *Innovation and the remedy or remedies required; and*

11 (d) *State that a determination of reasonable cause for*
12 *dereistration will be made unless corrective action is taken to*
13 *remedy the deficiencies within 30 days.*

14 3. *Upon request of a program sponsor, the Office of*
15 *Workforce Innovation may for good cause extend by 30 days the*
16 *time within which a program sponsor must take corrective action*
17 *as provided by the notice sent as required by subsection 2.*

18 4. *During the period for corrective action, including any*
19 *extension of time granted pursuant to subsection 3, the Office of*
20 *Workforce Innovation shall provide all reasonable assistance to*
21 *the program sponsor to achieve conformity with the registered*
22 *standards of the program and the requirements of this chapter and*
23 *29 C.F.R. Part 29.*

24 5. *If the required corrective actions to remedy the deficiencies*
25 *are not taken within the period for corrective action, including any*
26 *extension of time granted pursuant to subsection 3, the Office of*
27 *Workforce Innovation shall send a notice to the program sponsor,*
28 *by registered or certified mail, return receipt requested, which*
29 *states that:*

30 (a) *The notice was sent pursuant to this subsection;*

31 (b) *Certain deficiencies were called to the program sponsor's*
32 *attention and lists:*

33 (1) *The deficiencies identified and the remedy or remedies*
34 *required;*

35 (2) *The date of each notice sent pursuant to subsection 2;*
36 *and*

37 (3) *Any other date on which deficiencies were called to the*
38 *attention of the program sponsor or remedies were required;*

39 (c) *The sponsor has failed or refused to correct such*
40 *deficiencies;*

41 (d) *Based on the stated deficiencies and the failure to remedy*
42 *them, a determination has been made that there is reasonable*
43 *cause to deregister the program and the program may be*
44 *deregistered unless, within 15 days of the receipt of the notice, the*



1 *program sponsor requests a hearing with the Office of Workforce*
2 *Innovation; and*

3 (e) *If the sponsor does not request a hearing, the entire matter*
4 *will be submitted to the Administrator for a decision on the record*
5 *with respect to deregistration.*

6 6. *If the program sponsor does not request a hearing, the*
7 *Office of Workforce Innovation shall transmit to the*
8 *Administrator a report containing all pertinent facts and*
9 *circumstances concerning the nonconformity, including the*
10 *findings and recommendation for deregistration and copies of all*
11 *relevant documents and records. Any statement concerning*
12 *interviews, meetings and conferences must include the time, date,*
13 *place and persons present.*

14 7. *If the program sponsor requests a hearing, the Office of*
15 *Workforce Innovation shall transmit to the Administrator a report*
16 *containing all the information listed in subsection 6 for referral to*
17 *the Office of Administrative Law Judges of the United States*
18 *Department of Labor.*

19 8. *A program which was deregistered pursuant to this section*
20 *may be reinstated upon presentation to the Office of Workforce*
21 *Innovation of adequate evidence that the program is operating in*
22 *accordance with this chapter and 29 C.F.R. Part 29.*

23 9. *As used in this section, "Administrator" means the*
24 *Administrator of the Office of Apprenticeship of the Employment*
25 *and Training Administration of the United States Department of*
26 *Labor or any person specifically designated by the Administrator.*

27 **Sec. 8.** NRS 610.010 is hereby amended to read as follows:

28 610.010 As used in this chapter, unless the context otherwise
29 requires:

30 1. "Agreement" means a written and signed *apprenticeship*
31 *agreement* ~~[of indenture as an apprentice.]~~ *between an apprentice*
32 *and an employer, the program sponsor if the program sponsor is*
33 *not the employer and an apprenticeship committee acting as agent*
34 *for the program sponsor, which contains the terms and conditions*
35 *of the employment and training of the apprentice and which*
36 *complies with the provisions of NRS 610.150 and 29 C.F.R. § 29.7.*

37 2. "Apprentice" means a ~~[person]~~ *worker* who is ~~[covered]~~ :

38 (a) *16 years of age or older, except where a higher minimum*
39 *age is otherwise provided by law;*

40 (b) *Employed to learn an apprenticeable occupation under*
41 *standards of apprenticeship fulfilling the requirements of NRS*
42 *610.144 and 29 C.F.R. § 29.5; and*

43 (c) *Covered* by a written agreement, issued pursuant to a
44 program with an employer, or with an association of employers or
45 an organization of employees acting as agent for an employer.



1 3. *“Apprenticeable occupation” means an occupation which*
2 *is specified by an industry and which:*

3 (a) *Involves skills that are customarily learned in a practical*
4 *way through a structured, systematic program of on-the-job*
5 *supervised learning;*

6 (b) *Is clearly identified and commonly recognized throughout*
7 *the industry;*

8 (c) *Involves the progressive attainment of manual, mechanical*
9 *or technical skills and knowledge which, in accordance with the*
10 *industry standard for the occupation, would require the*
11 *completion of at least 2,000 hours of on-the-job learning to attain;*
12 *and*

13 (d) *Requires related instruction to supplement the on-the-job*
14 *learning.*

15 4. *“Competency” means the attainment of manual,*
16 *mechanical or technical skills and knowledge, as specified by an*
17 *occupational standard and demonstrated by an appropriate hands-*
18 *observation proficiency measurement or a written proficiency*
19 *measurement.*

20 5. *“Completion rate” means the percentage of individual*
21 *apprentices registered to a specific program during a 1-year time*
22 *frame who receive a certificate of apprenticeship completion*
23 *within 1 year of the projected completion date, not including any*
24 *apprentice whose apprenticeship agreement was cancelled during*
25 *the probationary period.*

26 6. *“Council” means the State Apprenticeship Council created*
27 *by NRS 610.030.*

28 ~~[4.]~~ 7. *“Disability” means, with respect to a person:*

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

31 (b) *A record of such an impairment; or*

32 (c) *Being regarded as having such an impairment.*

33 ~~[5.]~~ 8. *“Employer” means any person or organization*
34 *employing an apprentice.*

35 9. *“Executive Director” means the Executive Director of the*
36 *Office of Workforce Innovation.*

37 ~~[6.]~~ 10. *“Gender identity or expression” means a gender-*
38 *related identity, appearance, expression or behavior of a person,*
39 *regardless of the person’s assigned sex at birth.*

40 ~~[7.]~~ 11. *“Interim credential” means a credential issued by the*
41 *Office of Workforce Innovation, upon request of the appropriate*
42 *program sponsor, as certification of competency attainment by an*
43 *apprentice and representing partial competency in the occupation.*

44 12. *“Journeyworker” means a worker who has attained a*
45 *level of skill, abilities and competencies recognized within an*



1 *industry as having mastered the skills and competencies required*
2 *for the occupation.*

3 13. "Office of Workforce Innovation" means the Office of
4 Workforce Innovation in the Office of the Governor created by
5 NRS 223.800.

6 ~~[8.]~~ 14. "Program" means a ~~[program of]~~ *plan containing all*
7 *terms and conditions for the qualification, recruitment, selection,*
8 *employment and* training ~~[and instruction as an apprentice in an~~
9 ~~occupation in which a person may be apprenticed.~~

10 ~~—9.]~~ *of apprentices, as required by this chapter and 29 C.F.R.*
11 *Parts 29 and 30, including such matters as the requirement for a*
12 *written apprenticeship agreement.*

13 15. "Program sponsor" means a person, association,
14 committee or organization operating a program and in whose
15 name the program is, or will be, registered.

16 16. "Sexual orientation" means having or being perceived as
17 having an orientation for heterosexuality, homosexuality or
18 bisexuality.

19 ~~[10.]~~ 17. "State Apprenticeship Director" means the person
20 appointed pursuant to NRS 610.110.

21 **Sec. 9.** NRS 610.020 is hereby amended to read as follows:

22 610.020 The purposes of this chapter are:

23 1. To open to people, without regard to race, color, creed, sex,
24 sexual orientation, gender identity or expression, religion, disability
25 ~~[or]~~, *genetic information*, national origin ~~[]~~ *or age of 40 years or*
26 *older*, the opportunity to obtain training that will equip them for
27 profitable employment and citizenship.

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

33 3. To promote opportunities for employment for all persons,
34 without regard to race, color, creed, sex, sexual orientation, gender
35 identity or expression, religion, disability ~~[or]~~, *genetic information*,
36 national origin ~~[]~~ *or age of 40 years or older*, under conditions
37 providing adequate training and reasonable earnings.

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

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

42 6. To establish a State Apprenticeship Council.

43 7. To provide for a State Apprenticeship Director with the
44 authority to carry out the purposes of this chapter.



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

3 9. To accomplish related ends.

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

5 610.030 There is hereby created a State Apprenticeship
6 Council *which operates solely at the direction of the Office of*
7 *Workforce Innovation. The Office of Workforce Innovation shall*
8 *not permit the State Apprenticeship Council to perform any of the*
9 *duties entrusted to the Office of Workforce Innovation pursuant to*
10 *sections 3 to 7, inclusive, of this act. The State Apprenticeship*
11 *Council is* composed of:

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

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

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

19 (c) One member who is a representative of the general public ~~and~~
20 *and who is familiar with apprenticeable occupations.*

21 2. The following nonvoting members:

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

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

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

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

32 **Sec. 11.** NRS 610.090 is hereby amended to read as follows:

33 610.090 The Council shall ~~and~~, *at the direction of the Office of*
34 *Workforce Innovation:*

35 1. ~~Establish~~ *Recommend* standards for programs and
36 agreements that are not lower than those prescribed by this chapter.

37 2. ~~Upon review and approval, extend written reciprocal~~
38 ~~recognition to multistate joint programs.~~

39 ~~3. Adopt such~~ *Promulgate* regulations as may be necessary to
40 carry out the intent and purposes of this chapter.

41 ~~4. Administer the provisions of this chapter as a regulatory~~
42 ~~body.~~

43 ~~5.]~~ 3. Consistent with its duties and obligations under this
44 chapter, demonstrate linkages and coordination with the State's
45 economic development strategies and workforce investment system



1 that is paid for wholly or in part out of public money, as set forth in
2 29 C.F.R. § 29.13.

3 ~~[6.—Adopt]~~

4 **4. Promulgate** regulations pursuant to 29 C.F.R. Parts 29
5 and 30.

6 ~~[7.—Perform such other functions as may be necessary for the
7 fulfillment of the intent and purposes of this chapter.]~~

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

9 610.110 1. The ~~[Governor]~~ **Office of Workforce Innovation**
10 shall ~~[appoint]~~ **employ** a State Apprenticeship Director.

11 2. The State Apprenticeship Director:

12 (a) Shall report to the Executive Director.

13 (b) Is not in the classified or unclassified service of the State and
14 serves at the pleasure of the ~~[Governor.]~~ **Executive Director.**

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

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

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

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

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

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

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

36 **Sec. 13.** NRS 610.120 is hereby amended to read as follows:

37 610.120 1. The State Apprenticeship Director shall:

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

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

41 (c) Issue certificates of completion of apprenticeship ~~[at the
42 request of the local joint apprenticeship committee.]~~ **upon
43 successful completion of a program by an apprentice.**



1 (d) Promote apprenticeship programs through public
2 engagement activities and other initiatives ~~[]~~, *including, without*
3 *limitation, providing education and outreach to employers.*

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

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

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

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

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

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

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

24 2. The administration and supervision of related and
25 supplemental instruction for apprentices, coordination of instruction
26 with job experiences, and the selection and training of teachers and
27 coordinators for that instruction are the responsibility of the ~~[local~~
28 ~~joint apprenticeship committees.]~~ *program sponsor.*

29 3. As used in this section, "technical assistance" means
30 guidance provided by the Office of Workforce Innovation to the
31 sponsor of a proposed or existing apprenticeship program for the
32 development, revision, amendment or processing of standards of
33 apprenticeship or apprenticeship agreements and the provision of
34 advice to or consultation with such a sponsor to further compliance
35 with the provisions of this chapter and any regulations adopted
36 pursuant thereto.

37 **Sec. 14.** NRS 610.140 is hereby amended to read as follows:

38 610.140 1. A local or state *joint* apprenticeship committee
39 shall:

40 (a) In accordance with standards established by the ~~[Council,]~~
41 *Office of Workforce Innovation*, work in an advisory capacity with
42 employers and employees in matters regarding schedules of
43 operations, application of wage rates, and working conditions for
44 apprentices, which conditions must specify the number of



1 apprentices which may be employed locally in the trade under
2 programs and agreements entered into under this chapter.

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

5 (c) Within ~~10~~ 45 days after the termination of any agreement,
6 submit to the State Apprenticeship Director a written notice which
7 includes the name of the apprentice and the reason for the
8 termination.

9 (d) Keep the Council informed of all actions.

10 2. The decisions of local or state joint apprenticeship
11 committees are, at all times, subject to appeal to the ~~Council.~~
12 *Office of Workforce Innovation.*

13 **Sec. 15.** NRS 610.144 is hereby amended to read as follows:

14 610.144 To be eligible for registration and approval by the
15 ~~Council.~~ *Office of Workforce Innovation*, a proposed program
16 must:

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

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

24 (a) A plan of affirmative action in accordance with 29 C.F.R. §
25 30.4 ~~;~~ *when applicable;*

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

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

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

33 3. Contain ~~;~~ *all of the following:*

34 (a) Provisions concerning the employment and training of the
35 apprentice in a skilled ~~trade;~~ *occupation.*

36 (b) ~~A~~ *Provisions that address the* term of apprenticeship ,
37 *including:*

38 *(1) The approach used to measure the term of the*
39 *apprenticeship. The term of apprenticeship must be measured*
40 *using:*

41 *(1) A time-based approach, which requires the*
42 *completion* of not less than 2,000 hours of ~~work-experience,~~
43 ~~consistent with training requirements as established by practice in~~
44 ~~the trade;~~ *on-the-job learning, as described in a work process*



1 *schedule, or the industry standard number of hours for on-the-job*
2 *learning, whichever is greater;*

3 (II) *A competency-based approach, which requires the*
4 *attainment of competency as measured by the successful*
5 *demonstration by the apprentice of acquired skills and knowledge,*
6 *as verified by the program sponsor; or*

7 (III) *A hybrid-based approach, which measures the*
8 *acquisition of skills by the apprentice through a combination of a*
9 *minimum number of hours of on-the-job learning and the*
10 *successful demonstration of competency as described in a work*
11 *process schedule.*

12 *↳ The determination of the appropriate approach must be made*
13 *by the program sponsor, subject to approval by the Office of*
14 *Workforce Innovation, as appropriate to the apprenticeable*
15 *occupation.*

16 (2) *If the program proposes to use a competency-based*
17 *approach, provisions addressing how on-the-job learning will be*
18 *integrated into the program, describing competencies and*
19 *identifying an appropriate means of testing and evaluating for*
20 *such competencies.*

21 (3) *If the program proposes to issue interim credentials in*
22 *connection with the use of a time-based, competency-based or*
23 *hybrid-based approach, provisions identifying the interim*
24 *credentials, demonstrating how such credentials link to the*
25 *components of the apprenticeable occupation, and establishing the*
26 *process for assessing an apprentice's demonstration of*
27 *competency associated with each interim credential. The Office of*
28 *Workforce Innovation shall not issue an interim credential for any*
29 *competency other than a recognized component of an*
30 *apprenticeable occupation.*

31 (c) *An outline of the work processes in which the apprentice*
32 *will receive supervised work experience and training on the job, and*
33 *the allocation of the approximate time to be spent in each major*
34 *process. [;]*

35 (d) *Provisions for organized, related and supplemental*
36 *instruction in technical subjects related to the [trade] occupation*
37 *with a minimum of 144 hours for each year of apprenticeship,*
38 *[given in a] accomplished through media such as classroom ,*
39 *occupational or [through trade, industrial or correspondence]*
40 *industry courses [of equivalent value] , electronic media or other*
41 *[forms of study] instruction approved by the [Council;] Office of*
42 *Workforce Innovation. Such related instruction must be provided*
43 *by an apprenticeship instructor who meets the requirements set*
44 *forth in section 2 of this act.*



1 (e) A progressively increasing, reasonable and profitable
2 schedule of wages to be paid to the apprentice consistent with the
3 skills acquired . ~~{ }~~ *The wages set forth in the schedule of wages,*
4 *including, without limitation, the entry level wage, must not be* less
5 than ~~{that allowed}~~ *the minimum wage prescribed* by federal or
6 state law or regulations or by a collective bargaining agreement . ~~{ }~~

7 (f) Provisions for a periodic review and evaluation of the
8 apprentice's progress in performance on the job and related
9 instruction and the maintenance of appropriate records of such
10 progress . ~~{ }~~

11 (g) A numeric ratio of apprentices to ~~{journeymen}~~
12 *journeyworkers* consistent with proper supervision, training, safety,
13 continuity of employment and applicable provisions in collective
14 bargaining agreements, ~~{in language that is}~~ *except where such*
15 *ratios are expressly prohibited by the collective bargaining*
16 *agreements. The ratio language must be* specific and ~~{clear}~~ *clearly*
17 *described* as to its application ~~{in terms of job sites, workfores,
18 *departments or plants;}*~~ *to the job site, workforce, department or*
19 *plant.*

20 (h) A probationary period that is reasonable in relation to the
21 full term of apprenticeship, with full credit given for that period
22 toward the completion of the full term of apprenticeship . ~~{ }~~ *The*
23 *probationary period must not exceed 25 percent of the length of*
24 *the program or 1 year, whichever is shorter.*

25 (i) Provisions for adequate and safe equipment and facilities for
26 training and supervision and for the training of apprentices in safety
27 on the job and in related instruction . ~~{ }~~

28 (j) The minimum qualifications required by a sponsor for
29 persons entering the program, with an eligible starting age of not
30 less than 16 years . ~~{ }~~

31 (k) Provisions for the placement of an apprentice under a written
32 agreement as required by this chapter, incorporating directly or by
33 reference the standards of the program . ~~{ }~~

34 (l) Provisions for the granting of advanced standing or credit to
35 all applicants on an equal basis for *demonstrated competency or*
36 *previously acquired experience, training or skills, with*
37 *commensurate wages for each advanced step granted .* ~~{ }~~

38 (m) Provisions for the transfer of the employer's training
39 obligation when the employer is unable to fulfill his or her
40 obligation under the agreement to another employer under the same
41 or a similar program with the consent of the apprentice and the local
42 joint apprenticeship committee or *program* sponsor . ~~{of the~~
43 *program;}* *Such provisions must provide that:*



1 (1) *The transferring apprentice must be provided a*
2 *transcript of related instruction and on-the-job learning by the*
3 *committee or program sponsor.*

4 (2) *Any such transfer of an apprentice must be to the same*
5 *occupation.*

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

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

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

12 (p) An identification of the Office of Workforce Innovation as
13 the agency for registration of the program. ~~§~~

14 (q) *Provisions for the registration, cancellation and*
15 *deregistration of the program, and for the prompt submission of*
16 *any modification or amendment of a program standard to the*
17 *Office of Workforce Innovation for approval.*

18 (r) Provisions for the registration of agreements and of
19 modifications and amendments thereto. ~~§~~

20 ~~(r)~~ (s) Provisions for notice to the State Apprenticeship
21 Director of persons who have successfully completed the program
22 and of all cancellations, *transfers*, suspensions and terminations of
23 agreements and *a statement of the ~~causes~~ reasons* therefor ~~§~~

24 ~~(s)~~ , *within 45 days after the successful completion of the*
25 *program or the cancellation, transfer, suspension or termination*
26 *of an agreement.*

27 (t) Provisions for the ~~termination~~ *cancellation* of an agreement
28 during the probationary period by either party without cause. ~~§~~

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

34 ~~(u)~~ (v) The *contact information, including, the name , ~~and~~*
35 *address , telephone number and electronic mail address* of the
36 appropriate authority under the program to receive, process and
37 make disposition of complaints. ~~§~~ ~~and~~

38 ~~(v)~~ (w) Provisions for the recording and maintenance of all
39 records concerning apprenticeships as may be required by the
40 ~~Council~~ *Office of Workforce Innovation* and applicable laws.

41 **Sec. 16.** NRS 610.150 is hereby amended to read as follows:

42 610.150 Every agreement entered into under this chapter must
43 contain ~~§~~ *all of the following:*

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



1 2. The date of birth of the apprentice ~~{}~~ *and, if the apprentice*
2 *elects to provide it, the social security number of the apprentice.*

3 3. The name and address of the sponsor of the program ~~{}~~ *and*
4 *the Office of Workforce Innovation.*

5 4. A statement of the ~~{trade or craft}~~ *occupation* in which the
6 apprentice is to be trained, and the beginning date and expected
7 duration of the apprenticeship.

8 5. A statement showing ~~{the}~~ :

9 (a) *If the program is a time-based program, the* number of
10 hours to be spent by the apprentice in work *on the job in the*
11 *program;*

12 (b) *If the program is a competency-based program, a*
13 *description of the skill sets to be attained by completion of the*
14 *program, including, without limitation, the on-the-job learning*
15 *component of the program;*

16 (c) *If the program is a hybrid-based program, the minimum*
17 *number of hours to be spent by the apprentice and a description of*
18 *the skill sets to be attained by completion of the program; and {the}*

19 (d) *The* number of hours to be spent in related and supplemental
20 instruction ~~{}~~ *in technical subjects related to the occupation,* which
21 instruction must not be less than 144 hours per year.

22 6. A statement setting forth a schedule of the *work* processes in
23 the ~~{trade}~~ *occupation* or division of industry in which the
24 apprentice is to be trained and the approximate time to be spent at
25 each process.

26 7. A statement of the graduated scale of wages to be paid the
27 apprentice and whether or not compensation is to be paid for the
28 ~~{required}~~ time *spent* in ~~{school.}~~ *required related instruction.*

29 8. Statements providing:

30 (a) For a specific period of probation during which the
31 agreement may be ~~{terminated}~~ *cancelled* by either party to the
32 agreement upon written notice to the State Apprenticeship Director
33 ~~{}~~ *without adverse impact on the program sponsor; and*

34 (b) That after the probationary period the agreement may be
35 cancelled at the request of the apprentice, or suspended, cancelled or
36 terminated by the sponsor for good cause, with due notice to the
37 apprentice and a reasonable opportunity for corrective action, and
38 with written notice to the apprentice and the State Apprenticeship
39 Director of the final action taken.

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

43 10. A statement that the apprentice will be accorded equal
44 opportunity in all phases of employment and training as an
45 apprentice without discrimination because of race, color, creed, sex,



1 sexual orientation, gender identity or expression, religion , ~~for~~
2 disability ~~]~~ , *genetic information, national origin or age of 40*
3 *years or older.*

4 11. A statement naming the ~~[Council]~~ *Office of Workforce*
5 *Innovation* as the authority designated pursuant to NRS 610.180 to
6 receive, process and dispose of controversies or differences arising
7 out of the agreement when the controversies or differences cannot
8 be adjusted locally or resolved in accordance with the program or
9 collective bargaining agreements.

10 12. *A request for demographic data, including, without*
11 *limitation, the race, sex and ethnicity of the apprentice and an*
12 *invitation to self-identify as an individual with a disability as*
13 *defined in 29 C.F.R. § 30.2.*

14 13. Such additional terms and conditions as are prescribed or
15 approved by the ~~[Council]~~ *Office of Workforce Innovation* not
16 inconsistent with the provisions of this chapter.

17 **Sec. 17.** NRS 610.160 is hereby amended to read as follows:

18 610.160 ~~[1.—No agreement under this chapter is effective until~~
19 ~~it is approved by the local joint apprenticeship committee and the~~
20 ~~Council. A copy of the agreement must be forwarded within 10 days~~
21 ~~after approval by the local joint apprenticeship committee to the~~
22 ~~Council.~~

23 ~~—2.— Every agreement must be signed by the employer, by an~~
24 ~~association of employers or by an organization of employees acting~~
25 ~~as agent for an employer, and by the apprentice. If the apprentice is~~
26 ~~a minor, the agreement must also be signed by:~~

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

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

30 ~~—(c) The minor's legal guardian.~~

31 ~~—3.]~~ If a minor enters into an agreement under this chapter for a
32 period of training extending into his or her majority, the agreement
33 is likewise binding for the period covered during his or her majority.

34 **Sec. 18.** NRS 610.180 is hereby amended to read as follows:

35 610.180 1. Upon the complaint of any interested person or
36 upon its own initiative, the ~~[Council]~~ *Office of Workforce*
37 *Innovation* may investigate to determine if there has been a
38 violation of the terms or conditions of an approved program or an
39 agreement made under this chapter. The ~~[Council]~~ *Office of*
40 *Workforce Innovation* may hold necessary hearings, inquiries and
41 other proceedings. The parties to each agreement and the sponsors
42 and interested participants in the program shall be given a fair and
43 impartial hearing, after reasonable notice. A copy of the
44 determination or decision of each hearing must be filed with the
45 State Apprenticeship Director.



- 1 2. A person shall not institute any action based upon:
2 (a) An agreement;
3 (b) Proposed or approved standards for apprenticeship; or
4 (c) A program governed by this chapter,
5 ↪ unless the person first exhausts all administrative remedies
6 provided by this chapter.

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

8 610.185 The ~~[State Apprenticeship Council]~~ *Office of*
9 *Workforce Innovation* shall suspend for 1 year the right of any
10 employer, association of employers or organization of employees
11 acting as agent for an employer to participate in a program under the
12 provisions of this chapter if the Nevada Equal Rights Commission,
13 after notice and hearing, finds that the employer, association or
14 organization has discriminated against an apprentice because of
15 race, color, creed, sex, sexual orientation, gender identity or
16 expression, religion, disability, *genetic information*, ~~[or]~~ national
17 origin *or age of 40 years or older*, in violation of this chapter.

18 **Sec. 20.** NRS 223.820 is hereby amended to read as follows:

19 223.820 The Executive Director of the Office of Workforce
20 Innovation shall:

21 1. Provide support to the Office of the Governor, the
22 Governor's Workforce Development Board ~~[created]~~ *established* by
23 ~~[NRS 232.935]~~ *executive order of the Governor* and the industry
24 sector councils established by the Governor's Workforce
25 Development Board on matters relating to workforce development.

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

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

34 4. At the direction of the Governor:

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

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

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

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



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

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

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

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

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

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

21 (k) Oversee the State Apprenticeship Council and the State
22 Apprenticeship Director pursuant to NRS 610.110 to 610.185,
23 inclusive, *and sections 2 to 7, inclusive, of this act* and perform
24 such other functions as may be necessary for the fulfillment of the
25 intent and purposes of chapter 610 of NRS.

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

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

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

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

44 (3) Any other factors relating to the types of services
45 provided by persons within this State who are engaged in an



1 occupation or profession that is regulated by a regulatory body that
2 adversely affect public health or safety.

3 ➔ As used in this paragraph, “regulatory body” has the meaning
4 ascribed to it in NRS 622.060.

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

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

10 361.106 1. Except as otherwise provided in subsection 2, the
11 real and personal property of an apprenticeship program is exempt
12 from taxation if the property is:

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

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

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

18 (2) Registered and approved by the ~~State Apprenticeship~~
19 ~~Council~~ *Office of Workforce Innovation* pursuant to chapter 610
20 of NRS.

21 2. If any property exempt from taxation pursuant to subsection
22 1 is used for a purpose other than that of the apprenticeship program
23 required in subsection 1, and a rent or other valuable consideration
24 is received for its use, the property must be taxed, unless the rent or
25 other valuable consideration is paid or given by an organization that
26 qualifies as a tax-exempt organization pursuant to 26 U.S.C. §
27 501(c)(3).

28 **Sec. 22.** NRS 701B.921 is hereby amended to read as follows:

29 701B.921 1. The Department of Employment, Training and
30 Rehabilitation and the Housing Division of the Department of
31 Business and Industry shall establish contractual relationships with
32 one or more nonprofit collaboratives to carry out the State’s mission
33 of creating new jobs in the fields of energy efficiency and renewable
34 energy by combining job training with weatherization, energy
35 retrofit applications or the development of renewable energy plants.

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

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

40 (1) A labor management agency or other affiliated agency
41 which has established an apprenticeship program that is registered
42 and approved by the ~~State Apprenticeship Council~~ *Office of*
43 *Workforce Innovation* pursuant to chapter 610 of NRS; and

44 (2) A community college or another institution of higher
45 education; and



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

4 ↪ Such a nonprofit entity may also enter into a written agreement
5 relating to job training and career development activities with a
6 trade association which has an accredited job skills training
7 program.

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

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

13 (b) In concert with a labor management agency or other
14 affiliated agency which has established an apprenticeship program
15 that is registered and approved by the ~~{State Apprenticeship~~
16 ~~Council}~~ *Office of Workforce Innovation* pursuant to chapter 610
17 of NRS, develop apprenticeship programs to train laborers in skills
18 related to:

19 (1) The implementation of energy efficiency measures.

20 (2) The use of renewable energy.

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

23 (4) The weatherization of buildings, facilities, residences and
24 structures.

25 (5) The retrofitting of buildings, facilities, residences and
26 structures.

27 (6) The construction and operation of centralized renewable
28 energy plants.

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

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

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

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

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

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

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

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

43 6. Within the limits of money available to the Division for the
44 purpose, the Division shall contract with one or more governmental



1 entities, community action agencies or nonprofit organizations,
2 including, without limitation, qualified nonprofit collaboratives, to:

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

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

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

13 (2) Provisions requiring that each outside contractor:

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

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

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

32 (4) A component that requires each contractor to offer to
33 employees working on the project, and to their dependents, health
34 care in the same manner as a policy of insurance pursuant to
35 chapters 689A and 689B of NRS or the Employee Retirement
36 Income Security Act of 1974.

37 7. The Department and the Division:

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

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

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

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



1 ↳ to assist the Department and the Division in carrying out the
2 provisions of this section.

3 8. The Department and the Division shall each report to the
4 Interim Finance Committee at each meeting held by the Interim
5 Finance Committee with respect to the activities in which they have
6 engaged pursuant to this section.

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

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

14 701B.924 1. The State Public Works Board shall, within 90
15 days after June 9, 2009, determine the specific projects to
16 weatherize and retrofit public buildings, facilities and structures,
17 including, without limitation, traffic-control systems, and to
18 otherwise use sources of renewable energy to serve those buildings,
19 facilities and structures pursuant to the provisions of this section and
20 NRS 701B.921. The projects must be prioritized and selected on the
21 basis of the following criteria:

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

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

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

27 (d) The estimated cost of the project.

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

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

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

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

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

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

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

44 2. The board of trustees of each school district shall, within 90
45 days after June 9, 2009, determine the specific projects to



1 weatherize and retrofit public buildings, facilities and structures,
2 including, without limitation, traffic-control systems, and to
3 otherwise use sources of renewable energy to serve those buildings,
4 facilities and structures pursuant to the provisions of this section and
5 NRS 701B.921. The projects must be prioritized and selected on the
6 basis of the following criteria:

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

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

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

12 (d) The estimated cost of the project.

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

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

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

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

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

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

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

29 3. The Board of Regents of the University of Nevada shall,
30 within 90 days after June 9, 2009, determine the specific projects to
31 weatherize and retrofit public buildings, facilities and structures,
32 including, without limitation, traffic-control systems, and to
33 otherwise use sources of renewable energy to serve those buildings,
34 facilities and structures pursuant to the provisions of this section and
35 NRS 701B.921. The projects must be prioritized and selected on the
36 basis of the following criteria:

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

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

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

42 (d) The estimated cost of the project.

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



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

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

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

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

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

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

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

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

23 (b) Provisions requiring that each contractor and subcontractor
24 employed on each such project:

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

29 (2) If the Director of the Department determines in writing,
30 pursuant to a request submitted by the contractor or subcontractor,
31 that the contractor or subcontractor cannot reasonably comply with
32 the provisions of subparagraph (1) because there are not available a
33 sufficient number of such trained persons, employ a number of
34 persons trained as described in paragraph (b) of subsection 3 of NRS
35 701B.921 or trained through any apprenticeship program that is
36 registered and approved by the ~~[State Apprenticeship Council]~~
37 *Office of Workforce Innovation* pursuant to chapter 610 of NRS
38 that is equal to or greater than 50 percent of the total workforce the
39 contractor or subcontractor employs on the project;

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

44 (d) A component that requires each contractor or subcontractor
45 to offer to employees working on the project, and to their



1 dependents, health care in the same manner as a policy of insurance
2 pursuant to chapters 689A and 689B of NRS or the Employee
3 Retirement Income Security Act of 1974.

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

9 **Sec. 24.** NRS 610.095 is hereby repealed.

10 **Sec. 25.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

610.095 Additional duties.

The State Apprenticeship Council shall:

1. Register and approve or reject proposed programs and standards for apprenticeship.

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

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