

LCB File No. R106-03

**PROPOSED REGULATION OF THE OFFICE OF
THE LABOR COMMISSIONER**

**Notice of Workshop to Solicit Comments on Proposed Regulation
Notice of Intent to Act Upon a Regulation**

The Office of the Nevada Labor Commissioner, 555 E. Washington Avenue, Suite 4100, Las Vegas, NV 89101, (702) 486-2650, is proposing the adopt regulations pertaining to Chapter 609 of Nevada Administrative Code. A workshop has been set for September 16, 2003 at 9:00AM at 555 E. Washington Avenue, Room 4412, Las Vegas, Nevada. A public hearing will be held September 16, 2003 at 9:30 a.m. at 555 E. Washington Avenue, Room 4412, Las Vegas, Nevada. The due date for submitting written information will be September 18, 2003. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

- a. Youth peddling by minors under the age of 16

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Office of the Labor Commissioner, 555 E. Washington Avenue, Suite 4100, Las Vegas, NV 89101 or by calling (702) 486-2650.

This Notice of Workshop has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Office of the Labor Commissioner
555 W. Washington Avenue Suite 4100
Las Vegas, NV

Carson City District Courthouse
885 E. Musser Street
Carson City, NV

Grant Sawyer State Office Building
(Lobby)
555 E. Washington Avenue
Las Vegas, NV

Legislative Building
401 S. Carson Street
Carson City, NV

Office of the Labor Commissioner
675 Fairview Drive, Suite 226
Carson City, Nevada 89701

State of Nevada Bradley Building
2501 Sahara Avenue
Las Vegas, NV

The Nevada Labor Commissioner will hold a public hearing at 9:30 a.m., on September 16, 2003 at the 555 E. Washington Avenue, Room 4412, Las Vegas, Nevada. The purpose of the hearing is to solicit testimony from all interested persons regarding the adoption of regulations that pertain to Chapter 609 of NAC.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

Pursuant to NRS 609.221, the Labor Commissioner is seeking to clarify and interpret the statutes relating to the employment of minors in the State of Nevada.

2. Either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved.

Subjects involved include:

b. Youth peddling by minors under the age of 16.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

- a. **Adverse Effects:** No adverse effects are contemplated.
- b. **Beneficial Effects:** The new regulations will assist employers seeking to employ workers under the age of 16 by more clearly specifying the terms and conditions under which those workers may be employed.
- c. **Immediate effects:** Statutory requirements will be more clearly enunciated in the light of state policies towards the employment of young people.
- d. **Long Term effects:** Uncertainty as to the terms and conditions of employment will be diminished.

4. The estimated cost to the agency for enforcement of the proposed regulation.

It is not anticipated that the agency will see any increased costs as a result of these changes.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulations overlap the Child Labor Laws adopted and enforced by the United States Department of Labor pursuant to the Fair Labor Standards Act. Adoption of these regulations would allow the Labor Commissioner to address issues unique to Nevada that are not addressed in the federal laws and regulations.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations are not more stringent than federal regulations governing the same activities.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee nor increases an existing fee.

Persons wishing to comment upon the proposed action of Office of the Labor Commissioner may appear at the scheduled public workshop or hearing or may address their comments, data, views, or arguments, in written form, to Terry Johnson, Nevada Labor Commissioner, 555 E. Washington Avenue Suite 4100, Las Vegas, Nevada 89101. Written submissions must be received by the Labor Commissioner on or before **September 18, 2003**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Labor Commissioner may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Labor Commissioner's website located at www.laborcommissioner.com, at the offices of the Labor Commissioner, located at 555 E. Washington Avenue, Suite 4100, Las Vegas, Nevada and 675 Fairview Drive, Suite 226, Carson City, Nevada, respectively, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of workshop and hearing has been posted at the following locations:

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555 W. Washington Avenue Suite 4100
Las Vegas, NV

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885 E. Musser Street
Carson City, NV

Grant Sawyer State Office Building
(Lobby)
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EXPLANATION – Language that is *italicized* is new.

AUTHORITY: NRS 609.221; NRS 607.160(1)

Section 1. *Chapter 609 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.*

Sec. 2 *Definitions. “Youth peddling” defined. “Youth peddling” means the solicitation for sale or selling of any product, good or service at any time or place or in any manner by minors under the age of 16 years to customers at their residences, places of business or public places, including without limitation, street corners, parking lots, roadway medians, sports and performing arts facilities, public transportation stations or from vehicles. “Youth peddling” does not include:*

(a) Solicitation for sale or selling of any product, good or service by minors who, under the direct supervision of an adult, volunteer without compensation on behalf of a bona fide not-for-profit organization;

(b) Distribution of advertisements or literature related to a political campaign or election;
or

(c) Delivery of newspapers by minors to the consumer at the consumer’s residence or place of business.

Sec. 3 *Except as otherwise provided in section 4, it is unlawful for any person, firm or corporation to employ, permit or cause to be employed a minor under the age of 16 years in the practice of youth peddling without the written permission of the labor commissioner.*

Sec. 4 *The provisions of section 3 do not apply to the solicitation for sale or selling of:*

(a) Any product, good or service in a county whose population is less than 100,000; or

(b) Any agricultural product at a fixed location directly to consumers and not for resale.

Sec. 5 *If, pursuant to NRS 609.200, the labor commissioner determines that certain employment is dangerous or injurious to children under 16 years of age, he will make his determinations available for public review and inspection during regular business hours at each of his offices and on the Internet or its successor.*