

Chapter 610 of NAC

LCB File No. T023-05

**PROPOSED TEMPORARY REGULATION OF THE
STATE APPRENTICESHIP COUNCIL**

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

The Nevada Apprenticeship Council, 555 East Washington Avenue, Suite 4100, Las Vegas, Nevada, (702) 486-2738, is proposing the amendment of regulations pertaining to Chapter 610 of the Nevada Administrative Code. A workshop and public hearing in conjunction with the February 2005 meeting of the Nevada State Apprenticeship Council has been set for March 10, 2005 at 9 a.m. at the Public Utilities Commission, Room A, 101 Convention Center Drive, Las Vegas and Room A, at the Public Utilities Commission, 1150 East William Street, Carson City, Nevada, with a public hearing and action to follow. The due date for submitting written information will be March 10, 2005. 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. The annual adjustment of the minimum reasonable and profitable wage for apprentices in the construction industry. The wage rate is proposed to be increased from \$9.46 per hour to \$9.77 per hour.

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 East Washington Avenue, Suite 4100, Las Vegas, Nevada (702) 486-2738 or by visiting the ATR's website at <http://LaborCommissioner.com>. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit comments has been sent to all persons on the agency's apprenticeship mailing list and posted at the following locations:

Lobby of the Sawyer State Office Building
555 East Washington Avenue, Las Vegas NV

Lobby of the Office of the Labor Commissioner
675 Fairview, Suite 226, Carson City NV

Lobby of the Office of the Labor Commissioner
555 East Washington Avenue, Suite 4100, Las Vegas NV

Washoe County District Courthouse
75 Court Street, Reno NV

Website: www.LaborCommissioner.com

**INFORMATIONAL STATEMENT
FOR PROPOSED TEMPORARY REGULATION**

NAC 610.485

The Nevada Apprenticeship Council, 555 East Washington Avenue, Suite 4100, Las Vegas, Nevada, (702) 486-2738, is proposing the amendment of regulations pertaining to Chapter 610 of the Nevada Administrative Code. A workshop and public hearing in conjunction with the February 2005 meeting of the Nevada State Apprenticeship Council has been set for March 10, 2005 at 9 a.m. at the Public Utilities Commission, Room A, 101 Convention Center Drive, Las Vegas and Room A, at the Public Utilities Commission, 1150 East William Street, Carson City, Nevada. The purpose of the hearing is to solicit testimony from all interested persons regarding the amendment of regulations that pertain to Chapter 610 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 regulations and amendment.

The amended regulation is needed to enact the annual adjustment in the minimum reasonable and profitable wage for apprentices in the construction industry.

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

Subjects involved include:

- a) Changing the minimum reasonable and profitable wage for apprentices in the construction industry from the current level of \$9.46 per hour to the adjusted rate of \$9.77 per hour.

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

- a) **Adverse Effects:** There is a potential for a slight increase in the labor cost of construction projects where apprentices' labor is used.
- b) **Beneficial Effects:** Provides for a slight pay increase for apprentices, the lowest paid class of workers in the construction industry.
- c) **Immediate Effects:** Same as a and b, above.
- d) **Long Term Effects:** Same as a and b, above.

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

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 would not duplicate the regulation of any other state or federal

agency.

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 required pursuant to federal law.

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 the Nevada State Apprenticeship Council may appear at the scheduled public workshop or hearing or may address their comments, data, views, or arguments, in written form, to Michael Tanchek, Secretary-Director, Nevada State Apprenticeship Council, 555 East Washington Avenue, Suite 4100, Las Vegas, Nevada 89101. Written submissions must be received by the Secretary-Director on or before **March 9, 2005**. 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 regulations to adopt 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 at www.LaborCommissioner.com, at the offices of the Labor Commissioner, located at 555 East 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. The 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:

Lobby of the Sawyer State Office Building
555 East Washington Avenue, Las Vegas NV

Lobby of the Office of the Labor Commissioner
675 Fairview, Suite 226, Carson City NV

Lobby of the Office of the Labor Commissioner
555 East Washington Avenue, Suite 4100,
Las Vegas, NV

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EXPLANATION - Matter that is *italicized* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-2, NRS 610.090; §2, NAC 610.110, 610.490

Section 1. Chapter 610 of NAC is hereby amended by adding thereto the provisions set forth as section 2 of this regulation.

Section 2. NAC 610.485 is hereby amended to read as follows:

NAC 610.485 Minimum reasonable and profitable wage for apprentice in construction industry. (NRS 610.090) The minimum reasonable and profitable wage for an apprentice in the construction industry is:

1. On a public work as defined in NRS 338.010, not less than the percentage set forth in the standards approved by the council of the prevailing wage for a journeyman established by the labor commissioner.
2. On a federal public works project, not less than the percentage set forth in the standards approved by the council of the prevailing wage for a journeyman established by the United States Department of Labor.
3. On a project which is paid for with federal and state money, the higher of the percentages set forth in subsections 1 and 2.
4. On a project other than a public work, not less than ~~9.46~~ **9.77** per hour. The wages must be in cash and must not include any benefits.