

**ADOPTED REGULATION OF THE
STATE APPRENTICESHIP COUNCIL**

LCB File No. R047-08

Effective August 25, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 610.090; §2, NRS 610.090 and 610.144.

A REGULATION relating to labor; increasing the minimum reasonable and profitable wage for an apprentice in the construction industry on a project other than a public work; and providing other matters properly relating thereto.

Section 1. NAC 610.010 is hereby amended to read as follows:

610.010 As used in NAC 610.010 to ~~[610.465,]~~ *610.495*, inclusive, unless the context otherwise requires, the words and terms defined in NAC 610.013 to 610.040, inclusive, have the meanings ascribed to them in those sections.

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

610.485 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 ~~[\$9.47]~~ **\$11.72** per hour. The wages must be in cash and must not include any benefits.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R047-08

The State Apprenticeship Council adopted regulations assigned LCB File No. R047-08 which pertain to chapter 610 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of that summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon regulation were sent by U.S. mail to persons who were known to have an interest in the rule-making process of the Office of the Labor Commission as well as any person who had specifically requested such notice. These documents were also made available at the website of the Office of the Labor Commissioner, **www.laborcommissioner.com**, mailed to all county libraries in the State of Nevada 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, NV

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

Prior to the June 29, 2009 public hearing in which the submitted amendments to NAC 610 were adopted, there was a March 13, 2009 workshop held in an effort to solicit public comment on these issues. In addition, interested parties have been encouraged to submit written public comment.

Copies of the written comments may be obtained by contacting the Office of the Labor Commission at 675 Fairview Drive, Carson City, Nevada 89701.

2. The Number of persons who:

- a. Attended the June 29, 2009 Public Hearing: 57**
- b. Testified during the June 29, 2009 Public Hearing: 0**
- c. Attended the March 13, 2009 Workshop: 33**
- d. Testified during the March 13, 2009 Workshop: 0**

e. Written comments received by the Nevada State Apprenticeship Council:

There were no written comments were submitted.

3. A description of how comment was solicited from the affected businesses, a summary of their response, and an explanation as to how other interested parties may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. Copies of the written comments may be obtained by contacting the Office of the Labor Commission at 675 Fairview Drive, Carson City, Nevada 89701.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

There were minor changes to the regulations as adopted addressing both clerical errors and a recalculation of adjustment to the wage rate utilizing the required formula, as set forth in NAC 610.490.

5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public.

a. Adverse Effects: While there is a modest increase in the apprentice minimum wage as a result of this regulation, such increases are expected; as a result there are no adverse effects contemplated from the regulations.

b. Beneficial Effects: The proposed increase will reduce or eliminate the apprentice minimum wage disparity between construction trade programs.

c. Immediate effects: See 3b.

d. Long Term effects: See 3b

6. The Estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional cost to the agency for enforcement of this regulation.

7. A description of any regulation of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any regulation of another state or governmental agency. In addition, the proposed regulation does not overlap or duplicate any federal regulation.

The adjustment of the apprentice minimum wage by this regulation is required pursuant to the provisions of NAC 610.490.

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

Nevada's apprentice minimum wage provisions are more stringent than federal law as the minimum wage rate for apprentices in the construction industry are higher than the current federal minimum wage.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

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

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

To determine the impact on small business, the agency solicited testimony from impacted business during the temporary rule-making process. That process included the March 13, 2009 workshop and a public hearing. There was no evidence or testimony provided that would tend to show that the proposed regulation had adverse impact on small businesses.