

**PROPOSED REGULATION OF THE
STATE APPRENTICESHIP COUNCIL**

LCB FILE NO. R184-20I

**The following document is the initial draft regulation proposed
by the agency submitted on 12/23/2020**

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GENERAL PROVISIONS

NAC 610.010 Definitions. ([NRS 610.090](#)) As used in [NAC 610.010](#) to [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.

(Supplied in codification; A by Apprenticeship Council, 10-15-81; R142-01, 12-17-2001; R047-08, 8-25-2009)

NAC 610.013 “Agreement for apprenticeship” defined. ([NRS 610.090](#)) “Agreement for apprenticeship” means a written agreement between an apprentice and ~~his or her~~ **their** employer or a joint committee which sets forth the responsibilities and obligations of the parties regarding the employment and training of the apprentice.

(Added to NAC by Apprenticeship Council, eff. 10-15-81)

NAC 610.014 “Apprentice” defined. ([NRS 610.090](#)) “Apprentice” has the meaning ascribed to it in [NRS 610.010](#).

(Added to NAC by Apprenticeship Council, eff. 10-15-81)

NAC 610.020 “Council” defined. “Council” means the State Apprenticeship Council.

(Supplied in codification)

PROPOSED NEW DEFINITIONS

“Agency” defined. “Agency” means the department or agency that has responsibility to support the “Council” as defined in [NAC 610.020](#) and “Director” as defined in [NAC 610.030](#).

“Occupation” defined. ([NRS 610.090](#)) “Occupation” means an apprenticeable profession identified by an Occupational Information Network (“O*NET”) Code.

“Standards” defined. ([NRS 610.090](#)) “Standards” means the written plan embodying the terms and conditions of employment, training, and supervision of one

or more apprentices in an apprenticeable occupation, in compliance with Nevada law, subscribed to by a Sponsor who has undertaken to carry out an apprentice training program. Standards also include all occupations attached to those Standards.

NAC 610.030 “Director” defined. “Director” means the ~~Labor Commissioner~~ State Apprenticeship Director or a representative whom ~~he or she has~~ is duly authorized to act as ~~State Director of Apprenticeship~~ State Apprenticeship Director.

(Supplied in codification)

NAC 610.035 “Joint committee” defined. “Joint committee” means a local joint committee on apprenticeship.

(Supplied in codification)

NAC 610.040 “Person” defined. “Person” means a natural person, partnership, association, corporation or other entity, public or private.

(Supplied in codification)

STATE APPRENTICESHIP COUNCIL

NAC 610.110 General powers and policies. (NRS 610.090) The Council will:

1. Advise and guide the Director and state or local joint committees in the formation of conditions and training standards for agreements for apprenticeship, and assist the Director in carrying out the intent and purpose of [chapter 610](#) of NRS.

2. Terminate or cancel agreements for apprenticeship upon the recommendation of the Director or upon its own motion.

3. Provide for the greatest possible diversity of training and continuity of employment for apprentices.

4. Assist in the adjustment of differences and disputes between apprentices and employers.

5. Cooperate with all public and private agencies interested in the promotion and development of sound standards for apprenticeship in Nevada, including trade associations, employee organizations, state and local boards for vocational education, the State Employment Service and the Federal Committee on Apprenticeship.

[Apprenticeship Council, Art. II, eff. 11-11-39]—(NAC A 10-15-81)

NAC 610.115 Meetings; minutes. (NRS 610.070, 610.090)

1. The Council ~~will meet in the months of February, May, August and November~~ shall meet at least once each calendar quarter. The Council may meet at other times at the call of a majority of its members.

2. *Robert’s Rules of Order* govern the conduct of all meetings of the Council, at the discretion of the Chair of the Council.

3. Two representatives of employers and two representatives of employees constitute a quorum.

4. In the absence or recusal of the Chair of the Council, the Director will appoint another member of the Council to preside over the proceedings of the Council.

5. The ~~Council~~ Director and/or staff of agency will designate the location of each of its meetings.

6. The Director will have the minutes of the Council meetings typed and will provide a copy of the minutes to each member of the Council and to any other person who requests a copy.

[Apprenticeship Council, Art. III § 1, eff. 11-11-39; A 7-1-51; + Art. III §§ 2 & 6, eff. 11-11-39; + Art. VIII § 4, eff. 2-28-53]—(NAC A 10-15-81; 11-14-97; R142-01, 12-17-2001; R082-04, 7-13-2004)

NAC 610.145 Functions of Director; Council's powers, objectives respecting programs of apprenticeship. (NRS 610.090, 610.120)

1. Between meetings of the Council, the Director shall carry out, interpret and administer the policies of the Council.

2. The Council may approve programs of apprenticeship and may deal with any other training program affecting apprenticeship.

3. The Council will seek and encourage the cooperation of employer and employee organizations and vocational educators throughout the State in carrying on programs of apprenticeship.

[Apprenticeship Council, Art. IV § 5 + Art. V §§ 1-5, eff. 11-11-39]—(NAC A 10-15-81)

JOINT COMMITTEES

NAC 610.225 Formation; jurisdiction; composition. (NRS 610.090, 610.140)

1. The Council will encourage the formation of joint committees with jurisdiction over a county or larger area if it is found that programs of apprenticeship can be advanced thereby.

2. Such committees must be composed of an equal number of representatives of management and labor and any public representatives whom they select.

3. Such a committee may act as a joint committee for more than one trade or industry with the consent of the employers and employees involved.

[Apprenticeship Council, Art. V §§ 11 & 13, eff. 11-11-39]—(NAC A 10-15-81)

NAC 610.230 Consultants. (NRS 610.090, 610.140) Each local joint committee shall invite a representative designated by the Council to serve as a consultant on the committee.

[Apprenticeship Council, Art. V § 9, eff. 11-11-39]—(NAC A 10-15-81)

NAC 610.240 Multiple trades. (NRS 610.090, 610.140)

1. If an industry employs more than one trade in which training by apprenticeship is practical, one master agreement for the standards of apprenticeship may be entered into with one master joint committee.

2. ~~Separate standards for each affected trade will be incorporated into the master standards.~~ If a program has multiple occupations, separate standards may be utilized for each occupation if desired by the program. Alternatively, the program may also choose to have one set of standards for multiple occupations.

[Apprenticeship Council, Art. V § 12, eff. 11-11-39]

NAC 610.245 Grants of credit. (NRS 610.090, 610.140)

1. The local joint committee shall evaluate and grant credit for the degree of preparation achieved by each apprentice.

2. If a committee grants more than 50 percent credit for previous experience, training or skills to an apprentice, the committee must support the grant with substantial documentation.

[Apprenticeship Council, Art. V part § 14, eff. 11-11-39]—(NAC A 11-14-97)

NAC 610.250 Modification of term of apprenticeship. (NRS 610.090, 610.140)

1. A local committee may extend the term of an apprenticeship if the apprentice fails to complete the requirements for qualification as a journeyman.

2. The local committee may reduce the term of an apprenticeship if the apprentice has had satisfactory training or is unusually proficient at the trade.

3. Modifications authorized by this section must be approved by the Council.

4. Unless an apprentice qualifies for a reduction under subsection 2, no reduction of the term of an apprenticeship may be based on the completion of the required number of work hours by the apprentice.

[Apprenticeship Council, Art. V part § 14, eff. 11-11-39; A 6-13-69; + Art. VIII § 7, eff. 8-17-55]—(NAC A 10-15-81)

ADMINISTRATION

NAC 610.310 Standards: Submission of proposed standards to Council for approval or rejection; periodic review of standards of registered program. (NRS 610.090, 610.095)

1. Proposed standards for an apprenticeship program must be submitted to the Council for its approval or rejection.

2. If the Council rejects any proposed standards, it will inform the applicant of the deficiencies upon which it bases its decision. At its discretion, the Council may approve Provisional Changes to standards at a State Apprenticeship Council meeting, if agreed to by the submitting party. The Director may make non-substantive changes to standards on behalf of the Council.

3. Except as provided in subsection 4, the applicant may resubmit the proposed standards to the Council for approval only if:

- (a) All the deficiencies previously listed by the Council have been corrected; and
- (b) The Director determines that the standards are suitable for resubmission.

4. If the resubmitted standards are rejected by the Director, the standards may be placed on the Council's agenda upon the affirmative vote of three or more members of the Council.

5. The ~~Council~~ Director will make an effort to, at least once every 5 years or within a reasonable amount of time thereafter, review the standards for an apprenticeship program that is registered with the Council.

[Apprenticeship Council, Art. IV § 3, eff. 11-11-39]—(NAC A 10-15-81; R142-01, 12-17-2001)

NAC 610.314 Standards: Submission in entirety by registered program for review or revision by Council. (NRS 610.090, 610.095) If a program of apprenticeship registered with the Council submits standards to the Council for its review or revision, the program must submit the standards in their entirety. New occupations of existing programs must also include standards.

(Added to NAC by Apprenticeship Council by R142-01, eff. 12-17-2001)

NAC 610.320 Approval of programs of apprenticeship: Application forms. (NRS 610.090, 610.095)

1. All applications for the approval of a program of apprenticeship must be made on a form provided by the ~~Council~~ Director, but the form may be modified to meet particular needs at the discretion of the Director.

2. The Director may make any technical changes necessary to make the forms conform to the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., as it exists on October 15, 1981. Such changes must be approved by the Council.

[Apprenticeship Council, Art. V § 23, eff. 11-11-39; A 11-24-57; + Art. V part § 24, eff. 11-11-39]—(NAC A 10-15-81)

NAC 610.350 Approval of programs of apprenticeship: Comity registration. (NRS 610.090, 610.095) Standards for apprenticeships and programs of apprenticeship which are:

1. Sponsored by employers and unions which have formed a joint sponsoring entity;
 2. In trades and industries other than the building and construction industry;
 3. Sponsored on a multistate basis; and
 4. Registered in a manner which meets all of the requirements of the Council,
- ↪ will be registered or approved by the Council if registered in another jurisdiction which registers or approves programs registered in this State.

[Apprenticeship Council, eff. 5-26-78]

NAC 610.355 Approval of programs of apprenticeship: Review of proposed program by registered sponsor. (NRS 610.090, 610.095)

1. If a program of apprenticeship is proposed by an employer or association of employers for registration with the Council and the Council has previously registered a program with ~~similar objectives for a similar job~~ the same occupation Occupational Information Network (O*NET) Code or any successor, the ~~Council~~ Director and/or staff of agency will provide a copy of the standards of the proposed program to the sponsor of the registered program with the same occupation Occupational Information Network (O*NET) Code or any successor.

2. The Council will provide a reasonable time, not less than 30 days ~~or more than 60 days~~, for the registered sponsor to ~~comment on~~ review the proposed program before taking final action on the application for registration.

[Apprenticeship Council, eff. 5-26-78]—(NAC A 10-15-81)

NAC 610.357 Approval of programs of apprenticeship: Period of probation; review of program by Director and/or staff of Labor Commissioner Agency. (NRS 610.090, 610.095, 610.120)

1. Each newly approved program will be on probation for a period of at least 2 years.

2. During the period described in subsection 1, the ~~staff of the Labor Commissioner~~ Director and/or staff of the Agency ~~shall~~ will make an effort to, at least once every 2 years or within a reasonable amount of time thereafter, review the standards for an apprenticeship program that is registered with the Council. ~~conduct at least one of the reviews of the approved program described in NAC 610.495.~~

(Added to NAC by Apprenticeship Council by R082-04, eff. 7-13-2004)

NAC 610.360 Denial of application for approval of program or imposition of sanctions against approved program. (NRS 610.090, 610.095)

1. The Council will deny an application for the approval of a program of apprenticeship, suspend, terminate, cancel or place conditions upon any approved program, or place an approved program on probation if the applicant, the approved program or an employer participating in the approved program fails to:

(a) Respond to a subpoena issued pursuant to NRS 607.170 or 607.210;

(b) Pay an employee for each hour that the employee worked as required pursuant to NRS 608.016;

(c) Pay an employee at least the wage, salary or compensation that was agreed to be paid to the employee through a collective bargaining agreement, if any, or established pursuant to any existing statute or regulation of this State or by contract between the employer and the employee, as required pursuant to NRS 608.100;

(d) Establish or maintain the records of wages for the benefit of ~~his or her~~ their employees as required pursuant to NRS 608.115;

(e) Assume the liability for the indebtedness of a subcontractor or any contractor acting under, by or for the original contractor as required pursuant to [NRS 608.150](#);

(f) Pay an employee at least the minimum wage established pursuant to [NRS 608.250](#) or comply with any regulation adopted pursuant thereto by the Labor Commissioner;

(g) Comply with the provisions of [chapter 609](#) of NRS which govern the employment of minors or any regulation adopted pursuant thereto by the Labor Commissioner;

(h) Comply with any:

(1) Of the provisions of [chapter 610](#) of NRS which govern apprenticeships or any regulation adopted pursuant thereto by the Council; or

(2) Order issued by the Council after providing notice and a hearing and for good cause shown;

(i) Pay the contributions for unemployment compensation as required pursuant to [chapter 612](#) of NRS;

(j) Provide and secure compensation for employees as required pursuant to [chapters 616A](#) to [617](#), inclusive, of NRS;

(k) Cooperate with or comply with the orders of the Division of Industrial Relations of the Department of Business and Industry issued pursuant to [chapter 618](#) of NRS;

(l) Maintain a successful completion rate for apprentices of 50 percent or more over the period of training for apprentices of an approved program unless the approved program provides the Council with a reasonable explanation for noncompliance; or

(m) Reinstate an apprentice following the decision of the Council issued pursuant to [NAC 610.461](#) to reverse the decision of a joint committee to dismiss the apprentice.

2. In determining the course of action to take against an approved program pursuant to subsection 1, the Council may consider, without limitation:

(a) The seriousness of the violation committed by the approved program or an employer participating in the approved program;

(b) Whether there appears to be a pattern of violations by the approved program or an employer participating in the approved program;

(c) The degree to which corrective remedies have been put in place to address any previous violation committed by the approved program or an employer participating in the approved program; and

(d) The responsiveness of a sponsor of an approved program to any violations committed by an employer participating in the approved program.

(Added to NAC by Apprenticeship Council by R142-01, eff. 12-17-2001; A by R082-04, 7-13-2004)

NAC 610.365 Cancellation of approved program or occupation within approved program. ([NRS 610.090](#), [610.095](#))

1. After serving notice of its intent as set forth in subsection 2, the Council may cancel an approved program or an occupation within an approved program, if the program has not indentured an apprentice within the ~~immediately preceding year~~ last 12 consecutive months.

2. Not less than 30 days before the Council cancels an approved program or occupation within an approved program pursuant to subsection 1, the Council will serve notice of its intended action by certified mail to the last known address of the sponsor of the approved program.

(Added to NAC by Apprenticeship Council by R142-01, eff. 12-17-2001)

NAC 610.430 Agreements for apprenticeships: Forms; approval of alterations, amendments. (NRS 610.090, 610.150)

1. Standard forms of agreements for apprenticeship provided by the Council must be used for all apprentices in the State.

2. Alterations or amendments of agreements must be approved by the Council.

[Apprenticeship Council, Art. V § 25, eff. 11-11-39; A 11-24-57; + Art. V part § 24, eff. 11-11-39]—(NAC A 10-15-81)

NAC 610.433 Costs of training. (NRS 610.090, 610.144)

1. Except as otherwise provided in subsection 2, a program must pay the costs of training an apprentice ~~unless the costs of training are part of an agreed upon bona fide fringe benefit package, or otherwise authorized by state or federal law~~. An apprentice is not liable for and may not be required to pay any costs for training, including, but not limited to, costs for classroom facilities, college credits, tuition or instructors. The provisions of this subsection do not void or disallow a subscription agreement that has been found to be valid in a court of competent jurisdiction.

2. A program may require an apprentice to pay the costs of ~~his or her~~ their books, tools and any license required to work in ~~his or her~~ their trade.

3. As used in this section, “subscription agreement” means an agreement between a program and an apprentice whereby the apprentice agrees to repay the costs of the program if the program of apprenticeship is terminated.

(Added to NAC by Apprenticeship Council, eff. 11-14-97)

NAC 610.436 Guarantees required from sponsors of programs of apprenticeship. (NRS 610.090, 610.144) A sponsor of a program of apprenticeship shall guarantee in writing that the employer of an apprentice in the program will:

1. Participate in the program;

2. Agree to pay the costs of the program assessed to ~~him or her~~ the apprentice; and

3. Agree to pay the applicable apprenticeship wage ~~and applicable benefits~~.

(Added to NAC by Apprenticeship Council, eff. 11-14-97)

NAC 610.438 Ratio of apprentices to journeymen. (NRS 610.090, 610.144)

1. Except as otherwise provided in subsection 3, if an employer uses apprentices on a project, the ratio of apprentices to journeymen at a job site must be:

(a) In all programs of apprenticeship in the construction industry, not more than one apprentice for the first journeyman at the job site and not more than one apprentice for every three additional journeymen; or

(b) In all other programs of apprenticeship, not more than one apprentice for every one journeyman.

2. Except as otherwise provided in subsection 3, the ratio of apprentices to journeymen employed in any occupation on a job site must not be greater than the ratio approved for the employer as to the entire workforce pursuant to the program registered with the Council.

3. The Council may increase or decrease the ratio set forth in subsection 1 or 2 on its own initiative or at the request of a sponsor if the Council determines that a different ratio is consistent with the proper supervision, training, safety and continuity of employment of an apprentice, and, if applicable, with any provisions of a collective bargaining agreement.

4. A program must report any proposed change in the ratio set forth in subsection 1 or 2 to the Council for its approval or denial.

5. If the Council denies a proposed change in the ratio, it will inform the applicant of the reasons for its denial and state the necessary corrections to the program that must be made before the change will be approved.

6. Except as otherwise provided in subsection 7, the applicant may resubmit the proposed change in the ratio to the Council for approval only if:

(a) All of the corrections to the program required by the Council have been made; and

(b) The Director determines that the proposed change in the ratio is suitable for resubmission to the Council.

7. If the Director determines that a proposed change in the ratio is unsuitable for resubmission to the Council, the proposed change may be placed on the agenda of the Council upon the affirmative vote of three or more members of the Council.

(Added to NAC by Apprenticeship Council, eff. 11-14-97; A by R142-01, 12-17-2001)

REVISER'S NOTE.

The regulation of the State Apprenticeship Council filed with the Secretary of State on November 14, 1997 (LCB File No. R092-93), the source of this section (section 6 of this regulation), became effective on that date and contains the following provision not included in NAC:

“The provisions of subsection 2 of section 6 of this regulation [[NAC 610.438](#)] do not apply to any decrease or increase in the ratio of apprentices to journeymen on a job site approved by the Council before October 2, 1997.”

NAC 610.442 Limitation on period of probation of registered apprentice. ([NRS 610.090](#), [610.144](#)) The period of probation of a registered

apprentice must not exceed 25 percent of ~~his or her~~ their total hours of training on the job and related instruction.

(Added to NAC by Apprenticeship Council by R142-01, eff. 12-17-2001)

NAC 610.450 Registration of apprentice transferring to Nevada. ([NRS 610.090](#))

1. Any apprentice who is registered in another jurisdiction and who transfers to this State and is working or residing in this State shall register with the Council on forms provided by it.

2. The Council will not accept registration in the form of an indenture or agreement from another jurisdiction.

3. A current Nevada Registered Apprenticeship program may apply for reciprocity for a defined occupation which is included in their current Nevada Registered Apprenticeship standards documenting the reasons why reciprocity should be granted and the legal and factual reasons for the basis of the request. The application for reciprocity must be submitted to the Director on a form provided by the Director and/or staff of agency. After a review of the application, the Director may grant the reciprocity request. If the application is granted by the Director, it will only be granted for a period of 180 calendar days from the date of approval. The program will be required to follow the current approved Nevada Registered Apprenticeship standards, wages and bona fide benefit package(s) pursuant to Nevada Revised Statutes (NRS) sections 338 and 608, and Nevada Administrative Code (NAC) sections 338 and 608, and any other applicable federal and state laws and regulations as applicable if reciprocity is granted for an out-of-state apprentice.

[Apprenticeship Council, Art. VIII § 9, eff. 3-14-57]

NAC 610.460 Dismissal of apprentice; reconsideration of dismissal; appeal from final decision. ([NRS 610.090](#), [610.140](#), [610.180](#))

1. A joint committee may cancel an agreement with any apprentice and dismiss ~~him or her~~ them. Upon such a cancellation and dismissal, the joint committee shall serve written notice of the dismissal upon the apprentice and also notify ~~him or her~~ them of the right to request the joint committee to reconsider its decision. Such a notification must be given by certified or registered mail.

2. The apprentice may make such a request by filing a written notice of the request with the joint committee within 30 days after the date on which the notice of dismissal from the program is deposited in the mail.

3. Within 30 days after receipt of a request or at its next scheduled meeting, whichever is sooner, the joint committee shall hold a hearing for the reconsideration. The joint committee shall notify:

(a) The apprentice of the joint committee's final decision upon reconsideration and of the right to appeal from that decision to the Council if the joint committee has affirmed the dismissal; and

(b) The Council of the joint committee's final decision upon reconsideration.

4. The joint committee shall prepare a record of the hearing required pursuant to subsection 3 that includes, without limitation, an explanation of the final decision of the joint committee.

5. The apprentice may appeal from the joint committee's final decision to the Council by filing a written notice of appeal with the Council. This appeal must be filed within 30 days after the date on the notice of cancellation from the joint committee.

[Apprenticeship Council, Art. VIII §§ 13 & 17, eff. 9-10-59; A 9-21-63; 5-15-65]—
(NAC A 10-15-81; R082-04, 7-13-2004)

NAC 610.461 Appeal from dismissal of apprentice: Scheduling and notice of hearing; provision of information to Council; receipt of affidavits and depositions; issues limited; failure to appear; decision. (NRS 610.090, 610.180)

1. Upon the timely filing of a notice of appeal from a decision of a joint committee concerning the dismissal of an apprentice, the **Council Director and/or staff of agency** will schedule a hearing and notify the parties, by certified mail, of the time and place of the hearing.

2. The parties shall, on forms **prescribed by the Council** designated by the **Director and/or staff of agency**, furnish the Council with all information which is in their possession and relates to the dismissal. The joint committee shall furnish the Council with the record required pursuant to **NAC 610.460**.

3. The Council may receive affidavits or depositions in evidence.

4. The Council will consider only those issues which were presented to the joint committee.

5. If a party fails to appear at the hearing conducted pursuant to subsection 1, the Council may proceed with the hearing and consider any evidence that it has before it.

6. The Council will issue its decision as soon as practicable after the hearing. The decision must:

(a) Include:

(1) The Council's findings of fact on the matters described in subsections 2, 3 and 4; and

(2) A statement that the parties may appeal the decision to the **Labor Commissioner Agency**; and

(b) Be sent by mail to the last known addresses of all parties.

7. The Council may not reverse the decision of a joint committee to dismiss an apprentice and order the reinstatement of an apprentice unless the Council determines that the dismissal was arbitrary, capricious or based on erroneous conclusions of law.

(Added to NAC by Apprenticeship Council, eff. 10-15-81; A by R082-04, 7-13-2004)

NAC 610.462 Appeal from dismissal of apprentice: Order of evidence. ([NRS 610.090](#), [610.180](#)) At any hearing on the cancellation of an agreement of apprenticeship and the dismissal of an apprentice, the evidence must be presented in the following order:

- ~~—1. The notice of dismissal must be read.~~
- ~~—21. The apprentice may present and support any legal objections to the dismissal which were set forth in the notice of appeal.~~
- ~~—32. The joint committee or other party cancelling the agreement may respond to the objections of the apprentice.~~
- ~~—43. The apprentice may offer an argument in rebuttal.~~
- ~~—5. The party cancelling the agreement may present the reasons for the cancellation.~~
- ~~—6. The apprentice may respond to the reasons for cancellation.~~
- ~~—7. The party cancelling the agreement may offer an argument in rebuttal.~~
- ~~—8. The apprentice may present his or her closing argument.~~
- ~~—94. The partyies cancelling the agreement may present his or her their closing arguments. The matter must then be submitted will then be turned over to the Council for a decision.~~

(Added to NAC by Apprenticeship Council, eff. 10-15-81)

NAC 610.463 Appeal from dismissal of apprentice: Continuances; referral of matter to Nevada Equal Rights Commission. ([NRS 610.090](#), [610.140](#), [610.180](#))

- ~~—1. A continuance of a hearing on the cancellation of an agreement of apprenticeship and the dismissal of an apprentice will not be granted by the Council and may not be granted by a joint committee except for good cause shown.~~
- ~~—2. If an apprentice shows good cause at the hearing conducted by the Council pursuant to subsection 1 of [NAC 610.461](#) that he or she was dismissed in violation of the standards set forth in [NAC 610.530](#), the Council may:~~
 - ~~—(a) Refer the matter to the Nevada Equal Rights Commission; or~~
 - ~~—(b) Grant a continuance of the hearing until the Nevada Equal Rights Commission disposes of the matter.~~
- ~~—31. If the Director and/or Agency receives a complaint that clearly claims discrimination, they will forward it to the Nevada Equal Rights Commission (NERC). Nothing in this section:~~

(a) Prohibits an apprentice from personally filing a claim of discrimination with the Nevada Equal Rights Commission;

(b) Limits the authority of the Nevada Equal Rights Commission to investigate independently a claim of discrimination personally filed by an apprentice; or

(c) Precludes the Council from issuing a decision on the hearing conducted by the Council pursuant to subsection 1 of [NAC 610.461](#).

(Added to NAC by Apprenticeship Council, eff. 10-15-81; A by R082-04, 7-13-2004)

NAC 610.464 Appeal from dismissal of apprentice: Limitation upon voting on decision. ([NRS 610.090](#), [610.140](#), [610.180](#)) A member of a body which is conducting a hearing on the cancellation of an agreement of apprenticeship and the dismissal of an apprentice shall not cast a vote on the matter if ~~he or she~~ **they** did not hear the evidence in the case.

(Added to NAC by Apprenticeship Council, eff. 10-15-81)

NAC 610.465 Certificates of completion. ([NRS 610.090](#), [610.144](#)) The ~~Council~~ **Director** will issue certificates of completion of apprenticeship to joint committees for distribution to apprentices who have fulfilled the requirements of the agreements for apprenticeship.

[Apprenticeship Council, Art. V §§ 29 & 30, eff. 11-11-39; + Art. VIII § 6, eff. 5-26-55]—(NAC A 10-15-81)

WAGES AND BENEFITS

NAC 610.480 Beginning apprentice wages; wages for total period of apprenticeship. ([NRS 610.090](#), [610.144](#))

1. Employers shall pay a beginning wage for apprentices which is at least 35 percent of the rate for journeymen in the same trade.

2. Employers shall pay each apprentice amounts which, when averaged, will produce a wage for the total period of apprenticeship which is at least 50 percent of the amount which would have been paid to a journeyman during that period.

[Apprenticeship Council, Art. V § 27, eff. 11-11-39]—(Substituted in revision for NAC 610.440)

NAC 610.485 Minimum reasonable and profitable wage for apprentice in construction industry. ([NRS 610.090](#), [610.144](#)) 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 ~~\$11.72 per hour~~ **\$14.38** and/or the current hourly rate as set yearly by the Council. ~~The wages must be in cash and must not include any benefits.~~ The hourly wage must be exclusive of benefits.

(Added to NAC by Apprenticeship Council, eff. 11-14-97; A by R142-01, 12-17-2001; R082-04, 7-13-2004; R047-08, 8-25-2009)

NAC 610.490 Adjustments to minimum reasonable and profitable wage for apprentice in construction industry on certain projects. (NRS 610.090, 610.144)

1. The Council will determine whether to adjust the minimum reasonable and profitable wage for apprentices in the construction industry who work on projects other than public works at the first ~~regularly~~ scheduled meeting ~~after February 1~~ in the first quarter of ~~each~~ the year, at a rate of 3% annually. The Council, at its discretion, may waive implementing the annual increase based on market conditions.

~~—2. The Council will determine the amount of an adjustment to the minimum reasonable and profitable wage for apprentices in the construction industry who work on projects other than public works by multiplying that wage as determined on March 1 of the year immediately preceding the year for which the adjustment is being calculated by one plus the average of the percentage change in the Consumer Price Index for All Urban Consumers: U.S. City Average calculated for:~~

~~—(a) Los Angeles/Anaheim/Riverside; and~~

~~—(b) San Francisco/Oakland/San Jose,~~

~~→ as compiled by the Bureau of Labor Statistics of the United States Department of Labor, for the month of December of each of the 2 years immediately preceding the year for which the adjustment is being calculated.~~

~~—3. In adjusting the minimum reasonable and profitable wage pursuant to subsection 2, the Council may:~~

~~—(a) Accept the results of the computation as the minimum reasonable and profitable wage; or~~

~~—(b) Adjust the wage if the Council determines that the results of the computation do not reflect a fair, reasonable and profitable minimum wage.~~

~~—4.2. The Director shall notify all existing programs of apprenticeship in the construction industry not later than ~~March 1 of each~~ the first quarter of the year, if the Council adjusts the minimum reasonable and profitable wage pursuant to subsection 2 or 3.~~

~~—5.3. A program must pay its apprentices not less than the adjusted minimum reasonable and profitable wage:~~

~~(a) Not later than August 1 of each year; or~~

~~(b) Not later than the renewal of or execution of a new collective bargaining agreement, if the wage for apprentices is set by or in conjunction with a collective bargaining agreement.~~

~~—6.4. Any adjustment to the minimum reasonable and profitable wage is applicable immediately to any program which is approved after the adjustment is made by the Council.~~

(Added to NAC by Apprenticeship Council, eff. 11-14-97)

NAC 610.495 ~~Staff of Labor Commissioner~~ State Apprenticeship Director and/or staff of agency: Review of programs of apprenticeship; accounting of benefits. (NRS 610.090, 610.120)

~~The staff of the Labor Commissioner may:~~ Director and/or staff of agency may:

1. Review the compliance of an employer and program of apprenticeship with the standards approved by the Council, including, without limitation, verification of all benefits provided to an apprentice; and

2. Require the employer to guarantee in writing a current accounting of the benefits for apprentices in each program of apprenticeship and submit such a guarantee to the sponsor of the program. ~~At the written request of the Labor Commissioner or the Council,~~ a sponsor or its fiduciary or the fiduciary of the apprentices shall submit a current accounting of the benefits for apprentices in each program of apprenticeship, at the written request of the Director or the Council.

3. The Director and/or staff of agency may refer the matter to the Labor Commissioner.

(Added to NAC by Apprenticeship Council, eff. 11-14-97)

EQUAL OPPORTUNITY

General Provisions

NAC 610.510 Scope and purpose. (NRS 610.090, 610.144, 610.185)

1. NAC 610.510 to 610.990, inclusive, set forth policies and procedures to promote equality of opportunity in programs of apprenticeship which are registered with the United States Department of Labor and in state programs of apprenticeship registered with the Council.

2. The policies and procedures apply to:

- (a) The recruitment and selection of apprentices; and
- (b) The conditions of employment and training during apprenticeship.

3. The procedures provide for:

- (a) Review of programs of apprenticeship;
- (b) Registration of programs of apprenticeship;
- (c) Processing complaints;
- (d) Withdrawing registration from programs of apprenticeship which do not comply; and
- (e) The continuation or withdrawal of the recognition of the Council for registering programs of apprenticeship pursuant to federal law and regulations.

4. The purpose of NAC 610.510 to 610.990, inclusive, is to promote equality of opportunity in apprenticeship by:

(a) Prohibiting discrimination based on race, color, religion, sex, sexual orientation, age, disability or national origin in programs of apprenticeship;

(b) Requiring affirmative action to provide equal opportunity in programs of apprenticeship; and

(c) Coordinating state programs with other programs for equal opportunity.

[Apprenticeship Council, Equal Employment Opportunity, § 1, eff. 9-11-76, A 10-6-78]—(NAC A by R082-04, 7-13-2004)

NAC 610.520 Definitions. (NRS 610.090, 610.144) As used in NAC 610.510 to 610.990, inclusive, the words and terms defined in this section have the meanings ascribed to them in this section.

1. “Council” means the State Apprenticeship Council.
2. “Department” means the United States Department of Labor.
3. “Director” means the ~~Labor Commissioner or a representative thereof~~ State Apprenticeship Director.
4. “Employer” means a person who employs an apprentice, whether or not the apprentice is enrolled with that person or another.
5. “Person” means a natural person, partnership, association, corporation or other entity, public or private.
6. “Plan” means NAC 610.510 to 610.990, inclusive.
7. “Pool” means a list of persons selected by a method provided in NAC 610.810 to 610.870, inclusive.
8. “Program of apprenticeship” means a program which is registered with and meets the standards of the Council.
9. “Secretary” means the United States Secretary of Labor, the Assistant Secretary of Labor for Employment and Training, or any person specifically designated by the Secretary or the Assistant Secretary.
10. “Sponsor” means a person who operates a program of apprenticeship, whether or not that person is an employer. [Apprenticeship Council, Equal Employment Opportunity, supplied in codification]

NAC 610.530 Standards: Nondiscrimination; uniformity. (NRS 610.090, 610.144) Each sponsor shall:

1. Recruit, select, employ and train apprentices without discrimination because of race, color, religion, sex, sexual orientation, age, disability or national origin.
2. Uniformly apply regulations concerning apprentices, including those which govern equality of wages, periodic advancement, promotion, assignment of work, the performance of a job, rotation among all of the different types of work involved in the trade, imposition of penalties or other disciplinary action, and all other administrative aspects of the program of apprenticeship.

[Apprenticeship Council, Equal Employment Opportunity, § 4 subsec. (a), eff. 9-11-76]—(NAC A by R082-04, 7-13-2004)

NAC 610.540 Standards: Pledge of equal opportunity. (NRS 610.090, 610.144) Each sponsor shall include in its standards a pledge of equal opportunity which is worded substantially as follows:

The recruitment, selection, employment and training of apprentices during apprenticeship will be without discrimination because of race, color, religion, sex, sexual orientation, age, disability or national origin. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the program of apprenticeship as required under Title 29 of the Code of Federal Regulations, Part 30, and all regulations on equal opportunity of employment in the State of Nevada.

[Apprenticeship Council, Equal Employment Opportunity, § 4 subsec. (b), eff. 9-11-76]—(NAC A by R082-04, 7-13-2004)

NAC 610.550 Requirements for programs registered before effective date. (NRS 610.090, 610.144)

1. Each sponsor of a program registered with the Council on September 11, 1976, shall take the following action within 90 days after that date:

(a) Include in the standards of its program of apprenticeship the pledge of equal opportunity set forth in [NAC 610.540](#);

(b) Adopt the plan for affirmative action which is required by [NAC 610.510](#) to [610.990](#), inclusive; and

(c) Adopt a procedure for the selection of apprentices which is required by [NAC 610.810](#) to [610.870](#), inclusive.

2. A sponsor which adopts a method of selection under [NAC 610.810](#) to [610.870](#), inclusive, shall prepare and have available for submission upon request copies of its amended standards and plans for affirmative action, and a statement of its procedures for selection.

3. A sponsor which adopts a method of selection under [NAC 610.860](#) shall submit copies of its standards, its plan for affirmative action and its procedure for the selection of apprentices to the Council as required in subsection 2 of [NAC 610.860](#).

[Apprenticeship Council, Equal Employment Opportunity, § 4 subsec. (c), eff. 9-11-76, A 10-6-78]

NAC 610.560 Requirements for new programs seeking registration. (NRS 610.090, 610.144)

1. A sponsor which seeks registration with the Council shall submit copies of its proposed [occupations with](#) standards, its plan for affirmative action, its procedures for the selection of apprentices, and any other information which the Council may require.

2. The program will be registered if the standards, [occupations](#), the plan for affirmative action, and the procedures for selection meet the requirements of [NAC 610.510](#) to [610.990](#), inclusive.

[Apprenticeship Council, Equal Employment Opportunity, § 4 subsec. (d), eff. 9-11-76]

NAC 610.570 Adoption of plans: Exceptions. (NRS 610.090, 610.144)

1. A sponsor need not adopt a plan for affirmative action under [NAC 610.610](#) to [610.770](#), inclusive, or a selection procedure under [NAC 610.810](#) to [610.860](#), inclusive, if it submits satisfactory evidence to the Council that it complies with a program for equal opportunity in employment which includes a program for the selection of apprentices and for affirmative action in apprenticeship, including goals and timetables for women and minorities, which has been approved as meeting the requirements of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e et seq., and its regulations published in chapter 14 of Title 40 of the Code of Federal Regulations, or Executive Order 11246, as amended, 30 F.R. 12319, 32 F.R. 14303 and 34 F.R. 12986, and the regulations published in chapter 60 of Title 41 of the Code of Federal Regulations.

2. An apprenticeship program which is approved, modified or renewed after October 10, 1978, qualifies for the exception stated in subsection 1 only if the goals and timetables for women and minority persons are equal to or greater than the goals required in [NAC 610.610](#) to [610.770](#), inclusive.

3. A sponsor of a program in which fewer than five apprentices are indentured is not required to adopt a plan for affirmative action under [NAC 610.610](#) to [610.770](#), inclusive, or a selection procedure under [NAC 610.810](#) to [610.860](#), inclusive, if the program was not adopted to circumvent the requirements of this chapter.

[Apprenticeship Council, Equal Employment Opportunity, § 4 subsecs. (e) & (f), eff. 9-11-76, A 10-6-78]

NAC 610.610 Affirmative action: Adoption of plans. (NRS 610.090, 610.144)
Except as provided in [NAC 610.570](#), each sponsor shall adopt a plan for affirmative action in employment.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (a), eff. 9-11-76]

NAC 610.615 “Affirmative action” defined. (NRS 610.090, 610.144)

1. “Affirmative action” means positive procedures, methods and programs for the identification, recruitment, training and motivation of minority persons and women for apprentices, including the establishment of goals and timetables. Its purpose is to equalize opportunity in apprenticeship to allow full use of the potential of women and minority persons to work.

2. The result to be sought in adopting a program of affirmative action is equal opportunity in apprenticeship for all persons participating in, or seeking entrance into, the labor force.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (b), eff. 9-11-76, A 10-6-78]

NAC 610.620 Recruiting programs. (NRS 610.090, 610.144)

1. A plan for affirmative action must include adequate provision for positive recruitment which might reasonably be expected to increase the participation of minority persons and women in a program of apprenticeship. 2. In order to achieve the objectives, sponsors shall undertake a significant number of activities such as those listed in [NAC 610.625](#) to [610.665](#), inclusive. No sponsor is required to include all of the listed activities in its program for affirmative action.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c), eff. 9-11-76, A 10-6-78]

NAC 610.625 Dissemination of information. (NRS 610.090, 610.144)

1. Recruiting programs may include the dissemination of information concerning the nature of the apprenticeship, the requirements for admission to apprenticeship, the availability of apprenticeships, sources of applications for apprenticeships, and the sponsor's policies on equal opportunity.

2. For programs which accept applications only at specified intervals, information must be disseminated at least 30 days before the earliest date for application at each interval.

3. For programs which customarily receive applications throughout the year, information must be regularly disseminated, but not less than twice each year. Recruiting information must be given to the Council, local schools, employment service offices, women's centers, outreach programs and community organizations which can effectively reach minority persons and women, and must also be published in newspapers which are circulated among women and in communities containing minority persons, as well as in the general areas in which the program sponsor operates.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c) par. (1), eff. 9-11-76, A 10-6-78]

NAC 610.630 Workshops. (NRS 610.090, 610.144) Sponsors may participate in workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other personnel with the system of apprenticeship and the current opportunities in it.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c) par. (2), eff. 9-11-76]

NAC 610.635 Schools. (NRS 610.090, 610.144) Sponsors may cooperate with local school boards and vocational education systems to develop programs for preparing students to qualify for entry into programs of apprenticeship.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c) par. (3), eff. 9-11-76]

NAC 610.640 Internal communications. ([NRS 610.090](#), [610.144](#)) Sponsors may make use of their internal communications to:

1. Foster understanding, acceptance and support of the policies of equal opportunity among the officers, supervisors, employees and members of the sponsor; and

2. Encourage those persons to take the necessary action to aid the sponsor in meeting its obligations under [NAC 610.510](#) to [610.990](#), inclusive.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c) par. (4), eff. 9-11-76]

NAC 610.645 Programs for positive recruitment and preparation of potential applicants. ([NRS 610.090](#), [610.144](#))

1. The sponsor may engage in programs for the positive recruitment and preparation of potential applicants for apprenticeships.

2. Where appropriate and feasible, the programs must provide for pretesting experience and training.

3. If none of these programs are in existence, the sponsor may seek to initiate these programs.

4. If this type of program exists, the sponsor may obtain any available financial assistance from the Department.

5. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and community organizations.

6. The sponsor shall also initiate programs to prepare and encourage women to enter trades which traditionally have been occupied exclusively by men.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c) par. (5), eff. 9-11-76, A 10-6-78]

NAC 610.650 Preparatory training. ([NRS 610.090](#), [610.144](#))

1. A sponsor may encourage the establishment and use of ~~preapprenticeship training~~, preparatory training for a trade or other programs designed to provide related experience at working or to prepare candidates for apprenticeship.

2. A sponsor which uses such programs shall provide in its plan for affirmative action that those who complete the programs are afforded full and equal opportunity for admission into the program of apprenticeship.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c) par. (6), eff. 9-11-76]

NAC 610.655 Journeymen. ([NRS 610.090](#), [610.144](#)) A sponsor may employ journeymen to assist in carrying out the program of affirmative action.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c) par. (7), eff. 9-11-76]

NAC 610.660 Advanced standing. ([NRS 610.090](#), [610.144](#)) If a sponsor grants advanced standing or credit on the basis of previously acquired experience, training, skills or aptitude, the sponsor shall grant it equally to all applicants.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c) par. (8), eff. 9-11-76]

NAC 610.665 Prevention of discrimination. ([NRS 610.090](#), [610.144](#))

1. A sponsor may take other appropriate action to ensure that the recruitment, selection, employment and training of apprentices during apprenticeship is without discrimination based upon race, color, religion, sex, sexual orientation, age, disability or national origin.

2. The program for affirmative action must set forth the specific steps the sponsor intends to take to prevent discrimination. Financial or other assistance may be available from the Department to carry out specific steps.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (c) par. (10), eff. 9-11-76, A 10-6-78]—(NAC A by R082-04, 7-13-2004)

Goals and Timetables

NAC 610.710 Inclusion in program. ([NRS 610.090](#), [610.144](#)) A sponsor which has adopted a method of selection under [NAC 610.845](#) or [610.850](#) and which determines on the basis of the analysis described in [NAC 610.750](#) that there are not enough women and minority persons in the craft or crafts represented by the program shall include in its plan for affirmative action, employment goals based on percentages and timetables for the admission of women and minority persons into the pool of eligible persons.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (d) par. (1), eff. 9-11-76, A 10-6-78]

NAC 610.720 Establishment by sponsor. ([NRS 610.090](#), [610.144](#))

1. The sponsor shall establish goals and timetables required by [NAC 610.710](#) based on an analysis of the number of women and minority persons it employs compared with the number which could reasonably be expected to be employed in the area in which the sponsor operates.

2. In establishing goals, the sponsor may consider results which could reasonably be expected from good faith efforts to provide an effective program of affirmative action.

3. Separate goals may be established for women and for minority persons, except that separate goals must be established for a particular group of persons within the classifications of women and minority persons if that group is employed in a substantially different manner from other persons within the classification.

4. Before October 6, 1979, the sponsor shall:

(a) Set a goal for women for the first year's class which equals at least 50 percent of the number which represents the ratio of working women to total women in the local labor market; and

(b) Set a percentage goal for women for each class after the first year's class which equals at least the percentage of women in the previous year's class.

5. After October 6, 1979, sponsors shall make the adjustments in their goals which are required by 29 C.F.R. 30.8(b).

[Apprenticeship Council, Equal Employment Opportunity, § 5 part subsec. (f), eff. 9-11-76, A 10-6-78]

NAC 610.730 Exceptions. (NRS 610.090, 610.144)

1. If the sponsor determines on the basis of analysis that there are no deficiencies in the program of affirmative action, no goals and timetables need be established.

2. If no goals and timetables are established, the affirmative action plan must explain in detail why goals and timetables were not established.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (d) par. (3), eff. 9-11-76]

NAC 610.740 Establishment by Council. (NRS 610.090, 610.144)

1. If a sponsor fails to submit goals and timetables as part of its plan of affirmative action, or submits goals and timetables which are unacceptable, and if the Council determines that the sponsor has deficiencies in the number of women or minority persons, the Council will establish goals and timetables applicable to the sponsor for the admission of women and minority persons into a pool of eligible persons, or some other method of selection of apprentices.

2. The sponsor shall make good faith efforts to attain these goals and timetables.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (d) par. (4), eff. 9-11-76, A 10-6-78]

NAC 610.750 Analysis of deficiencies. (NRS 610.090, 610.144)

1. The sponsor's determination of whether goals and timetables are required must be based upon an analysis of at least the following factors:

(a) The size of the population of working-age women and minority persons in the labor market of the area in which the sponsor operates;

(b) The percentage of minority persons and females participating as apprentices in the particular craft, as compared with the percentage of women and minority persons in the labor force in the area in which the sponsor operates;

(c) The percentage of minority persons and females participating as journeymen employed by the employer or employers participating in the program, as compared with the percentage of minority persons and women in the area in which the sponsor operates, and the extent to which the sponsor should be expected to correct any

deficiencies through the achievement of goals and timetables for the selection of apprentices; and

(d) The availability of women and minority persons with capacity for apprenticeship in the area in which the sponsor operates.

2. The analysis must be reduced to writing and included in the plan for affirmative action.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (e), eff. 9-11-76, A 10-6-78]

NAC 610.760 Attainment. ([NRS 610.090](#), [610.144](#))

1. The Council will find that a sponsor has attained the goals within its timetable if it has:

(a) Actually attained the goals within the period specified in the timetables; or

(b) Made good faith efforts to meet the goals.

2. As used in this section, “good faith efforts” mean following the plan for affirmative action, attempting to put it into effect and making changes in the plan when necessary to achieve the goals.

[Apprenticeship Council, Equal Employment Opportunity, § 5, part subsec. (f), eff. 9-11-76]

NAC 610.770 Availability Reporting of data and information to sponsors the Council. ([NRS 610.090](#), [610.144](#)) The ~~Director, or a designee thereof,~~ sponsor will ~~make available to sponsors~~ provide data and information on the population of women and minority persons and the characteristics of the labor force of each Standard Metropolitan Statistical Area, and other special areas ~~he or she finds~~ they find appropriate ~~when requested by the Council~~.

[Apprenticeship Council, Equal Employment Opportunity, § 5 subsec. (g), eff. 9-11-76, A 10-6-78]

Selection of Apprentices

NAC 610.810 Provision for selection. ([NRS 610.090](#), [610.144](#)) In addition to the development of a written plan for affirmative action to ensure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its program for affirmative action that the selection of apprentices will be made under one of the methods specified in [NAC 610.815](#) to [610.860](#), inclusive.

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (a), eff. 9-11-76]

NAC 610.815 Creation of pool of eligible persons. ([NRS 610.090](#), [610.144](#))

1. A pool of eligible persons must be created from applicants who meet:

(a) The minimum legal working age; or

(b) Other standards for qualification.

2. Standards for qualification other than age and minimum physical requirements must be set according to [NAC 610.820](#), [610.825](#) and [610.830](#).

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (1) subpar. (iii), eff. 9-11-76, A 10-6-78]

NAC 610.820 Requirements for eligibility: Standards for qualification. ([NRS 610.090](#), [610.144](#))

1. The standards for qualification for inclusion of an applicant in a pool of eligible persons must:

(a) Be stated in detail, together with the procedures for determining the standards;
(b) Provide the specific factors and attributes to be considered in evaluating applicants;

(c) State the score required under each standard for admission to the pool of eligible persons;

(d) Be directly related to the performance of the job, as shown by a significant statistical relationship between the score required for admission to the pool and performance in the program of apprenticeship;

(e) Be separately required, so that the failure of an applicant to attain the specified score under one standard disqualifies ~~him or her~~ them from admission to the pool; and

(f) Conform to the requirements set out in this section and [NAC 610.825](#) and [610.830](#).

2. Sponsors shall demonstrate the relationships between test criteria and the performance of a job by using the procedure set forth in 41 C.F.R. Part 60-3.

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (1) subpar. (iii), eff. 9-11-76, A 10-6-78]

NAC 610.825 Standards for qualification: Aptitude tests. ([NRS 610.090](#), [610.144](#))

1. Any standard for qualification for admission to a pool which includes a score on an aptitude test must use an aptitude test which is related to the performance of the job, as shown by significant statistical relationships as determined by 41 C.F.R. Part 60-3.

2. The requirements of this section apply to aptitude tests administered by the State Employment Service, any private employment agency or any other person who is engaged in the selection or evaluation of persons as applicants for jobs.

3. A national aptitude test which is developed and administered by a national joint apprenticeship committee will not be approved by the Council unless it meets the requirements of this section.

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (1) subpar. (iii), eff. 9-11-76, A 10-6-78]

NAC 610.830 Standards for qualification: General requirements for educational achievement. (NRS 610.090, 610.144)

1. Any educational achievement required as a qualification for admission to a pool must be directly related to the performance of the job, as demonstrated by showing a significant statistical relationship between the achievement and the performance of the job in the apprenticeship program, under the criteria set forth in 41 C.F.R. Part 60-3.

2. Records of schools or a passing grade on a general educational development test which is recognized by the State Board of Education or by a local authority controlling public instruction is evidence of educational achievement.

3. Educational requirements must apply uniformly to all applicants.

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (1) subpar. (iii), eff. 9-11-76, A 10-6-78]

NAC 610.833 Standards for qualification: High school diploma or equivalent; modification or suspension of requirements. (NRS 610.090, 610.144)

1. Except as otherwise provided in subsection 2, an apprentice must:

(a) Have a high school diploma or its equivalent before being accepted into a program; or

(b) Receive a high school diploma or its equivalent:

(1) Within 1 year after being indentured as an apprentice; or

(2) Upon completion of a school to work program or a welfare to work program.

2. The Council may modify or suspend the requirements set forth in subsection 1 on its own initiative or at the request of a sponsor if the Council determines that the modification or suspension is consistent with the proper supervision, training, safety and continuity of employment of an apprentice and, if applicable, with any provisions of a collective bargaining agreement.

3. As used in this section:

(a) "School to work program" means a program approved by the Council that prepares a pupil enrolled in high school to work in a trade.

(b) "Welfare to work program" means a program approved by the Council that allows a person who receives public assistance or who is otherwise eligible to participate in the program to work in a trade.

(Added to NAC by Apprenticeship Council, eff. 11-14-97)

REVISER'S NOTE.

The regulation of the State Apprenticeship Council filed with the Secretary of State on November 14, 1997 (LCB File No. R092-93), the source of this section (section 8 of this regulation), became effective on that date and contains the following provision not included in NAC:

"The provisions of section 8 of this regulation [NAC 610.833] do not apply to programs of apprenticeship approved by the Council before October 2, 1997, unless the Council specifically otherwise requires."

NAC 610.835 Oral interviews. (NRS 610.090, 610.144)

1. Oral interviews may not be used as a standard for qualification for admission into a pool.

2. An applicant who is listed in a pool may be required to submit to an oral interview before being selected as an apprentice.

3. Oral interviews may include questions which are required to determine the fitness of applicants to enter a program of apprenticeship, but may not include questions which are related to qualifications previously determined in gaining entrance into the pool.

4. Each interviewer at an oral interview shall record ~~his or her~~ **their** questions, the general nature of the answers and a summary of ~~his or her~~ **their** conclusions.

5. Each applicant who is rejected from the pool on the basis of an oral interview must be given a written statement of rejection containing the reasons for the rejection and a statement of the right to appeal the rejection.

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (1) subpar. (iii), eff. 9-11-76, A 10-6-78]

NAC 610.840 Notice to applicants of acceptance or rejection. (NRS 610.090, 610.144)

1. The sponsor shall notify each applicant who is selected for inclusion in the pool that the applicant has been placed in the pool.

2. The sponsor shall notify each applicant who is not selected for inclusion in the pool or the program of apprenticeship of the applicant's rejection, the reasons for the rejection, the requirements for admission into the pool or program, and the right to appeal.

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (1) subpar. (iv), eff. 9-11-76, A 10-6-78]

NAC 610.845 Selection by rank from applicants. (NRS 610.090, 610.144)

1. A sponsor may select apprentices from a pool created in accordance with the requirements of [NAC 610.815](#) to [610.840](#), inclusive, on the basis of the order of the scores of applicants on one or more standard for qualification if there is a significant statistical relationship between the order of scores and performance in the program of apprenticeship.

2. In demonstrating a relationship between the order of scores and performance, the sponsor shall follow the procedures set forth in the "Guidelines on Employee Selection Procedures" set forth in 41 C.F.R. Part 60-3.

3. The sponsor adopting this method of selecting apprentices shall meet the requirements of [NAC 610.815](#) to [610.840](#), inclusive.

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (1), eff. 9-11-76, A 10-6-78]

NAC 610.850 Random selection from pool of applicants. (NRS 610.090, 610.144)

1. After obtaining the approval of the Council, a sponsor may select apprentices from a pool of eligible applicants on a random basis. An impartial person or persons selected by the sponsor and not associated with the administration of the program of apprenticeship shall supervise the selection process.

2. The time and place of the selection and the number of apprentices to be selected must be announced in advance, and the place of the selection must be open to all applicants and the public.

3. The names of apprentices drawn by this method must be posted at the sponsor's place of business immediately after the selection.

4. A sponsor who adopts the random method of selecting apprentices shall meet the requirements of [NAC 610.815](#) to [610.840](#), inclusive.

5. The sponsor shall, if required by [NAC 610.720](#), [610.730](#) and [610.740](#), establish percentage goals and timetables for the admission of women and minority persons into the pool in accordance with the provisions of [NAC 610.710](#) to [610.760](#), inclusive.

6. The sponsor's compliance with its obligations under these regulations will be determined in accordance with the provisions of [NAC 610.760](#).

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (2), eff. 9-11-76, A 10-6-78]

NAC 610.855 Selection from existing employees. ([NRS 610.090](#), [610.144](#))

1. A sponsor may select apprentices from a pool of the workers already employed by the sponsor in a manner prescribed by any collective bargaining agreement or established policy of the sponsor regarding promotion.

2. The sponsor who adopts this method of selecting apprentices shall establish goals and timetables for the selection of female and minority apprentices, unless the sponsor concludes, in accordance with the provisions of [NAC 610.710](#) to [610.760](#), inclusive, that it does not have deficiencies in the numbers of women and minority persons in the crafts represented by its program of apprenticeship.

3. The sponsor's compliance with its obligations under these regulations will be determined under the provisions of [NAC 610.760](#).

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (3), eff. 9-11-76, A 10-6-78]

NAC 610.860 Use of other methods of selection; standards of qualification; requirements of sponsor. ([NRS 610.090](#), [610.144](#))

1. A sponsor may select apprentices by any other method, including its present selection method, if the sponsor meets the requirements of this section.

2. By January 6, 1980, the sponsor shall establish the method of selection it proposes to use and submit it to the Council, together with the rest of its written program for affirmative action. If required by [NAC 610.710](#) to [610.760](#), inclusive, the sponsor must include its percentage goals and timetables for the selection of female and minority

applicants for apprenticeship and its written analysis upon which such goals and timetables, or lack thereof, are based.

3. The sponsor may not use any method of selection allowed by subsection 1 until the Council approves it as meeting the requirements of subsection 4 and approves the remainder of its program for affirmative action, including its goals and timetables.

4. If the Council fails to act upon the method of selection and the program for affirmative action within 30 days after its submission, the sponsor may begin to use the selection method.

5. Apprentices must be selected on the basis of objective and specific standards of qualification. Standards may include fair aptitude tests, diplomas from schools or their equivalent, a minimum and maximum age, essential requirements of health and strength, fair interviews, grades achieved in schools and previous experiences of working. If interviews are used as a standard for qualification, adequate records must be kept and must include a brief summary of each interview and the conclusions reached regarding each of the specific factors used at the interview, including the applicant's motivation, ambition and willingness to accept direction. The program sponsor shall meet the requirements set forth in 41 C.F.R. Part 60-3 when it applies the standards listed in this subsection.

6. The sponsor's compliance with its obligations under these regulations will be determined under the provisions of [NAC 610.760](#). A sponsor must also meet the following requirements:

(a) If a sponsor fails to meet its goals and timetables within a reasonable period of time and has made efforts in good faith to do so, the Council may require the sponsor to make appropriate changes in its program for affirmative action to the extent necessary to attain its goals.

(b) The sponsor may also be required to develop and adopt an alternative method of selection, including a method prescribed by the Council, if the Council determines that the failure of the sponsor to meet its goals is attributable in substantial part to its present method of selection.

(c) If the sponsor's failure to meet its goals is attributable in substantial part to its use of a standard of qualification which has adversely affected the opportunities of women and minority persons for apprenticeship, the Council may require the sponsor to demonstrate that the standard of qualification is directly related to the performance of the job.

[Apprenticeship Council, Equal Employment Opportunity, § 6 subsec. (b) par. (4), eff. 9-11-76, A 10-6-78]

NAC 610.865 Existing lists of eligible persons. ([NRS 610.090](#), [610.144](#))

1. If a sponsor which has adopted a method of selection under [NAC 610.845](#), [610.850](#) or [610.860](#) determines that there are fewer women or minority persons on its existing lists of eligible persons than should reasonably be expected using

the analysis described in [NAC 610.750](#), it shall discard all existing lists of eligible persons upon the adoption of one of the permitted methods of selection. After discarding existing lists, the sponsor must establish a new pool of eligible persons and a list thereof must be posted at the sponsor's place of business.

2. A sponsor shall establish a reasonable period of at least 2 weeks for accepting applications for admission to a program of apprenticeship.

[Apprenticeship Council, Equal Employment Opportunity, part § 7, eff. 9-11-76]

NAC 610.870 Retention of lists of eligible persons; removal from list; reasonable period of time to report to work; restoration of applicant to list. ([NRS 610.090](#), [610.144](#))

1. An applicant who has been placed in a pool must be retained on the list of eligible persons for at least 2 years.

2. An applicant may be removed from the list before the expiration of the 2-year period at ~~his or her~~ their request or after ~~his or her~~ their failure to respond to a notice of an opportunity for apprenticeship sent to the applicant by certified United States mail with return receipt requested.

3. An applicant who has been accepted for an apprenticeship must be afforded a reasonable period of time in light of the customs and practices of the industry for reporting to work. Every applicant must be treated equally in determining the period of time.

4. The applicant shall keep the sponsor informed of ~~his or her~~ their current mailing address.

5. Upon request, a sponsor may restore to the list of eligible persons any applicant who had been removed from the list at ~~his or her~~ their own request or who failed to respond to a notice of an opportunity for apprenticeship.

[Apprenticeship Council, Equal Employment Opportunity, part § 7, eff. 9-11-76, A 10-6-78]

Records

NAC 610.910 Sponsor to maintain adequate records. ([NRS 610.090](#), [610.144](#))

1. Each sponsor shall keep adequate records, including:

(a) A summary of the qualifications of each applicant.

(b) The basis for evaluation and selection or rejection of each applicant.

(c) The records pertaining to interviews of applicants.

(d) The original application of each applicant.

(e) Information relating to the operation of the program of apprenticeship, including any assignment of jobs, promotion, demotion, layoff, termination, hours of work, hours of training when not at work, rates of pay, other forms of compensation, and conditions of employment.

(f) Other records required by the Council.

2. Records pertaining to individual applicants, including those who have been selected and those who have been rejected, must be maintained in a manner which identifies participants who are women or members of minority groups.

[Apprenticeship Council, Equal Employment Opportunity, § 8 subsec. (a), eff. 9-11-76, A 10-6-78]

NAC 610.915 Statement and review of plan for affirmative action. (NRS 610.090, 610.144)

1. Each sponsor shall retain a statement of its plan for affirmative action, including all data and analyses.

2. Each sponsor shall annually review its affirmative action plan, including goals and timetables, and update it where necessary.

[Apprenticeship Council, Equal Employment Opportunity, § 8 subsec. (b), eff. 9-11-76, A 10-6-78]

NAC 610.920 Standards of qualification. (NRS 610.090, 610.144) Each sponsor shall maintain evidence that its standards of qualification meet the requirements set forth in [NAC 610.820](#), [610.825](#) and [610.830](#).

[Apprenticeship Council, Equal Employment Opportunity, § 8 subsec. (c), eff. 9-11-76]

NAC 610.925 Maintenance; availability. (NRS 610.090, 610.144) The records required by this plan and any other information relevant in determining compliance with [NAC 610.510](#) to [610.990](#), inclusive, must be maintained for 5 years and made available upon request to the Council, Department or their authorized representatives.

[Apprenticeship Council, Equal Employment Opportunity, § 8 subsec. (d), eff. 9-11-76]

NAC 610.930 Records of State Apprenticeship Council; report to Department. (NRS 610.090)

1. The Council will keep adequate records which include the requirements for registration, the standards of and registration records for individual programs, reviews and investigations of programs for compliance with the provisions of this chapter, and any other records required for a determination of compliance with the plan by the Department.

2. The Council will report the contents of the records contained in subsection 1 to the Department upon request or as the Department requires.

[Apprenticeship Council, Equal Employment Opportunity, § 8 subsec. (e), eff. 9-11-76, A 10-6-78]

Enforcement

NAC 610.935 Reviews for compliance. (NRS 610.090, 610.180)

1. The **Council Director** will conduct a systematic review of programs of apprenticeship on a regular basis in order to determine the extent to which sponsors are complying with [NAC 610.550](#) to [610.990](#), inclusive.

2. The **Council Director** will conduct reviews for compliance if circumstances, including the receipt of complaints not referred to a private body for review, warrant a review, and will take appropriate action regarding programs which are not in compliance with the requirements of this plan.

3. Reviews for compliance will consist of comprehensive analysis and evaluation of each aspect of the program of apprenticeship, including on-site investigations and audits.

[Apprenticeship Council, Equal Employment Opportunity, § 9 subsec. (a), eff. 9-11-76, A 10-6-78]

NAC 610.940 Reviews for compliance upon registration. ([NRS 610.090](#), [610.095](#)) Sponsors seeking new registration or reregistration are subject to the review for compliance described in [NAC 610.935](#).

[Apprenticeship Council, Equal Employment Opportunity, § 9 subsecs. (b) & (c), eff. 9-11-76]

NAC 610.945 Review for compliance: Voluntary compliance. ([NRS 610.090](#), [610.095](#), [610.180](#))

1. If a review for compliance indicates that a sponsor is not operating in accordance with this plan, the **Council Director** will notify the ~~sponsor in writing~~ **Council** of the results of the review and **notify the sponsor in writing** to make a reasonable effort to secure the sponsor's voluntary compliance within a reasonable time before undertaking the sanctions set forth in [NAC 610.970](#).

2. If a sponsor seeks new registration, the Council will provide appropriate recommendations to the sponsor to enable it to achieve the compliance necessary for registration.

[Apprenticeship Council, Equal Employment Opportunity, § 9 subsec. (d), eff. 9-11-76]

NAC 610.950 Compliance with federal and state law or regulations. ([NRS 610.090](#), [610.095](#), [610.144](#))

1. A pattern or practice by a sponsor, or by one of the parties represented on a joint committee which is a sponsor, which does not comply with federal or state laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions under [NAC 610.970](#) if the failure to comply is related to the equal opportunity for employment of apprentices or graduates of a program of apprenticeship.

2. Every sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling its obligation to provide equal opportunity for employment.

[Apprenticeship Council, Equal Employment Opportunity, § 10, eff. 9-11-76]

NAC 610.955 Complaints: Filing; contents. (NRS 610.090, 610.180)

1. Any apprentice or applicant for apprenticeship who believes that ~~he or she has~~ **they have** been discriminated against on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin with regard to an apprenticeship, or that the standards for equal opportunity with respect to ~~his or her~~ **their** selection have not been followed in the operation of a program of apprenticeship, may, personally or through an authorized representative, file a complaint with the Council.

2. A complaint must be in writing, signed by the complainant, and include the name, address and telephone number of the person allegedly discriminated against, the name of the sponsor involved, and a brief description of the circumstances of the alleged failure to apply the standards of equal opportunity required by NAC 610.510 to 610.990, inclusive.

3. A complaint must be filed not later than 180 days after the alleged occurrence of the discrimination or the alleged failure to follow equal opportunity standards.

[Apprenticeship Council, Equal Employment Opportunity, § 11 subsec. (a) pars. (1) & (2), eff. 9-11-76, A 10-6-78]—(NAC A by R082-04, 7-13-2004)

NAC 610.970 Sanctions. (NRS 610.090, 610.180) If the Council, as a result of a review for compliance or otherwise, determines that there is reasonable cause to believe that a program of apprenticeship is not operating in accordance with NAC 610.510 to 610.990, inclusive, and that voluntary action to correct deficiencies has not been taken by the sponsor, the Council will:

1. Institute proceedings to withdraw the registration of the program of apprenticeship; or

2. Refer the matter to the Equal Employment Opportunity Commission for submission to the Attorney General of the United States with recommendations for the institution of an action under Title VII of the Civil Rights Act of 1964 or under any other federal law.

[Apprenticeship Council, Equal Employment Opportunity, § 13 subsec. (a), eff. 9-11-76, A 10-6-78]

NAC 610.975 Reinstatement of registration. (NRS 610.090, 610.180) Any program of apprenticeship which has had its registration withdrawn pursuant to NAC 610.970 may be reinstated upon presentation of adequate evidence to the Director **who will present their finding to the Council for final action** that the program of apprenticeship is operating in accordance with NAC 610.510 to 610.990, inclusive.

[Apprenticeship Council, Equal Employment Opportunity, § 14, eff. 9-11-76]

NAC 610.980 Intimidation and retaliation; confidentiality of identity of complainant. (NRS 610.090, 610.180)

1. Any intimidation, threat, coercion or retaliation by or with the approval of any sponsor against any person which is made:

(a) For the purpose of interfering with any right or privilege secured by Title VII of the Civil Rights Act of 1964, as amended, or Executive Order 11246 of September 24, 1965, as amended; or

(b) Because the person made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under [NAC 610.510](#) to [610.990](#),
↪ is a violation of the standards of equal opportunity set forth in [NAC 610.530](#).

2. The identity of complainants must be kept confidential except when disclosure is necessary to carry out the purpose of [NAC 610.510](#) to [610.990](#), inclusive, including conducting any investigation, hearing or judicial proceeding arising from [NAC 610.510](#) to [610.990](#), inclusive.

[Apprenticeship Council, Equal Employment Opportunity, § 15, eff. 9-11-76, A 10-6-78]

NAC 610.985 Discrimination. ([NRS 610.090](#), [610.144](#)) The commitments contained in a sponsor's program for affirmative action are not intended and may not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin.

[Apprenticeship Council, Equal Employment Opportunity, § 16, eff. 9-11-76]—
(NAC A by R082-04, 7-13-2004)

PROPOSED

We are requesting the Legislative Council Bureau to review the categories above to make sure they include all categories that are required.

NAC 610.990 Exceptions. ([NRS 610.090](#))

1. Requests for exceptions to [NAC 610.510](#) to [610.990](#), inclusive, or any part thereof, must be made in writing to the Director and contain a statement of reasons supporting the request.

2. Exceptions may be granted for good cause. The Council ~~will immediately~~ shall notify the Department of the granting of any exception which affects a substantial number of employees and the reasons for granting the exception.

[Apprenticeship Council, Equal Employment Opportunity, § 17, eff. 9-11-76]