

**ADOPTED REGULATION OF
THE LABOR COMMISSIONER**

LCB File No. R099-98

Effective September 14, 1998

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

AUTHORITY: §§2-12 and 14, NRS 608.1599; §13, NRS 607.205, 608.1599 and 608.180.

Section 1. Chapter 608 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this regulation, have the meanings ascribed to them in those sections.*

Sec. 3. *“Child care provided by the employer” means:*

- 1. Affordable child care for employees, provided by the employer, at the location of employment or at another location that is conveniently accessible;*
- 2. Reimbursement, provided by the employer, for employees for all or a portion of the costs of obtaining conveniently accessible child care; or*
- 3. Child care, provided by the employer, that is accessible to a person with special needs.*

Sec. 4. *“Employee” means a person in the service of a private employer pursuant to an appointment, contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed.*

Sec. 5. *“Location” includes, without limitation:*

1. *A single site of employment or a group of contiguous sites of employment;*
2. *A group of structures that form a campus or industrial park; or*
3. *Separate facilities that are located within close proximity to each other.*

Sec. 6. *“Report” means a report of the findings of a study that is submitted to the labor commissioner pursuant to NRS 608.1599.*

Sec. 7. *“Request” means any written communication, formal or informal, that reasonably notifies an employer that his employees want him to conduct a study, including, without limitation, a petition by the employees or their agent.*

Sec. 8. *“Special needs” includes, without limitation, the needs of persons with disabilities and persons who need child care to be available 24 hours a day or on weekends.*

Sec. 9. *“Study” means a study conducted pursuant to NRS 608.1599.*

Sec. 10. *A report must set forth:*

1. *The name of the employer and the address of the location at which the study was conducted;*
2. *The number of employees employed at the location at which the study was conducted;*
3. *The number of employees who requested the study;*
4. *The actual or estimated number of employees and their children who could and would use child care provided by the employer;*
5. *A description of the benefits, services and discounts for child care that are currently provided by the employer to his employees, if any;*

6. *A description of any special needs that have been communicated by an employee to the employer, or are otherwise known to the employer, and the actual or estimated number of employees with each special need;*

7. *A detailed explanation of the feasibility of the employer:*

(a) *To provide affordable child care for his employees at the location of employment or at another location that is conveniently accessible;*

(b) *To reimburse his employees for all or a portion of the costs of obtaining conveniently accessible child care; or*

(c) *To furnish child care to his employees that is accessible to persons with special needs, the explanation must include, without limitation, a description of any difficulties unique to the employer and his industry that affect the feasibility of providing or furnishing such child care or reimbursing his employees for such child care;*

8. *The results of the survey required pursuant to section 11 of this regulation; and*

9. *A detailed description of the method by which the information required by this section was obtained.*

Sec. 11. *1. An employer who is required to submit a report shall survey his employees and summarize the results of the survey in the report.*

2. The survey required pursuant to subsection 1 must include the following questions:

(a) *The number of children of each employee in each of the following age groups who would use child care provided by the employer:*

(1) *Children who are less than 2 years of age;*

(2) *Children who are at least 2 years of age, but less than 6 years of age;*

(3) Children who are at least 6 years of age, but less than 12 years of age; and

(4) Children who are at least 12 years of age, but less than 18 years of age;

(b) The hours of the day and days of the week that each employee would use child care provided by the employer;

(c) The importance to each employee of child care provided by the employer in relation to the other benefits of employment offered to the employee; and

(d) A description of the type of child care that each employee uses at the time the survey is conducted.

Sec. 12. *An employer who is required to submit a report shall:*

1. Submit the report to the labor commissioner within 90 days after the employer receives a request.

2. Allow any employee, upon request, a reasonable opportunity during the usual hours of business to inspect the report.

3. Provide to each employee who requested the study a copy or summary of the report.

4. Post and maintain a copy or summary of the report in:

(a) A conspicuous place at the location where the study was conducted; or

(b) A place where notices to employees are usually posted at the location where the study was conducted.

Sec. 13. *1. A person may submit to the labor commissioner any questions regarding the interpretation or application of the provisions of NRS 608.1599 and sections 2 to 13, inclusive, of this regulation.*

2. The labor commissioner may resolve any disputes or controversies that arise under the provisions of NRS 608.1599 and sections 2 to 13, inclusive, of this regulation. The labor commissioner or a person designated from the regular staff of the labor commissioner may resolve such disputes or controversies by conducting a hearing and issuing a decision pursuant to the provisions of NRS 607.207, 607.210 and 607.215.

Sec. 14. This regulation expires by limitation on June 30, 1999.