

LCB File No. R099-98

PROPOSED REGULATIONS OF THE STATE LABOR COMMISSIONER

(The hearings for this regulation will be scheduled sometime toward the end of July 1998.)

EXPLANATION - Matter in italics is new

AUTHORITY: §§ 1-12: NRS 608.1599
§ 13: NRS 607.205; NRS 608.1599

Section 1. Chapter 608 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 3, inclusive, of this regulation.

Sec. 2. *Definitions. As used in sections 2 to 13, inclusive, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, have the meanings ascribed to them in those sections.*

Sec. 3. *“Child” defined. “Child” means a person under the age of 18 years.*

Sec. 4. *“Employee” defined. “Employee” means every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, in private employment.*

Sec. 5. *“Location” defined. “Location” means either a single site of employment or a group of contiguous sites. Groups of structures that form a campus or industrial park, or separate facilities across the street from one another, may constitute one location of employment.*

Sec. 6. *“Request” defined. “Request” means any kind of communication, formal or informal, that reasonably notifies the employer that his employees want him to conduct a study described in NRS 608.1599.*

Sec. 7. *The request may be made up of individual petitions, collective petitions, a petition by a lawful agent of his employees, or through any combination of the above-listed methods.*

Sec. 8. *The following information must be included in the report submitted to the labor commissioner pursuant to NRS 608.1599(1):*

1. *the name of the employer and the address of his location on which the study was performed;*

2. *the number of employees employed at that location;*

3. *the number of employees who requested the study;*

4. *the actual or estimated number of employees who could utilize employer-provided and/or employer-reimbursed child care;*

5. *the actual or estimated number of employees who would utilize employer-provided and/or employer-reimbursed child care;*

6. *the actual or estimated number of children who would be served by employer-provided and/or employer-reimbursed child care;*

7. *the actual or estimated number of children who could be served by employer-provided and/or employer-reimbursed child care;*

8. *the child care benefits or discounts, if any, currently provided by or through the employer;*

9. *a list of any special needs as contemplated by NRS 608.1599(1)(c) that have 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;*

10. *a detailed explanation of the feasibility of providing affordable child care for his employees at that location or at another location that is conveniently accessible;*

11. *a detailed explanation of the feasibility of reimbursing his employees for all or a portion of the costs of obtaining conveniently accessible child care;*

12. *a detailed explanation of the feasibility of furnishing child care that is accessible to persons with special needs;*

13. *any obstacles unique to the employer and/or his industry to providing child care benefits; and*

14. *the process or processes undertaken to obtain the information required by this section.*

Sec. 9. *The employer shall also survey his employees and summarize the results of that survey in the report submitted to the labor commission pursuant to NRS 608.1599(1) on the following matters:*

1. *the number of children who would be served by employer-provided and/or employer-reimbursed child care in each of the following age groups: under 2 years, 2 to 5 years, over 5 years but under 12 years, and 12 years or over;*

2. *the importance of employer-provided and/or employer reimbursed child care to the employees in relation to other benefits offered to them by the employer; and*

3. *the type of child care that employees are currently utilizing.*

Sec. 10. *An employer shall notify his employees of the findings of a study requested pursuant to NRS 608.1599(1) and shall submit the report of his findings to the labor commissioner no later than 90 days after receipt of the request from at least 10 percent of his employees.*

Sec. 11. *1. An employer shall notify his employees as required by section 10 by:*

(a) providing to each employee who formed the request for the study, a copy of the report of his findings or a written summary of the report; and

(b) posting and maintaining a copy of the report of his findings or a written summary of the report in a conspicuous place at the location where notices to employees are customarily posted and read.

2. An employer must allow any employee, upon request, a reasonable opportunity, during the usual hours of business, to inspect the report.

Sec. 12. *The labor commissioner will consider any special requests or unusual circumstances regarding the interpretation and application of NRS 608.1599, and sections 7 to 11.*

Sec. 13. *The labor commissioner may resolve any disputes that arise under NRS 608.1599, or sections 2 to 12.*