

LCB File No. R152-98

PROPOSED REGULATION OF THE STATE LABOR COMMISSIONER

Please Note: These regulations are the result of a federal mandate. 42 U.S.C. § 607(f)(3). **Section 2** is dictated by 42 U.S.C. § 607(f)(2) and 42 C.F.R. § 645.265(c)(1)-(3). **Section 3** comes from 42 U.S.C. § 607(f)(3) and 42 C.F.R. § 645.265(c)(4). **Section 4** is a result of 42 C.F.R. § 645.270(b). Finally, **Section 5** is dictated by 42 C.F.R. § 645.270(h).

EXPLANATION - Matter in italics is new

AUTHORITY: §§ 2-5, NRS 613.225

Section 1. Chapter 613 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *An adult participating in a welfare-to-work activity (WtW) described in 42 U.S.C. § 6097(d) which is funded, in whole or in part, by funds provided by the Federal Government shall not be employed or assigned:*

- 1. When any other individual is on layoff, with recall rights, from the same or any substantially equivalent job within the same organizational unit;*
- 2. If the employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its work force with the intention of filling the vacancy so created with the WtW participant; and*
- 3. If the employer has caused an involuntary reduction to less than full time in hours of any employee in the same or substantially equivalent job within the same organizational unit.*

Sec. 3. *Within 60 days after the date the alleged displacement began, a regular employee or program participant alleging displacement may request a hearing before the labor*

commissioner to determine if the employee or program participant was so displaced. The office shall supply the employee or program participant with all forms needed to request such a hearing. The labor commissioner shall conduct the hearing in the manner provided in NRS 607.205 to 607.220, inclusive.

Sec. 4. *The labor commissioner may summon the party that requested a hearing pursuant to section 3 of this regulation and the affected employer to appear for informal resolution at a suitable place in the county of the regular employee or program participant alleging displacement.*

Sec. 5. 1. *If an employer is found to have violated section 2 of this regulation, the displaced employee or program participant is entitled to be immediately reinstated to his position without loss of seniority or benefits, and to receive all wages and benefits lost as a result of the termination.*

2. *An employer found to have violated section 2 of this regulation may also be penalized by the:*

- (a) Suspension or termination of payments from WtW funds to the employer; and*
- (b) Prohibition of placement of a WtW participant with the employer.*