

ADOPTED REGULATION OF THE STATE

APPRENTICESHIP COUNCIL

LCB File No. R142-01

Effective December 17, 2001

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

AUTHORITY: §§1-10, NRS 610.090.

**Section 1.** Chapter 610 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2. 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, 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 him 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 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 of the provisions of chapter 610 of NRS which govern apprenticeships or any regulation adopted pursuant thereto by the council;*

*(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; or*

*(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.*

*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.*

**Sec. 3.** *The period of probation of a registered apprentice must not exceed 25 percent of his total hours of training on the job and related instruction.*

**Sec. 4.** *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.*

*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.*

**Sec. 5.** *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.*

**Sec. 6.** NAC 610.010 is hereby amended to read as follows:

610.010 As used in NAC 610.010 to 610.465, inclusive, *and sections 2 to 5, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 610.013 to 610.040, inclusive, have the meanings ascribed to them in those sections.

**Sec. 7.** NAC 610.115 is hereby amended to read as follows:

610.115 *1.* The council will meet on the second Thursday of the months of February, May, August and November. 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.

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

4. *In the absence or recusal of the chairman of the council, the director will appoint another member of the council to preside over the proceedings of the council.*

5. The council will designate the location of each of its meetings.

~~5.~~ 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.

**Sec. 8.** NAC 610.310 is hereby amended to read as follows:

610.310 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.

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 will, at least once every 5 years, review the standards for an apprenticeship program that is registered with the council.*

**Sec. 9.** NAC 610.438 is hereby amended to read as follows:

610.438 1. Except as otherwise provided in subsection ~~2.~~ 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 work force 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.

~~[3.]~~ 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.

~~[4.]~~ 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.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[6.]~~ 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.

~~6.7~~ 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.

**Sec. 10.** NAC 610.485 is hereby amended to read as follows:

610.485 The minimum reasonable and profitable wage for an apprentice in the construction industry is:

1. On a public work as defined in NRS 338.010, not less than the percentage set forth in the standards approved by the council of the prevailing wage for a journeyman established by the labor commissioner.
2. On a federal public works project, not less than the percentage set forth in the standards approved by the council of the prevailing wage for a journeyman established by the United States Department of Labor.
3. On a project which is paid for with federal and state money, the higher of the percentages set forth in subsections 1 and 2.
4. On a project other than a public work, not less ~~that \$8~~ *than \$9.10* per hour. The wages must be in cash and must not include any benefits.

**INFORMATION STATEMENT CONCERNING ADOPTED REGULATION  
OF THE STATE APPRENTICESHIP COUNCIL**

**LCB FILE R142-01**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 610.

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

Public comment was solicited by forwarding notice to all persons on the agency's mailing list for apprenticeship related announcements. Additionally, notice was provided to all persons who had requested to be noticed of agency action concerning regulations, pursuant to Chapter 233B of NRS. A copy of the written comments may be obtained by contacting Lleta Brown, Apprenticeship Training Representative, State Apprenticeship Council, c/o Office of the Labor Commissioner, 555 Washington Avenue, Suite 4100, Las Vegas, Nevada 89101, 702-486-2650.

- 2. The number persons who:**

- (a) **Attended each hearing:** 16
- (b) **Testified at each hearing:** 7
- (c) **Submitted to the agency written comments:** There were no written comments received regarding the proposed regulations.

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

Comments were solicited from affected businesses by the notices sent to the various apprenticeship program sponsors, including the various contractor associations. The comments focused on the implementation of AB 149 from the 2001 legislative session. Other concerns regarding centered on submission of apprenticeship standards to the Council and revision of language concerning apprenticeship ratios. A copy of the written comments may be obtained by calling the Apprenticeship Training Representative, Office of the Labor Commissioner, 555 E. Washington Avenue, Suite 4100, Las Vegas, Nevada 89101.

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

The permanent regulation was adopted at the State Apprenticeship Council hearing on November 8, 2001 with changes to proposed regulations concerning AB 149 provisions, terms of probation for apprentices, and apprenticeship ratios.

**5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Both adverse and beneficial effects; and**

**(b) Both immediate and long-term effects.**

a. The proposed revisions are expected to have an immediate or long-term beneficial economic effect upon the regulated community.

b. There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

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

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

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

There are no other state or government agency regulations that the proposed amendments duplicate.

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

The instant regulations do not contain provisions that are more stringent than a federal regulation which regulates the same activity.

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

This regulation does not provide for a new fee, nor does it increase an existing fee.