

**Amendment No. 508**

Assembly Amendment to Assembly Bill No. 459	(BDR 18-1068)
<b>Proposed by:</b> Assembly Committee on Ways and Means	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) **orange double underlining** is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 459—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF FINANCE  
IN THE OFFICE OF THE GOVERNOR)

APRIL 8, 2021

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to workforce development.  
(BDR 18-1068)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Executive Budget.

~

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

AN ACT relating to workforce development; moving the Office of Workforce Innovation from the Office of the Governor to the Department of Employment, Training and Rehabilitation; providing that the Executive Director of the Office of Workforce Innovation and the State Apprenticeship Director are in the unclassified service of the State; revising provisions relating to the administration and oversight of the State Apprenticeship Council; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes the Office of Workforce Innovation in the Office of the Governor. (NRS 223.800) **Sections 1, 3 and 8** of this bill move the Office of Workforce Innovation from the Office of the Governor into the Department of Employment, Training and Rehabilitation. **Sections 2-7 and 15** of this bill reorganize existing provisions of law related to the Office of Workforce Innovation to account for moving the Office into the Department. **Sections ~~9-11~~ 9, 10 and 13** of this bill update internal references to existing sections of law relating to the Office.

Existing law provides that the Executive Director of the Office of Workforce Innovation is not in the classified or unclassified service of the State. (NRS 223.810) **Section 4** of this bill provides that the Executive Director is in the unclassified service of the State.

Under existing law, the Office of Workforce Innovation is responsible and accountable for apprenticeship in this State as this State’s registration agency. (NRS 223.800) Section 10.5 of this bill instead requires the Office of the Labor Commissioner to: (1) act as the State Apprenticeship Agency; and (2) oversee the State Apprenticeship Council and the State Apprenticeship Director. Sections 11, 11.3, 11.7, 12.3 and 12.7 of this bill make conforming changes to existing provisions of law related to the Office of Workforce Innovation to account for the Labor Commissioner’s oversight of the State Apprenticeship Council.

Existing law requires the Governor to appoint a State Apprenticeship Director who is not in the classified or unclassified service of the State. (NRS 610.110) **Section 12** of this bill

21 instead requires the Labor Commissioner to appoint a State Apprenticeship Director  
 22 and provides that the State Apprenticeship Director is in the unclassified service of the State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 223.085 is hereby amended to read as follows:

2 223.085 1. The Governor may, within the limits of available money, employ  
 3 such persons as he or she deems necessary to provide an appropriate staff for the  
 4 Office of the Governor, including, without limitation, the Office of Economic  
 5 Development, the Office of Science, Innovation and Technology, the Office of the  
 6 Western Regional Education Compact ~~[, the Office of Workforce Innovation]~~ and  
 7 the Governor's mansion. Except as otherwise provided by specific statute, such  
 8 employees are not in the classified or unclassified service of the State and, except  
 9 as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the  
 10 Governor.

11 2. Except as otherwise provided by specific statute, the Governor shall:

12 (a) Determine the salaries and benefits of the persons employed pursuant to  
 13 subsection 1, within limits of money available for that purpose; and

14 (b) Adopt such rules and policies as he or she deems appropriate to establish  
 15 the duties and employment rights of the persons employed pursuant to subsection 1.

16 3. The Governor may:

17 (a) Appoint a Chief Information Officer of the State; or

18 (b) Designate the Administrator as the Chief Information Officer of the State.

19 **↳** If the Administrator is so appointed, the Administrator shall serve as the Chief  
 20 Information Officer of the State without additional compensation.

21 4. As used in this section, "Administrator" means the Administrator of the  
 22 Division of Enterprise Information Technology Services of the Department of  
 23 Administration.

24 **Sec. 2.** Chapter 232 of NRS is hereby amended by adding thereto the  
 25 provisions set forth as sections 3 to 6, inclusive, of this act.

26 **Sec. 3.** ~~[↔]~~ *The Office of Workforce Innovation is hereby created in the*  
 27 *Department.*

28 ~~[↔ 2. The Office of Workforce Innovation has responsibility and accountability~~  
 29 ~~for apprenticeship within this State.]~~

30 **Sec. 4.** *1. The Governor shall appoint the Executive Director of the Office*  
 31 *of Workforce Innovation.*

32 *2. The Executive Director is in the unclassified service of the State and*  
 33 *serves at the pleasure of the Governor.*

34 **Sec. 5.** *The Executive Director of the Office of Workforce Innovation*  
 35 *shall:*

36 *1. Provide support to the Department, the Governor's Workforce*  
 37 *Investment Board created by NRS 232.935 and the industry sector councils*  
 38 *established by the Governor's Workforce Investment Board on matters relating to*  
 39 *workforce development.*

40 *2. Work in coordination with the Office of Economic Development to*  
 41 *establish criteria and goals for workforce development and diversification in this*  
 42 *State.*

43 *3. Collect and systematize and present in biennial reports to the Governor*  
 44 *and the Legislature such statistical details relating to workforce development in*

1 *the State as the Executive Director of the Office may deem essential to further the*  
2 *objectives of the Office of Workforce Innovation.*

3 *4. At the direction of the Director:*

4 *(a) Identify, recommend and implement policies related to workforce*  
5 *development.*

6 *(b) Define career pathways and identify priority career pathways for*  
7 *secondary and postsecondary education.*

8 *(c) Discontinue career pathways offered by the State which fail to meet*  
9 *minimum standards of quality, rigor and cross-education alignment, or that do*  
10 *not demonstrate a connection to priority industry needs.*

11 *(d) In consultation with the Governor's Workforce Investment Board,*  
12 *identify industry-recognized credentials, workforce development programs and*  
13 *education.*

14 *(e) Maintain and oversee the statewide longitudinal data system that links*  
15 *data relating to early childhood education programs and K-12 public education*  
16 *with data relating to postsecondary education and the workforce in this State.*

17 *(f) Collect accurate educational data in the statewide longitudinal data*  
18 *system for the purpose of analyzing student performance through employment to*  
19 *assist in improving the educational system and workforce training program in*  
20 *this State.*

21 *(g) Apply for and administer grants, including, without limitation, those that*  
22 *may be available from funding reserved for statewide workforce investment*  
23 *activities.*

24 *(h) Review the status and structure of local workforce investment areas in*  
25 *the State, in coordination with the Governor and the Governor's Workforce*  
26 *Investment Board.*

27 *(i) Report periodically to the Governor's Workforce Investment Board*  
28 *concerning the administration of the policies and programs of the Office of*  
29 *Workforce Innovation.*

30 *(j) On or before March 31 of each year, submit to the Governor a complete*  
31 *report of the activities, discussions, findings and recommendations of the Office*  
32 *of Workforce Innovation.*

33 ~~*(k) [Oversee the State Apprenticeship Council and the State Apprenticeship*~~  
34 ~~*Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other*~~  
35 ~~*functions as may be necessary for the fulfillment of the intent and purposes of*~~  
36 ~~*chapter 610 of NRS.*~~

37 ~~*(l) Suggest improvements regarding the allocation of federal and state*~~  
38 ~~*money to align workforce training and related education programs in the State,*~~  
39 ~~*including, without limitation, career and technical education.*~~

40 ~~*(m) (l) On or before January 1 of each year, collect and analyze data as*~~  
41 ~~*needed to create a written report for the purposes of this paragraph, and submit*~~  
42 ~~*such a report to the Director of the Legislative Counsel Bureau. The report must*~~  
43 ~~*include, without limitation:*~~

44 ~~*(1) Statistical data based on an analysis of the number of persons within*~~  
45 ~~*this State who are engaged in an occupation or profession that is regulated by a*~~  
46 ~~*regulatory body in relation to the total population of this State or any geographic*~~  
47 ~~*area within this State;*~~

48 ~~*(2) The demand within this State or any geographic area within this State*~~  
49 ~~*for the types of services provided by persons within this State who are engaged in*~~  
50 ~~*an occupation or profession that is regulated by a regulatory body; and*~~

51 ~~*(3) Any other factors relating to the types of services provided by persons*~~  
52 ~~*within this State who are engaged in an occupation or profession that is*~~  
53 ~~*regulated by a regulatory body that adversely affect public health or safety.*~~

1 *↪ As used in this paragraph, “regulatory body” has the meaning ascribed to it in*  
2 *NRS 622.060.*

3 ~~¶~~ *(m) On or before January 1 of each year, submit to the Director of the*  
4 *Legislative Counsel Bureau a written report that includes, without limitation, the*  
5 *most current data and reports produced by the statewide longitudinal data system.*

6 **Sec. 6.** *The following public agencies shall submit educational and*  
7 *workforce data for inclusion in the statewide longitudinal data system maintained*  
8 *pursuant to paragraph (e) of subsection 4 of section 5 of this act:*

9 1. *The Department of Employment, Training and Rehabilitation.*

10 2. *The Department of Education.*

11 3. *The Nevada System of Higher Education.*

12 4. *The Department of Motor Vehicles.*

13 5. *Any other public agency which is directed by the Governor to submit*  
14 *such data.*

15 **Sec. 7.** NRS 232.900 is hereby amended to read as follows:

16 232.900 As used in NRS 232.900 to 232.960, inclusive, *and sections 3 to 6,*  
17 *inclusive, of this act* unless the context otherwise requires:

18 1. “Department” means the Department of Employment, Training and  
19 Rehabilitation.

20 2. “Director” means the Director of the Department.

21 **Sec. 8.** NRS 232.910 is hereby amended to read as follows:

22 232.910 1. The Department of Employment, Training and Rehabilitation is  
23 hereby created. The purpose of the Department is to plan, coordinate and carry out  
24 various services and activities designed to achieve and support employment and  
25 economic independence for residents of this State who are disadvantaged, displaced  
26 or disabled.

27 2. The Department consists of a Director and the following divisions:

28 (a) Employment Security Division;

29 (b) Rehabilitation Division; and

30 (c) Such other divisions as the Director may establish.

31 3. The *Office of Workforce Innovation*, Nevada Equal Rights Commission  
32 and the Board for the Education and Counseling of Displaced Homemakers are  
33 within the Department.

34 **Sec. 9.** NRS 400.027 is hereby amended to read as follows:

35 400.027 1. The P-20W Research Data System Advisory Committee is  
36 hereby created to assist in the coordination and management of the statewide  
37 longitudinal data system administered by the Office of Workforce Innovation  
38 pursuant to ~~NRS 223.820~~ *section 5 of this act*. The Chancellor of the System, the  
39 Superintendent of Public Instruction and the Director of the Department of  
40 Employment, Training and Rehabilitation or their designees serve as ex officio  
41 members of the Committee.

42 2. The Committee may, by a vote of the majority of the Committee, nominate  
43 additional members for consideration by the Governor to be appointed to the  
44 Committee. The Governor may appoint a nominee to the Committee if the  
45 Governor determines that the addition of the nominee to the Committee is  
46 necessary or desirable.

47 3. Each appointed member of the Committee serves a term of 3 years and  
48 may be reappointed.

49 4. The Governor shall call the first meeting of the Committee. At its first  
50 meeting and annually thereafter, the members of the Committee shall elect a Chair  
51 and a Vice Chair from among the members of the Committee.

52 5. The Committee shall meet at least once each calendar year and, after its  
53 first meeting, at the call of the Chair.

1           6. The Office of Workforce Innovation shall provide any administrative  
2 support necessary for the Committee to carry out its duties.

3           **Sec. 10.** NRS 400.037 is hereby amended to read as follows:

4           400.037 1. The Committee shall:

5           (a) Support and advise the Executive Director of the Office of Workforce  
6 Innovation regarding the maintenance and oversight of the statewide longitudinal  
7 data system;

8           (b) Develop a plan for collaborative research using data from the statewide  
9 longitudinal data system; and

10           (c) Advise and assist the System, the Department of Education, the Office of  
11 Workforce Innovation and the Department of Employment, Training and  
12 Rehabilitation in:

13           (1) Applying for and obtaining grants of money for the operation of the  
14 statewide longitudinal data system or to carry out the work of the Committee;

15           (2) Budgeting for the operation of the statewide longitudinal data system or  
16 to carry out the work of the Committee;

17           (3) Proposing legislation relating to the statewide longitudinal data system  
18 or to carry out the work of the Committee; and

19           (4) Matters relating to any contract for any services necessary for the  
20 operation or utilization of the statewide longitudinal data system or to carry out the  
21 work of the Committee.

22           2. As used in this section, "statewide longitudinal data system" means the  
23 system administered by the Office of Workforce Innovation pursuant to ~~NRS~~  
24 ~~223.820~~ section 5 of this act.

25           **Sec. 10.5. Chapter 607 of NRS is hereby amended by adding thereto a**  
26 **new section to read as follows:**

27           1. The Office of the Labor Commissioner shall act as the State  
28 Apprenticeship Agency as defined in 29 C.F.R. § 29.2 and has responsibility and  
29 accountability for apprenticeship in this State.

30           2. The Labor Commissioner shall oversee the State Apprenticeship Council  
31 and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185,  
32 inclusive, and perform such other functions as may be deemed necessary to carry  
33 out the intent and purposes of chapter 610 of NRS.

34           **Sec. 11.** NRS 610.010 is hereby amended to read as follows:

35           610.010 As used in this chapter, unless the context otherwise requires:

36           1. "Agreement" means a written and signed agreement of indenture as an  
37 apprentice.

38           2. "Apprentice" means a person who is covered by a written agreement,  
39 issued pursuant to a program with an employer, or with an association of employers  
40 or an organization of employees acting as agent for an employer.

41           3. "Council" means the State Apprenticeship Council created by NRS  
42 610.030.

43           4. "Disability" means, with respect to a person:

44           (a) A physical or mental impairment that substantially limits one or more of the  
45 major life activities of the person;

46           (b) A record of such an impairment; or

47           (c) Being regarded as having such an impairment.

48           5. ~~"Executive Director" means the Executive Director of the Office of~~  
49 ~~Workforce Innovation.~~

50           ~~6.~~ "Gender identity or expression" means a gender-related identity,  
51 appearance, expression or behavior of a person, regardless of the person's assigned  
52 sex at birth.

~~17. “Office of Workforce Innovation” means the Office of Workforce Innovation in the Office of the Governor created by NRS 223.800, section 3 of this act.~~

~~8.] 6.~~ “Program” means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~19.] 7.~~ “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

~~110.] 8.~~ “State Apprenticeship Director” means the person appointed pursuant to NRS 610.110.

**Sec. 11.3. NRS 610.030 is hereby amended to read as follows:**

610.030 There is hereby created the State Apprenticeship Council composed of:

1. The following voting members, appointed by the Governor upon recommendation of the ~~[Executive Director of the Office of Workforce Innovation]~~

**Labor Commissioner:**

(a) Two members who represent management and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.

(b) Two members who represent labor and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.

(c) Two members, one who represents management and one who represents labor, who have, or have had, a defined role or job in a statewide, jointly administered apprenticeship program.

(d) One member who is a representative of the general public.

2. The following nonvoting members:

(a) The Executive Director of the Office of Economic Development or his or her designee.

(b) The Superintendent of Public Instruction or his or her designee.

(c) One representative of a community college located in a county whose population is 700,000 or more, appointed by the Chancellor of the Nevada System of Higher Education.

(d) One representative of a community college located in a county whose population is less than 700,000, appointed by the Chancellor of the Nevada System of Higher Education.

**Sec. 11.7. NRS 610.070 is hereby amended to read as follows:**

610.070 1. The ~~[Executive Director of the Office of Workforce Innovation]~~ **Labor Commissioner** shall select from the membership of the Council a Chair and Vice Chair, who shall hold office for 2 years. Notwithstanding the provisions of NRS 610.030, the Chair, or the Vice Chair in the absence of the Chair, is not entitled to a vote except to break a tie.

2. The State Apprenticeship Director shall serve as the nonvoting Secretary of the Council.

3. The Council may prescribe such bylaws as it deems necessary for its operation.

4. The Council shall meet at least once in each calendar quarter at a time and place specified by the call of the Chair, the State Apprenticeship Director, the ~~[Executive Director]~~ **Labor Commissioner** or a majority of the members of the Council. Special meetings of the Council may be held at the call of the Chair, the State Apprenticeship Director, the ~~[Executive Director]~~ **Labor Commissioner** or a majority of the members of the Council at such additional times as they deem necessary.



1           5. The Chair, or the Vice Chair in the absence of the Chair, and four voting  
2 members of the Council constitutes a quorum, and a quorum may exercise any  
3 power or authority conferred on the Council.

4           **Sec. 12.** NRS 610.110 is hereby amended to read as follows:

5           610.110 1. The ~~{Governor}~~ Labor Commissioner shall appoint a State  
6 Apprenticeship Director.

7           2. The State Apprenticeship Director:

8           (a) Shall report to the ~~{Executive Director}~~ Labor Commissioner.

9           (b) Is ~~{not}~~ in the ~~{classified or}~~ unclassified service of the State and serves at  
10 the pleasure of the ~~{Governor}~~ Labor Commissioner.

11           (c) Must have responsible administrative experience in public or business  
12 administration or must possess broad management skills in areas related to the  
13 functions of this chapter.

14           (d) Must have the demonstrated ability to administer a major public agency in  
15 the field of workforce development, and must possess the following skills and  
16 attributes:

17           (1) A comprehensive knowledge of administrative principles and a  
18 working knowledge of broad principles relating to subject matters under his or her  
19 administrative direction.

20           (2) The administrative ability to assess the adequacy of agency operations  
21 and the protection of the public interest as related to the subject fields.

22           (3) An ability to organize and present oral and written communication to  
23 the Governor, the Legislature and other pertinent officials or persons.

24           (4) A background which demonstrates that he or she can impartially serve  
25 the interests of both employees and employers.

26           (e) Must not, at the time of appointment or at any time during his or her term of  
27 office, receive payment or compensation as the officer of any labor organization or  
28 have a pecuniary interest in any labor organization.

29           **Sec. 12.3.** NRS 610.120 is hereby amended to read as follows:

30           610.120 1. ~~{The}~~ Under the direction of the Labor Commissioner, the  
31 State Apprenticeship Director shall:

32           (a) Administer the provisions of this chapter with the advice and guidance of  
33 the State Apprenticeship Council.

34           (b) Keep a record of agreements and their dispositions.

35           (c) Issue certificates of completion of apprenticeship at the request of the local  
36 joint apprenticeship committee.

37           (d) Promote apprenticeship programs through public engagement activities and  
38 other initiatives.

39           (e) Ensure information and resources related to applications for new  
40 apprenticeship programs are made available to the public, including, without  
41 limitation, information related to technical assistance and requirements for  
42 applicants of new apprenticeship programs.

43           (f) Establish and maintain an Internet website that provides information  
44 regarding apprenticeship programs to the public.

45           (g) Assist the Council in identifying opportunities for linkages and  
46 coordination with the State's economic development strategies and workforce  
47 investment system that is paid for wholly or in part with public money, in  
48 accordance with 29 C.F.R. § 29.13.

49           (h) Coordinate community-based outreach initiatives designed to promote  
50 apprenticeship opportunities among students, displaced workers and other persons  
51 who face barriers to entering the workforce.

52           (i) Prepare budgets and compile annual reports to the Legislature ~~{Executive~~  
53 Director} and the Governor.

1 (j) Perform other administrative duties on behalf of the Council.

2 (k) Perform such other duties as are necessary to carry out the intent and  
3 purposes of this chapter.

4 2. The administration and supervision of related and supplemental instruction  
5 for apprentices, coordination of instruction with job experiences, and the selection  
6 and training of teachers and coordinators for that instruction are the responsibility  
7 of the local joint apprenticeship committees.

8 3. As used in this section, "technical assistance" means guidance provided by  
9 the ~~Office of Workforce Innovation~~ State Apprenticeship Director to the sponsor  
10 of a proposed or existing apprenticeship program for the development, revision,  
11 amendment or processing of standards of apprenticeship or apprenticeship  
12 agreements and the provision of advice to or consultation with such a sponsor to  
13 further compliance with the provisions of this chapter and any regulations adopted  
14 pursuant thereto.

15 **Sec. 12.7. NRS 610.144 is hereby amended to read as follows:**

16 610.144 To be eligible for registration and approval by the Council, a  
17 proposed program must:

18 1. Be an organized, written plan embodying the terms and conditions of  
19 employment, training and supervision of one or more apprentices in an occupation  
20 in which a person may be apprenticed and be subscribed to by a sponsor who has  
21 undertaken to carry out the program.

22 2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(c)  
23 and, when applicable:

24 (a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

25 (b) A method of selection authorized in 29 C.F.R. § 30.10;

26 (c) A nondiscriminatory pool for application as an apprentice; or

27 (d) Similar requirements expressed in a state plan for equal opportunity in  
28 employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved  
29 by the United States Department of Labor.

30 3. Contain:

31 (a) Provisions concerning the employment and training of the apprentice in a  
32 skilled trade;

33 (b) A term of apprenticeship of not less than 2,000 hours of work experience,  
34 consistent with training requirements as established by practice in the trade;

35 (c) An outline of the processes in which the apprentice will receive supervised  
36 experience and training on the job, and the allocation of the approximate time to be  
37 spent in each major process;

38 (d) Provisions for organized, related and supplemental instruction in technical  
39 subjects related to the trade with a minimum of 144 hours for each year of  
40 apprenticeship, given in a classroom or through trade, industrial or correspondence  
41 courses of equivalent value or other forms of study approved by the Council;

42 (e) A progressively increasing, reasonable and profitable schedule of wages to  
43 be paid to the apprentice consistent with the skills acquired, not less than that  
44 allowed by federal or state law or regulations or by a collective bargaining  
45 agreement;

46 (f) Provisions for a periodic review and evaluation of the apprentice's progress  
47 in performance on the job and related instruction and the maintenance of  
48 appropriate records of such progress;

49 (g) A numeric ratio of apprentices to journeymen consistent with proper  
50 supervision, training, safety, continuity of employment and applicable provisions in  
51 collective bargaining agreements, in language that is specific and clear as to its  
52 application in terms of job sites, workforces, departments or plants;

1 (h) A probationary period that is reasonable in relation to the full term of  
2 apprenticeship, with full credit given for that period toward the completion of the  
3 full term of apprenticeship;

4 (i) Provisions for adequate and safe equipment and facilities for training and  
5 supervision and for the training of apprentices in safety on the job and in related  
6 instruction;

7 (j) The minimum qualifications required by a sponsor for persons entering the  
8 program, with an eligible starting age of not less than 16 years;

9 (k) Provisions for the placement of an apprentice under a written agreement as  
10 required by this chapter, incorporating directly or by reference the standards of the  
11 program;

12 (l) Provisions for the granting of advanced standing or credit to all applicants  
13 on an equal basis for previously acquired experience, training or skills, with  
14 commensurate wages for each advanced step granted;

15 (m) Provisions for the transfer of the employer's training obligation when the  
16 employer is unable to fulfill his or her obligation under the agreement to another  
17 employer under the same or a similar program with the consent of the apprentice  
18 and the local joint apprenticeship committee or sponsor of the program;

19 (n) Provisions for the assurance of qualified training personnel and adequate  
20 supervision on the job;

21 (o) Provisions for the issuance of an appropriate certificate evidencing the  
22 successful completion of an apprenticeship;

23 (p) An identification of the Office of ~~[Workforce Innovation]~~ *the Labor*  
24 *Commissioner* as the agency for registration of the program;

25 (q) Provisions for the registration of agreements and of modifications and  
26 amendments thereto;

27 (r) Provisions for notice to the State Apprenticeship Director of persons who  
28 have successfully completed the program and of all cancellations, suspensions and  
29 terminations of agreements and the causes therefor;

30 (s) Provisions for the termination of an agreement during the probationary  
31 period by either party without cause;

32 (t) A statement that the program will be conducted, operated and administered  
33 in conformity with the applicable provisions of 29 C.F.R. Part 30 or a state plan for  
34 equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R.  
35 Part 30 and approved by the United States Department of Labor;

36 (u) The name and address of the appropriate authority under the program to  
37 receive, process and make disposition of complaints; and

38 (v) Provisions for the recording and maintenance of all records concerning  
39 apprenticeships as may be required by the Council and applicable laws.

40 **Sec. 13.** NRS 612.265 is hereby amended to read as follows:

41 612.265 1. Except as otherwise provided in this section and NRS 239.0115,  
42 607.217 and 612.642, information obtained from any employing unit or person  
43 pursuant to the administration of this chapter and any determination as to the  
44 benefit rights of any person is confidential and may not be disclosed or be open to  
45 public inspection in any manner which would reveal the person's or employing  
46 unit's identity.

47 2. Any claimant or a legal representative of a claimant is entitled to  
48 information from the records of the Division, to the extent necessary for the proper  
49 presentation of the claimant's claim in any proceeding pursuant to this chapter. A  
50 claimant or an employing unit is not entitled to information from the records of the  
51 Division for any other purpose.

52 3. The Administrator may, in accordance with a cooperative agreement  
53 among all participants in the statewide longitudinal data system developed pursuant

1 to NRS 400.037 and administered pursuant to ~~NRS 223.820,~~ *section 5 of this act,*  
2 make the information obtained by the Division available to:

3 (a) The Board of Regents of the University of Nevada for the purpose of  
4 complying with the provisions of subsection 4 of NRS 396.531; and

5 (b) The Director of the Department of Employment, Training and  
6 Rehabilitation for the purpose of complying with the provisions of paragraph (d) of  
7 subsection 1 of NRS 232.920.

8 4. Subject to such restrictions as the Administrator may by regulation  
9 prescribe, the information obtained by the Division may be made available to:

10 (a) Any agency of this or any other state or any federal agency charged with  
11 the administration or enforcement of laws relating to unemployment compensation,  
12 public assistance, workers' compensation or labor and industrial relations, or the  
13 maintenance of a system of public employment offices;

14 (b) Any state or local agency for the enforcement of child support;

15 (c) The Internal Revenue Service of the Department of the Treasury;

16 (d) The Department of Taxation;

17 (e) The State Contractors' Board in the performance of its duties to enforce the  
18 provisions of chapter 624 of NRS; and

19 (f) The Secretary of State to operate the state business portal established  
20 pursuant to chapter 75A of NRS for the purposes of verifying that data submitted  
21 via the portal has satisfied the necessary requirements established by the Division,  
22 and as necessary to maintain the technical integrity and functionality of the state  
23 business portal established pursuant to chapter 75A of NRS.

24 ➤ Information obtained in connection with the administration of the Division may  
25 be made available to persons or agencies for purposes appropriate to the operation  
26 of a public employment service or a public assistance program.

27 5. Upon written request made by the State Controller or a public officer of a  
28 local government, the Administrator shall furnish from the records of the Division  
29 the name, address and place of employment of any person listed in the records of  
30 employment of the Division. The request may be made electronically and must set  
31 forth the social security number of the person about whom the request is made and  
32 contain a statement signed by the proper authority of the State Controller or local  
33 government certifying that the request is made to allow the proper authority to  
34 enforce a law to recover a debt or obligation assigned to the State Controller for  
35 collection or owed to the local government, as applicable. Except as otherwise  
36 provided in NRS 239.0115, the information obtained by the State Controller or  
37 local government is confidential and may not be used or disclosed for any purpose  
38 other than the collection of a debt or obligation assigned to the State Controller for  
39 collection or owed to that local government. The Administrator may charge a  
40 reasonable fee for the cost of providing the requested information.

41 6. The Administrator may publish or otherwise provide information on the  
42 names of employers, their addresses, their type or class of business or industry, and  
43 the approximate number of employees employed by each such employer, if the  
44 information released will assist unemployed persons to obtain employment or will  
45 be generally useful in developing and diversifying the economic interests of this  
46 State. Upon request by a state agency which is able to demonstrate that its intended  
47 use of the information will benefit the residents of this State, the Administrator  
48 may, in addition to the information listed in this subsection, disclose the number of  
49 employees employed by each employer and the total wages paid by each employer.  
50 The Administrator may charge a fee to cover the actual costs of any administrative  
51 expenses relating to the disclosure of this information to a state agency. The  
52 Administrator may require the state agency to certify in writing that the agency will

1 take all actions necessary to maintain the confidentiality of the information and  
2 prevent its unauthorized disclosure.

3 7. Upon request therefor, the Administrator shall furnish to any agency of the  
4 United States charged with the administration of public works or assistance through  
5 public employment, and may furnish to any state agency similarly charged, the  
6 name, address, ordinary occupation and employment status of each recipient of  
7 benefits and the recipient's rights to further benefits pursuant to this chapter.

8 8. To further a current criminal investigation, the chief executive officer of  
9 any law enforcement agency of this State may submit a written request to the  
10 Administrator that the Administrator furnish, from the records of the Division, the  
11 name, address and place of employment of any person listed in the records of  
12 employment of the Division. The request must set forth the social security number  
13 of the person about whom the request is made and contain a statement signed by the  
14 chief executive officer certifying that the request is made to further a criminal  
15 investigation currently being conducted by the agency. Upon receipt of such a  
16 request, the Administrator shall furnish the information requested. The  
17 Administrator may charge a fee to cover the actual costs of any related  
18 administrative expenses.

19 9. In addition to the provisions of subsection 6, the Administrator shall  
20 provide lists containing the names and addresses of employers, and information  
21 regarding the wages paid by each employer to the Department of Taxation, upon  
22 request, for use in verifying returns for the taxes imposed pursuant to chapters  
23 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the  
24 actual costs of any related administrative expenses.

25 10. Upon the request of any district judge or jury commissioner of the judicial  
26 district in which the county is located, the Administrator shall, in accordance with  
27 other agreements entered into with other district courts and in compliance with 20  
28 C.F.R. Part 603, and any other applicable federal laws and regulations governing  
29 the Division, furnish the name, address and date of birth of persons who receive  
30 benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045.  
31 The court or jury commissioner who requests the list of such persons shall  
32 reimburse the Division for the reasonable cost of providing the requested  
33 information.

34 11. The Division of Industrial Relations of the Department of Business and  
35 Industry shall periodically submit to the Administrator, from information in the  
36 index of claims established pursuant to NRS 616B.018, a list containing the name  
37 of each person who received benefits pursuant to chapters 616A to 616D, inclusive,  
38 or chapter 617 of NRS. Upon receipt of that information, the Administrator shall  
39 compare the information so provided with the records of the Employment Security  
40 Division regarding persons claiming benefits pursuant to this chapter for the same  
41 period. The information submitted by the Division of Industrial Relations must be  
42 in a form determined by the Administrator and must contain the social security  
43 number of each such person. If it appears from the information submitted that a  
44 person is simultaneously claiming benefits under this chapter and under chapters  
45 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the  
46 Attorney General or any other appropriate law enforcement agency.

47 12. The Administrator may request the Comptroller of the Currency of the  
48 United States to cause an examination of the correctness of any return or report of  
49 any national banking association rendered pursuant to the provisions of this chapter,  
50 and may in connection with the request transmit any such report or return to the  
51 Comptroller of the Currency of the United States as provided in section 3305(c) of  
52 the Internal Revenue Code of 1954.

1 13. The Administrator, any employee or other person acting on behalf of the  
 2 Administrator, or any employee or other person acting on behalf of an agency or  
 3 entity allowed to access information obtained from any employing unit or person in  
 4 the administration of this chapter, or any person who has obtained a list of  
 5 applicants for work, or of claimants or recipients of benefits pursuant to this  
 6 chapter, is guilty of a gross misdemeanor if he or she:

7 (a) Uses or permits the use of the list for any political purpose;

8 (b) Uses or permits the use of the list for any purpose other than one authorized  
 9 by the Administrator or by law; or

10 (c) Fails to protect and prevent the unauthorized use or dissemination of  
 11 information derived from the list.

12 14. All letters, reports or communications of any kind, oral or written, from  
 13 the employer or employee to each other or to the Division or any of its agents,  
 14 representatives or employees are privileged and must not be the subject matter or  
 15 basis for any lawsuit if the letter, report or communication is written, sent, delivered  
 16 or prepared pursuant to the requirements of this chapter.

17 **Sec. 14.** The provisions of subsection 1 of NRS 218D.380 do not apply to  
 18 any provision of this act which adds or revises a requirement to submit a report to  
 19 the Legislature.

20 **Sec. 15.** NRS 223.800, 223.810, 223.820 and 223.830 are hereby repealed.

21 **Sec. 16.** This act becomes effective on July 1, 2021.

---



---

### TEXT OF REPEALED SECTIONS

---



---

**223.800 Creation; responsibility and accountability for apprenticeship.**

1. The Office of Workforce Innovation is hereby created in the Office of the Governor.

2. The Office of Workforce Innovation has responsibility and accountability for apprenticeship within this State.

**223.810 Executive Director: Appointment; classification.**

1. The Governor shall appoint the Executive Director of the Office of Workforce Innovation.

2. The Executive Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

**223.820 Executive Director: Duties.** The Executive Director of the Office of Workforce Innovation shall:

1. Provide support to the Office of the Governor, the Governor's Workforce Investment Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Investment Board on matters relating to workforce development.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.

3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.

4. At the direction of the Governor:

(a) Identify, recommend and implement policies related to workforce development.

(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.

(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.

(d) In consultation with the Governor's Workforce Investment Board, identify industry-recognized credentials, workforce development programs and education.

(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.

(g) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.

(h) Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Investment Board.

(i) Report periodically to the Governor's Workforce Investment Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

(j) On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.

(k) Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

(m) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:

(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;

(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and

(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.

➤ As used in this paragraph, "regulatory body" has the meaning ascribed to it in NRS 622.060.

(n) On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.

**223.830 Agencies required to submit educational and workforce data for inclusion in statewide longitudinal data system maintained by Office.** The

---

following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of NRS 223.820:

1. The Department of Employment, Training and Rehabilitation.
2. The Department of Education.
3. The Nevada System of Higher Education.
4. The Department of Motor Vehicles.
5. Any other public agency which is directed by the Governor to submit such data.