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ASSEMBLY BILL NO. 162—ASSEMBLYMEN ELLISON, DICKMAN,  
TITUS; HAFEN, HANSEN, KASAMA, LEAVITT, MATTHEWS,  
O'NEILL AND WHEELER

FEBRUARY 22, 2021

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JOINT SPONSOR: SENATOR GOICOECHEA

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to apprentices.  
(BDR 28-687)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

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AN ACT relating to apprentices; revising provisions governing  
certain requirements relating to the use of apprentices on  
public works; and providing other matters properly  
relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires a contractor or subcontractor engaged in vertical or  
2 horizontal construction who employs a worker on a public work to use one or more  
3 apprentices for a certain percentage of the total hours of labor performed on the  
4 public work, unless the Labor Commissioner grants a modification or waiver from  
5 these requirements. (NRS 338.01165) This bill limits the applicability of these  
6 requirements to a public work in a county whose population is 100,000 or more  
7 (currently Clark and Washoe Counties).

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

1 **Section 1.** NRS 338.01165 is hereby amended to read as  
2 follows:

3 338.01165 1. Notwithstanding any other provision of this  
4 chapter and except as otherwise provided in this section, a  
5 contractor or subcontractor engaged in vertical construction who



1 employs a worker on a public work *in a county whose population is*  
2 *100,000 or more* pursuant to NRS 338.040 shall use one or more  
3 apprentices for at least 10 percent of the total hours of labor worked  
4 for each apprenticed craft or type of work to be performed on the  
5 public work for which more than three workers are employed.

6 2. Notwithstanding any other provision of this chapter and  
7 except as otherwise provided in this section, a contractor or  
8 subcontractor engaged in horizontal construction who employs a  
9 worker on a public work *in a county whose population is 100,000*  
10 *or more* pursuant to NRS 338.040 shall use one or more apprentices  
11 for at least 3 percent of the total hours of labor worked for each  
12 apprenticed craft or type of work to be performed on the public  
13 work for which more than three workers are employed.

14 3. On or after January 1, 2021, the Labor Commissioner, in  
15 collaboration with the State Apprenticeship Council, may adopt  
16 regulations to increase the percentage of total hours of labor  
17 required to be performed by an apprentice pursuant to subsection 1  
18 or 2 by not more than 2 percentage points.

19 4. An apprentice who graduates from an apprenticeship  
20 program while employed on a public work shall:

21 (a) Be deemed an apprentice on the public work for the purposes  
22 of subsections 1 and 2.

23 (b) Be deemed a journeyman for all other purposes, including,  
24 without limitation, the payment of wages or the payment of wages  
25 and benefits to a journeyman covered by a collective bargaining  
26 agreement.

27 5. ~~For the purposes of subsections 1 and 2,~~ a contractor or  
28 subcontractor engaged on a public work is not required to use an  
29 apprentice in a craft or type of work performed in a jurisdiction  
30 recognized by the State Apprenticeship Council as not having  
31 apprentices in that craft or type of work.

32 6. A public body may, upon the request of a contractor or  
33 subcontractor, submit a request to the Labor Commissioner to  
34 modify or waive the percentage of hours of labor provided by one or  
35 more apprentices required pursuant to subsection 1 or 2 for good  
36 cause. A public body must submit such a request, before an  
37 advertisement for bids has been placed, the opening of bids or the  
38 award of a contract for a public work or after the public body has  
39 commenced work on the public work. Such a request must include  
40 any supporting documentation, including, without limitation, proof  
41 of denial of or failure to approve a request for apprentices pursuant  
42 to subparagraph (3) of paragraph (d) of subsection 10.

43 7. The Labor Commissioner shall issue a determination of  
44 whether to grant a modification or waiver requested pursuant to  
45 subsection 6 within 15 days after the receipt of such request. The



1 Labor Commissioner may grant such a request if he or she makes a  
2 finding that there is good cause to modify or waive the percentage  
3 of hours of labor provided by one or more apprentices required  
4 pursuant to subsection 1 or 2.

5 8. A public body, contractor or subcontractor may request a  
6 hearing on the determination of the Labor Commissioner within 10  
7 days after receipt of the determination of the Labor Commissioner.  
8 The hearing must be conducted in accordance with regulations  
9 adopted by the Labor Commissioner. If the Labor Commissioner  
10 does not receive a request for a hearing pursuant to this subsection,  
11 the determination of the Labor Commissioner is a final decision for  
12 the purposes of judicial review pursuant to chapter 233B of NRS.

13 9. ~~For the purposes of subsections 1 and 2, a~~ contractor or  
14 subcontractor engaged on a public work shall enter into an  
15 apprenticeship agreement for all apprentices required to be used in  
16 the construction of a public work. If the Labor Commissioner  
17 granted a modification or waiver pursuant to subsection 7 because  
18 the Labor Commissioner finds that a request for apprentices was  
19 denied or the request was not approved within 5 business days as  
20 described in subparagraph (3) of paragraph (d) of subsection 10 and  
21 apprentices are later provided, then the contractor or subcontractor  
22 shall enter into an apprenticeship agreement for all apprentices later  
23 provided.

24 10. As used in this section:

25 (a) "Apprentice" means a person enrolled in an apprenticeship  
26 program recognized by the State Apprenticeship Council.

27 (b) "Apprenticed craft or type of work" means a craft or type of  
28 work for which there is an existing apprenticeship program  
29 recognized by the State Apprenticeship Council.

30 (c) "Apprenticeship program" means an apprenticeship program  
31 recognized by the State Apprenticeship Council.

32 (d) "Good cause" means:

33 (1) There are no apprentices available from an apprenticeship  
34 program within the jurisdiction where the public work is to be  
35 completed as recognized by the State Apprenticeship Council;

36 (2) The contractor or subcontractor is required to perform  
37 uniquely complex or hazardous tasks on the public work that require  
38 the skill and expertise of a greater percentage of journeymen; or

39 (3) The contractor or subcontractor has requested apprentices  
40 from an apprenticeship program and the request has been denied or  
41 the request has not been approved within 5 business days.

42 ↪ The term does not include the refusal of a contractor or  
43 subcontractor to enter into an apprenticeship agreement pursuant to  
44 subsection 9.



1 (e) "Journeyman" has the meaning ascribed to it in  
2 NRS 624.260.

3 (f) "State Apprenticeship Council" means the State  
4 Apprenticeship Council created by NRS 610.030.

5 **Sec. 2.** The amendatory provisions of this act do not apply to a  
6 contract for a public work for which bids have been submitted  
7 before the effective date of this act.

8 **Sec. 3.** This act becomes effective upon passage and approval.

