

(Reprinted with amendments adopted on May 17, 2021)

FIRST REPRINT

A.B. 459

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:

- 1 Existing law establishes the Office of Workforce Innovation in the Office of the
- 2 Governor. (NRS 223.800) **Sections 1, 3 and 8** of this bill move the Office of
- 3 Workforce Innovation from the Office of the Governor into the Department of
- 4 Employment, Training and Rehabilitation. **Sections 2-7 and 15** of this bill
- 5 reorganize existing provisions of law related to the Office of Workforce Innovation
- 6 to account for moving the Office into the Department. **Sections 9, 10 and 13** of this
- 7 bill update internal references to existing sections of law relating to the Office.
- 8 Existing law provides that the Executive Director of the Office of Workforce
- 9 Innovation is not in the classified or unclassified service of the State. (NRS
- 10 223.810) **Section 4** of this bill provides that the Executive Director is in the
- 11 unclassified service of the State.
- 12 Under existing law, the Office of Workforce Innovation is responsible and
- 13 accountable for apprenticeship in this State as this State’s registration agency.
- 14 (NRS 223.800) **Section 10.5** of this bill instead requires the Office of the Labor



15 Commissioner to: (1) act as the State Apprenticeship Agency; and (2) oversee the
16 State Apprenticeship Council and the State Apprenticeship Director. **Sections 11,**
17 **11.3, 11.7, 12.3 and 12.7** of this bill make conforming changes to existing
18 provisions of law related to the Office of Workforce Innovation to account for the
19 Labor Commissioner’s oversight of the State Apprenticeship Council.

20 Existing law requires the Governor to appoint a State Apprenticeship Director
21 who is not in the classified or unclassified service of the State. (NRS 610.110)
22 **Section 12** of this bill instead requires the Labor Commissioner to appoint a State
23 Apprenticeship Director and provides that the State Apprenticeship Director is in
24 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
3 money, employ such persons as he or she deems necessary to
4 provide an appropriate staff for the Office of the Governor,
5 including, without limitation, the Office of Economic Development,
6 the Office of Science, Innovation and Technology, the Office of the
7 Western Regional Education Compact ~~[, the Office of Workforce~~
8 ~~Innovation]~~ and the Governor’s mansion. Except as otherwise
9 provided by specific statute, such employees are not in the classified
10 or unclassified service of the State and, except as otherwise
11 provided in NRS 231.043 and 231.047, serve at the pleasure of the
12 Governor.

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

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

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

21 3. The Governor may:

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

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

25 ↪ If the Administrator is so appointed, the Administrator shall serve
26 as the Chief Information Officer of the State without additional
27 compensation.

28 4. As used in this section, “Administrator” means the
29 Administrator of the Division of Enterprise Information Technology
30 Services of the Department of Administration.



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

4 **Sec. 3.** *The Office of Workforce Innovation is hereby created*
5 *in the Department.*

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

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

10 **Sec. 5.** *The Executive Director of the Office of Workforce*
11 *Innovation shall:*

12 **1.** *Provide support to the Department, the Governor's*
13 *Workforce Investment Board created by NRS 232.935 and the*
14 *industry sector councils established by the Governor's Workforce*
15 *Investment Board on matters relating to workforce development.*

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

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

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

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

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

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

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

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

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



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

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

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

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

13 (k) Suggest improvements regarding the allocation of federal
14 and state money to align workforce training and related education
15 programs in the State, including, without limitation, career and
16 technical education.

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

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

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

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

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

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

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



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

3 **2. The Department of Education.**

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

5 **4. The Department of Motor Vehicles.**

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

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

9 232.900 As used in NRS 232.900 to 232.960, inclusive, **and**
10 **sections 3 to 6, inclusive, of this act** unless the context otherwise
11 requires:

12 1. "Department" means the Department of Employment,
13 Training and Rehabilitation.

14 2. "Director" means the Director of the Department.

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

16 232.910 1. The Department of Employment, Training and
17 Rehabilitation is hereby created. The purpose of the Department is
18 to plan, coordinate and carry out various services and activities
19 designed to achieve and support employment and economic
20 independence for residents of this State who are disadvantaged,
21 displaced or disabled.

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

24 (a) Employment Security Division;

25 (b) Rehabilitation Division; and

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

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

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

31 400.027 1. The P-20W Research Data System Advisory
32 Committee is hereby created to assist in the coordination and
33 management of the statewide longitudinal data system administered
34 by the Office of Workforce Innovation pursuant to ~~NRS 223.820.~~
35 **section 5 of this act.** The Chancellor of the System, the
36 Superintendent of Public Instruction and the Director of the
37 Department of Employment, Training and Rehabilitation or their
38 designees serve as ex officio members of the Committee.

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



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

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

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

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

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

13 400.037 1. The Committee shall:

14 (a) Support and advise the Executive Director of the Office of
15 Workforce Innovation regarding the maintenance and oversight of
16 the statewide longitudinal data system;

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

19 (c) Advise and assist the System, the Department of Education,
20 the Office of Workforce Innovation and the Department of
21 Employment, Training and Rehabilitation in:

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

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

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

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

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

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

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

42 *2. The Labor Commissioner shall oversee the State*
43 *Apprenticeship Council and the State Apprenticeship Director*
44 *pursuant to NRS 610.110 to 610.185, inclusive, and perform such*



1 *other functions as may be deemed necessary to carry out the intent*
2 *and purposes of chapter 610 of NRS.*

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

4 610.010 As used in this chapter, unless the context otherwise
5 requires:

6 1. "Agreement" means a written and signed agreement of
7 indenture as an apprentice.

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

12 3. "Council" means the State Apprenticeship Council created
13 by NRS 610.030.

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

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

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

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

19 5. ~~["Executive Director" means the Executive Director of the~~
20 ~~Office of Workforce Innovation.~~

21 ~~—6.]~~ "Gender identity or expression" means a gender-related
22 identity, appearance, expression or behavior of a person, regardless
23 of the person's assigned sex at birth.

24 ~~[7. "Office of Workforce Innovation" means the Office of~~
25 ~~Workforce Innovation in the Office of the Governor created by~~
26 ~~NRS 223.800.~~

27 ~~—8.]~~ 6. "Program" means a program of training and instruction
28 as an apprentice in an occupation in which a person may be
29 apprenticed.

30 ~~[9.]~~ 7. "Sexual orientation" means having or being perceived
31 as having an orientation for heterosexuality, homosexuality or
32 bisexuality.

33 ~~[10.]~~ 8. "State Apprenticeship Director" means the person
34 appointed pursuant to NRS 610.110.

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

36 610.030 There is hereby created the State Apprenticeship
37 Council composed of:

38 1. The following voting members, appointed by the Governor
39 upon recommendation of the ~~[Executive Director of the Office of~~
40 ~~Workforce Innovation:]~~ **Labor Commissioner:**

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



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

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

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

9 2. The following nonvoting members:

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

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

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

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

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

21 610.070 1. The ~~{Executive Director of the Office of~~
22 ~~Workforce Innovation}~~ **Labor Commissioner** shall select from the
23 membership of the Council a Chair and Vice Chair, who shall hold
24 office for 2 years. Notwithstanding the provisions of NRS 610.030,
25 the Chair, or the Vice Chair in the absence of the Chair, is not
26 entitled to a vote except to break a tie.

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

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

31 4. The Council shall meet at least once in each calendar quarter
32 at a time and place specified by the call of the Chair, the State
33 Apprenticeship Director, the ~~{Executive Director}~~ **Labor**
34 **Commissioner** or a majority of the members of the Council. Special
35 meetings of the Council may be held at the call of the Chair, the
36 State Apprenticeship Director, the ~~{Executive Director}~~ **Labor**
37 **Commissioner** or a majority of the members of the Council at such
38 additional times as they deem necessary.

39 5. The Chair, or the Vice Chair in the absence of the Chair, and
40 four voting members of the Council constitutes a quorum, and a
41 quorum may exercise any power or authority conferred on the
42 Council.

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

44 610.110 1. The ~~{Governor}~~ **Labor Commissioner** shall
45 appoint a State Apprenticeship Director.



2. The State Apprenticeship Director:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies



1 and workforce investment system that is paid for wholly or in part
2 with public money, in accordance with 29 C.F.R. § 29.13.

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

7 (i) Prepare budgets and compile annual reports to the Legislature
8 ~~[Executive Director]~~ and *the* Governor.

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

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

12 2. The administration and supervision of related and
13 supplemental instruction for apprentices, coordination of instruction
14 with job experiences, and the selection and training of teachers and
15 coordinators for that instruction are the responsibility of the local
16 joint apprenticeship committees.

17 3. As used in this section, “technical assistance” means
18 guidance provided by the ~~[Office of Workforce Innovation]~~ *State*
19 *Apprenticeship Director* to the sponsor of a proposed or existing
20 apprenticeship program for the development, revision, amendment
21 or processing of standards of apprenticeship or apprenticeship
22 agreements and the provision of advice to or consultation with such
23 a sponsor to further compliance with the provisions of this chapter
24 and any regulations adopted pursuant thereto.

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

26 610.144 To be eligible for registration and approval by the
27 Council, a proposed program must:

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

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

35 (a) A plan of affirmative action in accordance with 29 C.F.R.
36 § 30.4;

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

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

39 (d) Similar requirements expressed in a state plan for equal
40 opportunity in employment in apprenticeships adopted pursuant to
41 29 C.F.R. Part 30 and approved by the United States Department of
42 Labor.

43 3. Contain:

44 (a) Provisions concerning the employment and training of the
45 apprentice in a skilled trade;



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

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

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

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

17 (f) Provisions for a periodic review and evaluation of the
18 apprentice's progress in performance on the job and related
19 instruction and the maintenance of appropriate records of such
20 progress;

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

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

29 (i) Provisions for adequate and safe equipment and facilities for
30 training and supervision and for the training of apprentices in safety
31 on the job and in related instruction;

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

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

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

42 (m) Provisions for the transfer of the employer's training
43 obligation when the employer is unable to fulfill his or her
44 obligation under the agreement to another employer under the same



1 or a similar program with the consent of the apprentice and the local
2 joint apprenticeship committee or sponsor of the program;

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

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

7 (p) An identification of the Office of ~~Workforce Innovation~~
8 *the Labor Commissioner* as the agency for registration of the
9 program;

10 (q) Provisions for the registration of agreements and of
11 modifications and amendments thereto;

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

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

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

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

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

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

29 612.265 1. Except as otherwise provided in this section and
30 NRS 239.0115, 607.217 and 612.642, information obtained from
31 any employing unit or person pursuant to the administration of this
32 chapter and any determination as to the benefit rights of any person
33 is confidential and may not be disclosed or be open to public
34 inspection in any manner which would reveal the person's or
35 employing unit's identity.

36 2. Any claimant or a legal representative of a claimant is
37 entitled to information from the records of the Division, to the
38 extent necessary for the proper presentation of the claimant's claim
39 in any proceeding pursuant to this chapter. A claimant or an
40 employing unit is not entitled to information from the records of the
41 Division for any other purpose.

42 3. The Administrator may, in accordance with a cooperative
43 agreement among all participants in the statewide longitudinal data
44 system developed pursuant to NRS 400.037 and administered



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

3 (a) The Board of Regents of the University of Nevada for the
4 purpose of complying with the provisions of subsection 4 of NRS
5 396.531; and

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

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

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

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

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

21 (d) The Department of Taxation;

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

24 (f) The Secretary of State to operate the state business portal
25 established pursuant to chapter 75A of NRS for the purposes of
26 verifying that data submitted via the portal has satisfied the
27 necessary requirements established by the Division, and as
28 necessary to maintain the technical integrity and functionality of the
29 state business portal established pursuant to chapter 75A of NRS.

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

34 5. Upon written request made by the State Controller or a
35 public officer of a local government, the Administrator shall furnish
36 from the records of the Division the name, address and place of
37 employment of any person listed in the records of employment of
38 the Division. The request may be made electronically and must set
39 forth the social security number of the person about whom the
40 request is made and contain a statement signed by the proper
41 authority of the State Controller or local government certifying that
42 the request is made to allow the proper authority to enforce a law to
43 recover a debt or obligation assigned to the State Controller for
44 collection or owed to the local government, as applicable. Except as
45 otherwise provided in NRS 239.0115, the information obtained by



1 the State Controller or local government is confidential and may not
2 be used or disclosed for any purpose other than the collection of a
3 debt or obligation assigned to the State Controller for collection or
4 owed to that local government. The Administrator may charge a
5 reasonable fee for the cost of providing the requested information.

6 6. The Administrator may publish or otherwise provide
7 information on the names of employers, their addresses, their type
8 or class of business or industry, and the approximate number of
9 employees employed by each such employer, if the information
10 released will assist unemployed persons to obtain employment or
11 will be generally useful in developing and diversifying the economic
12 interests of this State. Upon request by a state agency which is able
13 to demonstrate that its intended use of the information will benefit
14 the residents of this State, the Administrator may, in addition to the
15 information listed in this subsection, disclose the number of
16 employees employed by each employer and the total wages paid by
17 each employer. The Administrator may charge a fee to cover the
18 actual costs of any administrative expenses relating to the disclosure
19 of this information to a state agency. The Administrator may require
20 the state agency to certify in writing that the agency will take all
21 actions necessary to maintain the confidentiality of the information
22 and prevent its unauthorized disclosure.

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

30 8. To further a current criminal investigation, the chief
31 executive officer of any law enforcement agency of this State may
32 submit a written request to the Administrator that the Administrator
33 furnish, from the records of the Division, the name, address and
34 place of employment of any person listed in the records of
35 employment of the Division. The request must set forth the social
36 security number of the person about whom the request is made and
37 contain a statement signed by the chief executive officer certifying
38 that the request is made to further a criminal investigation currently
39 being conducted by the agency. Upon receipt of such a request, the
40 Administrator shall furnish the information requested. The
41 Administrator may charge a fee to cover the actual costs of any
42 related administrative expenses.

43 9. In addition to the provisions of subsection 6, the
44 Administrator shall provide lists containing the names and addresses
45 of employers, and information regarding the wages paid by each



1 employer to the Department of Taxation, upon request, for use in
2 verifying returns for the taxes imposed pursuant to chapters 363A,
3 363B and 363C of NRS. The Administrator may charge a fee to
4 cover the actual costs of any related administrative expenses.

5 10. Upon the request of any district judge or jury commissioner
6 of the judicial district in which the county is located, the
7 Administrator shall, in accordance with other agreements entered
8 into with other district courts and in compliance with 20 C.F.R. Part
9 603, and any other applicable federal laws and regulations
10 governing the Division, furnish the name, address and date of birth
11 of persons who receive benefits in any county, for use in the
12 selection of trial jurors pursuant to NRS 6.045. The court or jury
13 commissioner who requests the list of such persons shall reimburse
14 the Division for the reasonable cost of providing the requested
15 information.

16 11. The Division of Industrial Relations of the Department of
17 Business and Industry shall periodically submit to the
18 Administrator, from information in the index of claims established
19 pursuant to NRS 616B.018, a list containing the name of each
20 person who received benefits pursuant to chapters 616A to 616D,
21 inclusive, or chapter 617 of NRS. Upon receipt of that information,
22 the Administrator shall compare the information so provided with
23 the records of the Employment Security Division regarding persons
24 claiming benefits pursuant to this chapter for the same period. The
25 information submitted by the Division of Industrial Relations must
26 be in a form determined by the Administrator and must contain the
27 social security number of each such person. If it appears from the
28 information submitted that a person is simultaneously claiming
29 benefits under this chapter and under chapters 616A to 616D,
30 inclusive, or chapter 617 of NRS, the Administrator shall notify the
31 Attorney General or any other appropriate law enforcement agency.

32 12. The Administrator may request the Comptroller of the
33 Currency of the United States to cause an examination of the
34 correctness of any return or report of any national banking
35 association rendered pursuant to the provisions of this chapter, and
36 may in connection with the request transmit any such report or
37 return to the Comptroller of the Currency of the United States as
38 provided in section 3305(c) of the Internal Revenue Code of 1954.

39 13. The Administrator, any employee or other person acting on
40 behalf of the Administrator, or any employee or other person acting
41 on behalf of an agency or entity allowed to access information
42 obtained from any employing unit or person in the administration of
43 this chapter, or any person who has obtained a list of applicants for
44 work, or of claimants or recipients of benefits pursuant to this
45 chapter, is guilty of a gross misdemeanor if he or she:



1 (a) Uses or permits the use of the list for any political purpose;
2 (b) Uses or permits the use of the list for any purpose other than
3 one authorized by the Administrator or by law; or

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

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

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

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

17 **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.



