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SECOND 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.

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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; revising the name of the Office of Workforce Innovation; 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 **Section 3** revises the name of the Office to the Governor’s Office of Workforce
9 Innovation. **Section 10.2** of this bill makes a conforming change related to
10 renaming the Office.

11 Existing law provides that the Executive Director of the Office of Workforce
12 Innovation is not in the classified or unclassified service of the State.



13 (NRS 223.810) **Section 4** of this bill provides that the Executive Director is in the
14 unclassified service of the State.

15 Under existing law, the Office of Workforce Innovation is responsible and
16 accountable for apprenticeship in this State as this State's registration agency.
17 (NRS 223.800) **Section 10.5** of this bill instead requires the Office of the Labor
18 Commissioner to: (1) act as the State Apprenticeship Agency; and (2) oversee the
19 State Apprenticeship Council and the State Apprenticeship Director. **Sections 11,**
20 **11.3, 11.7, 12.3 and 12.7** of this bill make conforming changes to existing
21 provisions of law related to the Office of Workforce Innovation to account for the
22 Labor Commissioner's oversight of the State Apprenticeship Council. **Section 13.5**
23 of this bill makes conforming changes to Senate Bill No. 247 of the 81st Legislative
24 Session to account for this change.

25 Existing law requires the Governor to appoint a State Apprenticeship Director
26 who is not in the classified or unclassified service of the State. (NRS 610.110)
27 **Section 12** of this bill instead requires the Labor Commissioner to appoint a State
28 Apprenticeship Director and provides that the State Apprenticeship Director is in
29 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.



1 ↪ If the Administrator is so appointed, the Administrator shall serve
2 as the Chief Information Officer of the State without additional
3 compensation.

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

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

10 **Sec. 3.** *The Governor's Office of Workforce Innovation is*
11 *hereby created in the Department.*

12 **Sec. 4. 1.** *The Governor shall appoint the Executive*
13 *Director of the Governor's Office of Workforce Innovation.*

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

16 **Sec. 5.** *The Executive Director of the Governor's Office of*
17 *Workforce Innovation shall:*

18 **1.** *Provide support to the Department, the Governor's*
19 *Workforce Investment Board created by NRS 232.935 and the*
20 *industry sector councils established by the Governor's Workforce*
21 *Investment Board on matters relating to workforce development.*

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

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

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

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

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

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

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

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



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

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

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

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

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

18 (k) Suggest improvements regarding the allocation of federal
19 and state money to align workforce training and related education
20 programs in the State, including, without limitation, career and
21 technical education.

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

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

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

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

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

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



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

5 1. *The Department of Employment, Training and*
6 *Rehabilitation.*

7 2. *The Department of Education.*

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

9 4. *The Department of Motor Vehicles.*

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

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

13 232.900 As used in NRS 232.900 to 232.960, inclusive, *and*
14 *sections 3 to 6, inclusive, of this act* unless the context otherwise
15 requires:

16 1. "Department" means the Department of Employment,
17 Training and Rehabilitation.

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

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

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

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

28 (a) Employment Security Division;

29 (b) Rehabilitation Division; and

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

31 3. The *Governor's Office of Workforce Innovation*, Nevada
32 Equal Rights Commission and the Board for the Education and
33 Counseling of Displaced Homemakers are 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
36 Committee is hereby created to assist in the coordination and
37 management of the statewide longitudinal data system administered
38 by the *Governor's* Office of Workforce Innovation pursuant to
39 ~~NRS 223.820~~ *section 5 of this act.* The Chancellor of the System,
40 the Superintendent of Public Instruction and the Director of the
41 Department of Employment, Training and Rehabilitation or their
42 designees serve as ex officio members of the Committee.

43 2. The Committee may, by a vote of the majority of the
44 Committee, nominate additional members for consideration by the
45 Governor to be appointed to the Committee. The Governor may



1 appoint a nominee to the Committee if the Governor determines that
2 the addition of the nominee to the Committee is necessary or
3 desirable.

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

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

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

12 6. The *Governor's* Office of Workforce Innovation shall
13 provide any administrative support necessary for the Committee to
14 carry out its duties.

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

16 400.037 1. The Committee shall:

17 (a) Support and advise the Executive Director of the *Governor's*
18 Office of Workforce Innovation regarding the maintenance and
19 oversight of the statewide longitudinal data system;

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

22 (c) Advise and assist the System, the Department of Education,
23 the *Governor's* Office of Workforce Innovation and the Department
24 of Employment, Training and Rehabilitation in:

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

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

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

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

36 2. As used in this section, "statewide longitudinal data system"
37 means the system administered by the *Governor's* Office of
38 Workforce Innovation pursuant to ~~NRS 223.820~~ *section 5 of this*
39 *act*.

40 **Sec. 10.2.** NRS 400.045 is hereby amended to read as follows:

41 400.045 On or before June 30 of each even-numbered year, the
42 Committee shall:

43 1. Prepare and post a written report of its activities and any
44 recommendations on the Internet website maintained by the
45 *Governor's* Office of Workforce Innovation; and



1 2. Submit a copy of the written report prepared pursuant to
2 subsection 1 to the:

3 (a) Director of the Legislative Counsel Bureau for transmittal to
4 the next regular session of the Legislature; and

5 (b) Governor.

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

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

12 *2. The Labor Commissioner shall oversee the State*
13 *Apprenticeship Council and the State Apprenticeship Director*
14 *pursuant to NRS 610.110 to 610.185, inclusive, and perform such*
15 *other functions as may be deemed necessary to carry out the intent*
16 *and purposes of chapter 610 of NRS.*

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

18 610.010 As used in this chapter, unless the context otherwise
19 requires:

20 1. "Agreement" means a written and signed agreement of
21 indenture as an apprentice.

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

26 3. "Council" means the State Apprenticeship Council created
27 by NRS 610.030.

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

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

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

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

33 ~~5. "Executive Director" means the Executive Director of the~~
34 ~~Office of Workforce Innovation.~~

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

38 ~~[7. "Office of Workforce Innovation" means the Office of~~
39 ~~Workforce Innovation in the Office of the Governor created by~~
40 ~~NRS 223.800.~~

41 ~~—8.] 6. "Program" means a program of training and instruction~~
42 ~~as an apprentice in an occupation in which a person may be~~
43 ~~apprenticed.~~



1 ~~19.] 7.~~ “Sexual orientation” means having or being perceived
2 as having an orientation for heterosexuality, homosexuality or
3 bisexuality.

4 ~~10.] 8.~~ “State Apprenticeship Director” means the person
5 appointed pursuant to NRS 610.110.

6 **Sec. 11.3.** NRS 610.030 is hereby amended to read as follows:
7 610.030 There is hereby created the State Apprenticeship
8 Council composed of:

9 1. The following voting members, appointed by the Governor
10 upon recommendation of the ~~Executive Director of the Office of~~
11 ~~Workforce Innovation.] Labor Commissioner:~~

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

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

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

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

24 2. The following nonvoting members:

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

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

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

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

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

36 610.070 1. The ~~Executive Director of the Office of~~
37 ~~Workforce Innovation.] Labor Commissioner~~ shall select from the
38 membership of the Council a Chair and Vice Chair, who shall hold
39 office for 2 years. Notwithstanding the provisions of NRS 610.030,
40 the Chair, or the Vice Chair in the absence of the Chair, is not
41 entitled to a vote except to break a tie.

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

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



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

9 5. The Chair, or the Vice Chair in the absence of the Chair, and
10 four voting members of the Council constitutes a quorum, and a
11 quorum may exercise any power or authority conferred on the
12 Council.

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

14 610.110 1. The ~~Governor~~ *Labor Commissioner* shall
15 appoint a State Apprenticeship Director.

16 2. The State Apprenticeship Director:

17 (a) Shall report to the ~~Executive Director~~ *Labor*
18 *Commissioner*.

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

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

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

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

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

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

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

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

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

43 610.120 1. ~~The~~ *Under the direction of the Labor*
44 *Commissioner, the* State Apprenticeship Director shall:



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

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

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

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

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

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

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

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

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

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

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

28 2. The administration and supervision of related and
29 supplemental instruction for apprentices, coordination of instruction
30 with job experiences, and the selection and training of teachers and
31 coordinators for that instruction are the responsibility of the local
32 joint apprenticeship committees.

33 3. As used in this section, "technical assistance" means
34 guidance provided by the ~~[- Office of Workforce Innovation]~~ *State*
35 *Apprenticeship Director* to the sponsor of a proposed or existing
36 apprenticeship program for the development, revision, amendment
37 or processing of standards of apprenticeship or apprenticeship
38 agreements and the provision of advice to or consultation with such
39 a sponsor to further compliance with the provisions of this chapter
40 and any regulations adopted pursuant thereto.

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

42 610.144 To be eligible for registration and approval by the
43 Council, a proposed program must:

44 1. Be an organized, written plan embodying the terms and
45 conditions of employment, training and supervision of one or more



1 apprentices in an occupation in which a person may be apprenticed
2 and be subscribed to by a sponsor who has undertaken to carry out
3 the program.

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

6 (a) A plan of affirmative action in accordance with 29 C.F.R.
7 § 30.4;

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

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

10 (d) Similar requirements expressed in a state plan for equal
11 opportunity in employment in apprenticeships adopted pursuant to
12 29 C.F.R. Part 30 and approved by the United States Department of
13 Labor.

14 3. Contain:

15 (a) Provisions concerning the employment and training of the
16 apprentice in a skilled trade;

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

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

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

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

33 (f) Provisions for a periodic review and evaluation of the
34 apprentice's progress in performance on the job and related
35 instruction and the maintenance of appropriate records of such
36 progress;

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

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



1 (i) Provisions for adequate and safe equipment and facilities for
2 training and supervision and for the training of apprentices in safety
3 on the job and in related instruction;

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

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

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

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

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

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

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

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

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

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

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

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

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



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

2 612.265 1. Except as otherwise provided in this section and
3 NRS 239.0115, 607.217 and 612.642, information obtained from
4 any employing unit or person pursuant to the administration of this
5 chapter and any determination as to the benefit rights of any person
6 is confidential and may not be disclosed or be open to public
7 inspection in any manner which would reveal the person's or
8 employing unit's identity.

9 2. Any claimant or a legal representative of a claimant is
10 entitled to information from the records of the Division, to the
11 extent necessary for the proper presentation of the claimant's claim
12 in any proceeding pursuant to this chapter. A claimant or an
13 employing unit is not entitled to information from the records of the
14 Division for any other purpose.

15 3. The Administrator may, in accordance with a cooperative
16 agreement among all participants in the statewide longitudinal data
17 system developed pursuant to NRS 400.037 and administered
18 pursuant to ~~[NRS 223.820,]~~ *section 5 of this act*, make the
19 information obtained by the Division available to:

20 (a) The Board of Regents of the University of Nevada for the
21 purpose of complying with the provisions of subsection 4 of NRS
22 396.531; and

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

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

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

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

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

38 (d) The Department of Taxation;

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

41 (f) The Secretary of State to operate the state business portal
42 established pursuant to chapter 75A of NRS for the purposes of
43 verifying that data submitted via the portal has satisfied the
44 necessary requirements established by the Division, and as



1 necessary to maintain the technical integrity and functionality of the
2 state business portal established pursuant to chapter 75A of NRS.

3 ↪ Information obtained in connection with the administration of the
4 Division may be made available to persons or agencies for purposes
5 appropriate to the operation of a public employment service or a
6 public assistance program.

7 5. Upon written request made by the State Controller or a
8 public officer of a local government, the Administrator shall furnish
9 from the records of the Division the name, address and place of
10 employment of any person listed in the records of employment of
11 the Division. The request may be made electronically and must set
12 forth the social security number of the person about whom the
13 request is made and contain a statement signed by the proper
14 authority of the State Controller or local government certifying that
15 the request is made to allow the proper authority to enforce a law to
16 recover a debt or obligation assigned to the State Controller for
17 collection or owed to the local government, as applicable. Except as
18 otherwise provided in NRS 239.0115, the information obtained by
19 the State Controller or local government is confidential and may not
20 be used or disclosed for any purpose other than the collection of a
21 debt or obligation assigned to the State Controller for collection or
22 owed to that local government. The Administrator may charge a
23 reasonable fee for the cost of providing the requested information.

24 6. The Administrator may publish or otherwise provide
25 information on the names of employers, their addresses, their type
26 or class of business or industry, and the approximate number of
27 employees employed by each such employer, if the information
28 released will assist unemployed persons to obtain employment or
29 will be generally useful in developing and diversifying the economic
30 interests of this State. Upon request by a state agency which is able
31 to demonstrate that its intended use of the information will benefit
32 the residents of this State, the Administrator may, in addition to the
33 information listed in this subsection, disclose the number of
34 employees employed by each employer and the total wages paid by
35 each employer. The Administrator may charge a fee to cover the
36 actual costs of any administrative expenses relating to the disclosure
37 of this information to a state agency. The Administrator may require
38 the state agency to certify in writing that the agency will take all
39 actions necessary to maintain the confidentiality of the information
40 and prevent its unauthorized disclosure.

41 7. Upon request therefor, the Administrator shall furnish to any
42 agency of the United States charged with the administration of
43 public works or assistance through public employment, and may
44 furnish to any state agency similarly charged, the name, address,
45 ordinary occupation and employment status of each recipient of



1 benefits and the recipient's rights to further benefits pursuant to this
2 chapter.

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

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

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

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



1 information submitted that a person is simultaneously claiming
2 benefits under this chapter and under chapters 616A to 616D,
3 inclusive, or chapter 617 of NRS, the Administrator shall notify the
4 Attorney General or any other appropriate law enforcement agency.

5 12. The Administrator may request the Comptroller of the
6 Currency of the United States to cause an examination of the
7 correctness of any return or report of any national banking
8 association rendered pursuant to the provisions of this chapter, and
9 may in connection with the request transmit any such report or
10 return to the Comptroller of the Currency of the United States as
11 provided in section 3305(c) of the Internal Revenue Code of 1954.

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

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

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

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

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

30 **Sec. 13.5.** Section 2 of Senate Bill No. 247 of this session is
31 hereby amended to read as follows:

32 **Sec. 2.** NRS 610.144 is hereby amended to read as
33 follows:

34 610.144 *1.* To be eligible for registration and approval
35 by the Council, a proposed program must:

36 ~~1-1~~ (a) Be an organized, written plan embodying the
37 terms and conditions of employment, training and supervision
38 of one or more apprentices in an *apprenticeable* occupation
39 ~~[in which a person may be apprenticed]~~, as defined in 29
40 C.F.R. § 29.4, and be subscribed to by a sponsor who has
41 undertaken to carry out the program.

42 ~~2-1~~ (b) *Except as otherwise provided in this paragraph,*
43 *use a:*

44 (1) *Time-based approach, as described in 29 C.F.R. §*
45 *29.5(b)(2)(i);*



1 (2) *Competency-based approach, as described in 29*
2 *C.F.R. § 29.5(b)(2)(ii); or*

3 (3) *Hybrid approach, as described in 29 C.F.R. §*
4 *29.5(b)(2)(iii).*

5 ↪ *A program for a construction trade must use a time-*
6 *based approach.*

7 (c) Contain the pledge of equal opportunity prescribed in
8 29 C.F.R. § 30.3(c) and, when applicable:

9 ~~[(a)]~~ (1) A plan of affirmative action in accordance with
10 29 C.F.R. § 30.4;

11 ~~[(b)]~~ (2) A method of selection authorized in 29 C.F.R. §
12 30.10;

13 ~~[(c)]~~ (3) A nondiscriminatory pool for application as an
14 apprentice; or

15 ~~[(d)]~~ (4) Similar requirements expressed in a state plan
16 for equal opportunity in employment in apprenticeships
17 adopted pursuant to 29 C.F.R. Part 30 and approved by the
18 United States Department of Labor.

19 ~~[(3)]~~ (d) *Provide for the development of skills that are*
20 *intended to enable an apprentice to engage in a skilled trade*
21 *generally, rather than for a particular employer or sponsor.*

22 (e) Contain:

23 ~~[(a)]~~ (1) Provisions concerning the employment and
24 training of the apprentice in a skilled trade;

25 ~~[(b)]~~ (2) A term of apprenticeship *that:*

26 (I) *If the program uses a time-based approach,*
27 *requires the completion* of not less than 2,000 hours of ~~[work~~
28 ~~experience.]~~ *on-the-job learning,* consistent with training
29 requirements as established by practice in the trade;

30 ~~[(c)]~~ (II) *If the program uses a competency-based*
31 *approach, specifies the skills that must be demonstrated by*
32 *an apprentice and addresses how on-the-job learning will be*
33 *integrated into the program; or*

34 (III) *If the program uses a hybrid approach,*
35 *specifies the skills that must be acquired and the minimum*
36 *number of hours of on-the-job learning that must be*
37 *completed by an apprentice;*

38 (3) An outline of the processes in which the apprentice
39 will receive supervised experience and training on the job,
40 and the allocation of the approximate time to be spent in each
41 major process;

42 ~~[(d)]~~ (4) Provisions for organized, related and
43 supplemental instruction in technical subjects related to the
44 trade with a minimum of 144 hours for each year of
45 apprenticeship, given in a classroom or through trade,



1 industrial or correspondence courses of equivalent value or
2 other forms of study approved by the Council;

3 ~~[(e)]~~ (5) A progressively increasing, reasonable and
4 profitable schedule of wages to be paid to the apprentice
5 consistent with the skills acquired, not less than that allowed
6 by federal or state law or regulations, ~~[(e)]~~ by a collective
7 bargaining agreement ~~[(e)]~~ *or by the minimum apprentice*
8 *wage established by the Council;*

9 ~~[(f)]~~ (6) Provisions for a periodic review and evaluation
10 of the apprentice's progress in performance on the job and
11 related instruction and the maintenance of appropriate records
12 of such progress;

13 ~~[(g)]~~ (7) A numeric ratio of apprentices to journeymen
14 consistent with proper supervision, training, safety, continuity
15 of employment and applicable provisions in collective
16 bargaining agreements, in language that is specific and clear
17 as to its application ; ~~[(g)]~~ ~~in terms of job sites, workfores,~~
18 ~~departments or plants;~~

19 ~~[(h)]~~ (8) A probationary period that is reasonable in
20 relation to the full term of apprenticeship, with full credit
21 given for that period toward the completion of the full term of
22 apprenticeship;

23 ~~[(i)]~~ (9) Provisions for adequate and safe equipment and
24 facilities for training and supervision and for the training of
25 apprentices in safety on the job and in related instruction;

26 ~~[(j)]~~ (10) The minimum qualifications required by a
27 sponsor for persons entering the program, with an eligible
28 starting age of not less than 16 years;

29 ~~[(k)]~~ (11) Provisions for the placement of an apprentice
30 under a written agreement as required by this chapter,
31 incorporating directly or by reference the standards of the
32 program;

33 ~~[(l)]~~ (12) Provisions for the granting of advanced
34 standing or credit to all applicants on an equal basis for
35 previously acquired experience, training or skills, with
36 commensurate wages for each advanced step granted;

37 ~~[(m)]~~ (13) Provisions for the transfer of the employer's
38 training obligation when the employer is unable to fulfill his
39 or her obligation under the agreement to another employer
40 under the same or a similar program with the consent of the
41 apprentice and the local joint apprenticeship committee or
42 sponsor of the program;

43 ~~[(n)]~~ (14) Provisions for the assurance of qualified
44 training personnel and adequate supervision on the job;



1 ~~(15)~~ (15) Provisions for the issuance of an appropriate
2 certificate evidencing the successful completion of an
3 apprenticeship;

4 ~~(16)~~ (16) An identification of the Office of the Labor
5 Commissioner as the agency for registration of the program;

6 ~~(17)~~ (17) Provisions for the registration of agreements
7 and of modifications and amendments thereto;

8 ~~(18)~~ (18) Provisions for notice to the State
9 Apprenticeship Director of persons who have successfully
10 completed the program and of all cancellations, suspensions
11 and terminations of agreements and the causes therefor;

12 ~~(19)~~ (19) Provisions for the termination of an agreement
13 during the probationary period by either party without cause;

14 ~~(20)~~ (20) A statement that the program will be conducted,
15 operated and administered in conformity with the applicable
16 provisions of 29 C.F.R. Part 30 or a state plan for equal
17 opportunity in employment in apprenticeships adopted
18 pursuant to 29 C.F.R. Part 30 and approved by the United
19 States Department of Labor;

20 ~~(21)~~ (21) The name and address of the appropriate
21 authority under the program to receive, process and make
22 disposition of complaints; and

23 ~~(22)~~ (22) Provisions for the recording and maintenance
24 of all records concerning apprenticeships as may be required
25 by the Council and applicable laws.

26 *2. If a program of apprenticeship in a skilled trade is*
27 *proposed by an employer or association of employers for*
28 *approval and registration by the Council and the Council*
29 *has previously approved and registered a program for the*
30 *skilled trade, the Council shall provide a copy of the*
31 *proposed program to the sponsor of the approved and*
32 *registered program and hold a hearing before approving or*
33 *rejecting the application. The Council shall not approve a*
34 *proposed program pursuant to this subsection unless the*
35 *program requires the completion of at least as many hours*
36 *of on-the-job learning or the demonstration of at least the*
37 *same number and quality of skills, or both, as applicable, as*
38 *all existing approved and registered programs in the*
39 *relevant skilled trade.*

40 *3. To determine whether a proposed program should be*
41 *approved or rejected pursuant to subsection 2, the Council*
42 *shall consider, in addition to the requirements in*
43 *subsections 1 and 2, without limitation:*



1 (a) *Relevant information concerning the approved and*
2 *registered program, including, without limitation, the*
3 *standards for apprenticeship of the program;*

4 (b) *Whether the sponsor of the approved and registered*
5 *program is jointly administered by labor and management;*

6 (c) *The provisions of any applicable collective*
7 *bargaining agreements;*

8 (d) *Dictionaries of occupational titles;*

9 (e) *Opinions of experts provided by interested parties,*
10 *including, without limitation, organized labor, licensed*
11 *contractors and associations of contractors;*

12 (f) *Recognized labor and management practices in the*
13 *relevant industry;*

14 (g) *Scope of work descriptions issued by the Labor*
15 *Commissioner and the United States Department of Labor;*
16 *and*

17 (h) *The supply of skilled workers in the trade in relation*
18 *to the demand for skilled workers in the trade and the extent*
19 *to which the sponsor of the approved and registered*
20 *program is willing and able to provide apprentices to the*
21 *proposed program.*

22 ↪ *The Council may condition approval of the proposed*
23 *program on the payment of compensation to apprentices*
24 *that is equal to or greater than the compensation provided*
25 *by the approved and registered apprenticeship program.*

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

29 **Sec. 14.5.** 1. Any administrative regulations adopted by an
30 officer or an agency whose name has been changed or whose
31 responsibilities have been transferred pursuant to the provisions of
32 this act to another officer or agency remain in force until amended
33 by the officer or agency to which the responsibility for the adoption
34 of the regulations has been transferred.

35 2. Any contracts or other agreements entered into by an officer
36 or agency whose name has been changed or whose responsibilities
37 have been transferred pursuant to the provisions of this act to
38 another officer or agency are binding upon the officer or agency to
39 which the responsibility for the administration of the provisions of
40 the contract or other agreement has been transferred. Such contracts
41 and other agreements may be enforced by the officer or agency to
42 which the responsibility for the enforcement of the provisions of the
43 contract or other agreement has been transferred.

44 3. Any action taken by an officer or agency whose name has
45 been changed or whose responsibilities have been transferred



1 pursuant to the provisions of this act to another officer or agency
2 remains in effect as if taken by the officer or agency to which the
3 responsibility for the enforcement of such actions has been
4 transferred.

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

7 **Sec. 16.** 1. This section and sections 1 to 13, inclusive, and
8 14, 14.5 and 15 of this act become effective on July 1, 2021.

9 2. Section 13.5 of this act becomes effective on October 1,
10 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.



