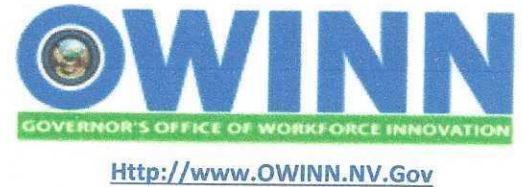




STATE OF NEVADA



OCTOBER 2020

UPDATE ON SENATE BILL 207 – APPRENTICESHIP UTILIZATION ACT & GUIDANCE ON APPRENTICE RATIOS

Senate Bill (SB) 207 – “Apprenticeship Utilization Act” became effective January 1, 2020. As part of the implementation process for SB 207, the Labor Commissioner, and the State Apprenticeship Director, along with the Nevada State Apprenticeship Council, worked very closely to implement the Apprenticeship Utilization Act. The Apprenticeship Utilization Act is codified in Nevada Revised Statutes (NRS) section 338.01165. The Labor Commissioner is providing the following update on the Apprenticeship Utilization Act and some reminders about complying with the Apprenticeship Utilization Act.

For the period covering January 1, 2020, through September 30, 2020, there were 677 public works project numbers (PWP #'s) issued. The Apprenticeship Utilization Act applies to PWP's totaling \$100,000 or more for which there are more than 3 workers per craft or type of work performed. For vertical construction, 10% of the total hours of labor worked must be worked by an apprentice, and it is 3% for horizontal construction.

A Request for Waiver from the requirements of the Apprenticeship Utilization Act can be granted by the Labor Commissioner pursuant to NRS section 338.01165 subsections 6 and 10(d) if “good cause” can be established.

During the period covering January 1, 2020, through September 30, 2020, there were 111 Request for Waivers submitted to the Labor Commissioner. Of those Request for Waivers, 107 were granted and 4 were denied.

A few reminders:

- **Only** the awarding/public body can submit the Request for Waiver.
- If there are more than 3 workers per craft or type of work performed, even for limited periods of time, the contractor(s)/subcontractor(s) needs to document this and work with the awarding/public body to request an apprentice and/or document why an apprentice is not required.
- Awarding/public bodies are expected to conduct a review of project hours upon the completion of a PWP and verify that contractor(s)/subcontractor(s) have complied with the Apprenticeship Utilization Act and/or that a Request for Waiver was submitted to the Labor Commissioner.
- Violations of the Apprenticeship Utilization Act may result in a \$5,000.00 administrative penalty against the awarding/public body and/or the contractor(s)/subcontractor(s).
- Please visit the following link for more information.

http://labor.nv.gov/Apprenticeship_Utilization_Act/Apprenticeship_Utilization_Act/

- Awarding/public bodies should also work with the Registered Apprenticeship Programs on apprentice ratios and contact the Registered Apprenticeship Program directly about the ratios and establish those at the start of the PWP.
- In the ongoing effort to improve communication and maintain accurate information, we are requesting that **all** Nevada Registered Apprenticeship Programs email their current apprentice to journeyman ratios for **all occupations** to NVApprenticeship@gov.nv.gov by December 1, 2020. As you know, when an employer utilizes an apprentice on a project, the ratio of apprentices to journeymen must be correct.
- If you are a contractor and or awarding/public body needing clarification on ratio language, you **must** contact the Registered Apprentice Program directly for interpretation. This will ensure you are getting an accurate interpretation directly from the program in a timely manner and will help build a healthy communication process between the entities. By being proactive with this issue, you are not only helping your project succeed but you are helping Nevada workers as well!
- If you are a Registered Apprenticeship Program, please keep the Governor's Office of Workforce Innovation (OWINN) up to date with any ratio changes ASAP at NVApprenticeship@gov.nv.gov The OWINN office currently verifies registered apprentices using these ratios and we need you to help us, help you!

Sincerely,

Shannon M. Chambers
Labor Commissioner
Office of the Labor Commissioner

and

Richard J. Williams
State Apprenticeship Director
Governor's Office of Workforce Innovation
(OWINN)

