

NEVADA STATE APPRENTICESHIP COUNCIL
PROPOSED POLICY ON HEARINGS FOR PROPOSED APPLICATIONS FOR
PARALLEL PROGRAMS AND OCCUPATIONS

Submitted by Vice-Chair Newman and Member Bellows

Background:

During the 2021 Legislative Session, Senate Bill 247 and Assembly Bill 459 were passed which made significant changes to the way the Nevada State Apprenticeship Council (“NSAC”) is to analyze and review proposed programs and occupations when a program already exists in that area or occupation (“a parallel program”). These bills are now codified in NRS 610.144. NSAC has not yet implemented or adopted any policies, procedures, or regulations to address these laws and their requirements.

NRS 610.144(2) states, in pertinent part, “If a program of apprenticeship in a skilled trade is proposed by an employer or association of employers for approval and registration by the Council and the Council has previously approved and registered a program for the skilled trade, the Council shall . . . hold a hearing before approving or rejecting the application.”

In several recent meetings, programs have been proposed in skilled trades where there are existing programs and the NSAC has considered the application during its quarterly meeting but not conducted a hearing. There have been differing rules and handling on consideration of these applications. For example, on some occasions the opposition to such programs has been permitted to speak in public comment and in others the opposition was permitted to speak during the consideration of the item on the agenda.

NSAC has not been holding a separate hearing for full consideration of the items in NRS 610.144(3) which must be considered before a parallel program application is approved or rejected:

- (a) Relevant information concerning the approved and registered program, including, without limitation, the standards for apprenticeship of the program;
- (b) Whether the sponsor of the approved and registered program is jointly administered by labor and management;
- (c) The provisions of any applicable collective bargaining agreements;
- (d) Dictionaries of occupational titles;
- (e) Opinions of experts provided by interested parties, including, without limitation, organized labor, licensed contractors and associations of contractors;
- (f) Recognized labor and management practices in the relevant industry;

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

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

Conducting a hearing on a parallel program application will allow NSAC to properly evaluate these considerations.

Proposed Policy:

Whenever a parallel program or occupation is proposed in a skilled trade, NSAC shall hold a separately noticed hearing for the application. The following rules shall apply to NSAC in conducting these hearings:

1. The application of the parallel program or occupation shall be provided to existing programs within that skilled trade at least thirty days prior to the date the hearing is set. The notice shall be provided by NSAC to the existing parallel programs or occupations.
2. The existing parallel program shall be given the opportunity to prepare written opposition comments to the application for parallel program or occupation. The written opposition comments are due on the date seven (7) calendar days before the scheduled hearing.
3. Should the applicant of the new program or occupation wish to submit reply comments to the opposition filed by an existing parallel program or occupation, the applicant may submit such reply comments in support of their program at least forty-eight (48) hours before the date set for hearing.
4. The hearing on approval or disapproval of an application for a parallel program or occupation in a skilled trade shall be separately noticed on an agenda of NSAC with a date and time certain set for the hearing.
5. At the hearing of the application, the applicant shall present such witnesses, documents and evidence it desires to submit to the NSAC.
6. All witnesses presented by the applicant are subject to cross-examination by any party in opposition to the applicant's application for a parallel program or occupation.
7. All witnesses presented by the applicant are also subject to answering questions from members of the NSAC.

8. Following completion of presentation of the applicant's witnesses, documents, and other evidence, any party in opposition to the applicant's application shall be permitted to present witnesses, documents, and evidence in opposition to the program.
9. All witnesses presented by a party in opposition to the applicant's application are subject to cross-examination from the applicant.
10. All witnesses presented by a party in opposition to the applicant's application are also subject to answering questions from members of the NSAC.
11. Following completion of the presentation of evidence by the parties in opposition, the NSAC shall permit up to five (5) minutes of argument from the applicant and each party in opposition to the application.
12. Following completion of argument, the NSAC shall consider the application and decide whether or not to approve or disapprove the application. As part of the review of the application, the NSAC must consider whether to condition the approval of the application "on the payment of compensation to apprentices that is equal to or greater than the compensation provided by the approved and registered apprenticeship program," under NRS 610.144.