Overview of the Apprenticeship Utilization Act
Nevada Revised Statutes (NRS) 338 and Nevada Administrative Code (338)

Shannon M. Chambers - Labor Commissioner
Lleta Brown – Deputy Labor Commissioner
Office of the Labor Commissioner
Definitions:

• **“Public work” defined** – Any project funded in whole or in part from public money for the “new construction, repair or reconstruction” of a public building, road, utility, etc. (See NRS 338.010(17)) - Project Amount $100,000 effective July 1, 2019, as set forth in Assembly Bill (AB)136 (Passed in 2019 Legislative Session).
  
  [Link](https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6160/Text)

• **“Public body” defined** – The State of Nevada or any county, city, town, school district or any public agency or any political subdivision sponsoring or financing a public work. (See NRS 338.010(16))
General Responsibilities of the Public Body/Awarding Body & Charter School Construction over $100K

1. Request for PWP number.
2. **Request for Waiver – Apprenticeship Utilization Act**
4. Bid Project (See NRS 338.013; NRS 338.1385 et. seq.) – Prevailing Wage Rates in effect at the time of opening of bids remain in effect for the duration of the project (See NAC 338.040).
5. Notice of award for Public Works Projects
6. Project begins and Prevailing Wages are posted on jobsite (See NRS 338.020)
7. Monitor Certified Payroll Reports (CPR’s).
8. Investigate Prevailing Wage Claims/Complaints (if necessary NRS 338.070)
SB 207- Apprenticeship Utilization Act
AN ACT relating to apprentices; requiring a contractor or subcontractor to comply with certain requirements relating to the use of apprentices on public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law creates the State Apprenticeship Council and requires the Council to establish standards for programs of apprenticeship. (NRS 610.030, 610.090, 610.095) The purposes of such programs include, without limitation: (1) creating the opportunity for persons to obtain training that will equip those persons to obtain profitable employment and citizenship; and (2) establishing an organized program for the voluntary training of those persons by providing facilities for training and guidance in the arts and crafts of industry and trade. (NRS 610.020) Existing law sets forth the requirements for a public body which sponsors or finances a public work to award a contract to the lowest responsible bidder for the construction of the public work. (Chapter 338 of NRS) Such requirements include, without limitation: (1) the payment of the prevailing wage in the county in which the public work is located; and (2) the establishment of certain fair employment practices for contractors in connection with the performance of work under the contract awarded by the public body. (NRS 338.020, 338.125)

Section 1.7 of this bill requires a contractor or subcontractor engaged on a public work to employ one or more apprentices for a certain percentage of the total hours of labor performed on a public work, depending on the type of work performed. Section 1.7 authorizes the Labor Commissioner to adjust the percentage of total hours of labor required to be performed by an apprentice beginning on January 1, 2021. Section 1.7 also authorizes the Labor Commissioner to grant a modification or waiver from the requirements if the Labor Commissioner finds that there is good cause to do so. Section 1.7 further requires that an apprentice who graduates from an apprenticeship program be employed in a public work: (1) an apprentice for certain purposes; and (2) a journeymen for certain other purposes, including, without limitation, the payment of wages. Section 1.7 also requires a contractor or subcontractor to enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work.

EXPLANATION – Matter in bolded italics is new; matter between brackets [omitted material] is material to be omitted.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. The Legislature hereby finds and declares that:
1. A skilled workforce in construction is essential to the economic well-being of this State;
2. Apprenticeship programs are a proven method of training a skilled workforce in construction; and
3. Requiring the use of apprentices on the construction of public works will ensure the availability of a skilled workforce in construction in the future for this State.

Sec. 1.7. 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed.

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

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

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:
   (a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2;
   (b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work
performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

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

7. The Labor Commissioner shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.

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

9. A contractor or subcontractor engaged on a public work shall enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work. If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10, and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

10. As used in this section:

(a) “Apprentice” means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.
(b) “Apprenticed craft or type of work” means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) “Apprenticeship program” means an apprenticeship program recognized by the State Apprenticeship Council.

(d) “Good cause” means:

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

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

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

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

(e) “Journeyman” has the meaning ascribed to it in NRS 624.260.

(f) “State Apprenticeship Council” means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. NRS 338.015 is hereby amended to read as follows:

338.015 The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive, and section 1.7 of this act.

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, and section 1.7 of this act, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than $5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.
4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.
   
   Secs. 3-7. (Deleted by amendment.)

Sec. 7.5. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2020.

Sec. 8. This act becomes effective on January 1, 2020.
Apprenticeship Utilization Act Guide
APPRENTICESHIP UTILIZATION ACT – SENATE BILL 207 (2019)

The Legislature hereby finds and declares that: 1. A skilled workforce in construction is essential to the economic well-being of this State; 2. Apprenticeship programs are a proven method of training a skilled workforce in construction; and 3. Requiring the use of apprentices on the construction of public works will ensure the availability of a skilled workforce in construction in the future for this State.

Sec. 1.7. 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed.

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

Horizontal Construction NRS 338.010 - Subdivision 12. “Horizontal Construction” means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any auxiliary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

Vertical Construction NRS 338.010 - Subdivision 23. “Vertical Construction” means the construction of or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

Complex or Hazardous Work - The Labor Commissioner will view complex and hazardous work to include, but not be limited to, work performed on a public work project that is traditionally not performed by Apprentices pursuant to their Apprentice Agreement, Collective Bargaining Agreement, and/or any other written justification demonstrating that the work to be performed should not be performed by Apprentices.

A Public Body/Awarding Body, upon the request of a contractor or subcontractor, MAY submit a request for a modification or waiver of the percentage of hours of labor of one or more apprentices prior to (1) the bid advertisement, (2) the bid opening, or (3) the award of the contract if “Good Cause” exists. The Labor Commissioner may also grant a waiver from the requirements of SB 207 after work on the public work has commenced.

Sample Forms and information on SB 207 can be found at http://labor.nv.gov/Apprenticeship_Utilization_Act/Apprenticeship_Utilization_Act/

Additional information on Public Works Projects and Prevailing Wages by region can be found at www.Labor.nv.gov or by following the links below.

http://labor.nv.gov/PrevailingWage/Public_Works_Prevailing_Wages/

http://labor.nv.gov/uploadedFiles/laborngov/content/home/features/PWP%20Handbook%20June%202019.pdf
GUIDELINES FOR AWARDING BODIES AND CONTRACTORS/SUBCONTRACTORS

1. Senate Bill 207 applies to Public Works Projects (NRS 338.010 – Subdivision 23) over $100,000. (Exemptions may apply – See NRS sections 338.011 and 338.090.)

2. For each Public Works Project (PWP) Bid Advertisement, Bid Opening, and Contract, the Public Body/Awarding Body should include the requirements of Senate Bill 207. The Public Body/Awarding Body should also determine if the PWP requires the performance of uniquely complex or hazardous work.

3. Contractors/Subcontractors should determine if they can meet the Apprentice % requirements set forth in SB 207 or need to request Apprentices from a Registered Apprenticeship Program. Contractors/Subcontractors can request Apprentices using the Apprentice Request Form or request Apprentices in writing from a Registered Apprenticeship Program. (Written documentation will be required by the Labor Commissioner if a Request for Waiver is submitted.)

4. If the Apprentice Request is approved and Apprentices are dispatched, an Apprentice Agreement may need to be executed between the Registered Apprenticeship Program and the Contractor/Subcontractor.

5. Apprentice Issues – Issues and/or complaints regarding the qualifications and/or work of an Apprentice that is dispatched should be directed to the Registered Apprenticeship Program or the State of Nevada Apprenticeship Council. Please follow link http://www.nv.gov/Apprenticeship/About5AC/

6. A Request for Waiver MAY be submitted by the PUBLIC BODY/AWARDING BODY to the Office of the Labor Commissioner if: (1) No Registered Apprentice Programs exist in the jurisdiction for the craft/type of work required for the PWP; (2) A request for Apprentices was denied or not acted upon within 5 business days; or (3) The PWP requires the performance of uniquely complex or hazardous work.

7. ONLY THE PUBLIC BODY/AWARDING BODY CAN SUBMIT A REQUEST FOR WAIVER. REQUESTS FOR WAIVERS SHOULD BE SUBMITTED AS SOON AS POSSIBLE.

8. Within 15 days of receipt of the Request for Waiver, the Office of the Labor Commissioner will issue a Decision/Determination granting or denying the Request for Waiver on the form that was submitted.

9. The Public Body/Awarding Body, Contractor, or Subcontractor can appeal the Decision/Determination within 10 days of issuance.

10. The Public Body/Awarding Body shall monitor the PWP consistent with the laws and regulations set forth in Nevada Revised Statutes (NRS) sections 336, 338 and Nevada Administrative Code (NAC) section 338. If a Waiver has not been granted the Public Body/Awarding Body shall ensure that certified payroll records and any other required documentation are submitted and maintained demonstrating compliance with SB 207.

For additional information please contact us at:

Office of the Labor Commissioner
1818 College Parkway, Suite 102
Carson City, NV 89706 775-684-1890

Office of the Labor Commissioner
3300 W. Sahara Avenue, Suite 225
Las Vegas, NV 89102 702-486-2650

TOLL FREE: 1-800-992-0900 Ext. 4850 - www.labor.nv.gov

*For informational purposes only and not to be considered legal advice. * See NRS and NAC 336 and Senate Bill 207. OLC 12/19
REQUEST FOR APPRENTICE AVAILABILITY ON A PUBLIC WORK

State of Nevada
Office of the Labor Commissioner

General Bill (SB) 207 - Apprenticeship Utilization Act passed during the 2019 Legislative Session added a section to NRS section 338. In passing SB 207, the Legislature recognized that (1) a skilled workforce in construction is essential to the economic well-being of the State; (2) apprenticeship programs are a proven method of training a skilled workforce in construction; and (3) requiring the use of apprentices in the construction of public works will ensure the availability of a skilled workforce in construction in the future for this State. [https://www.leg.state.nv.us/Applications/LegislationViewer/ViewBill.aspx?BillNumber=SB207&Year=2019&Text](https://www.leg.state.nv.us/Applications/LegislationViewer/ViewBill.aspx?BillNumber=SB207&Year=2019&Text)

You may use this form to request an Apprentice or determine availability of an Apprentice from a Registered Apprenticeship Program in the applicable craft or trade in the area of the Public Works Project. For information about Registered Apprenticeship Programs in your area and Registered Apprentices, please visit [www.labor.nv.gov](http://www.labor.nv.gov) or the Nevada State Apprenticeship Council at [www.workforceinnovation.org](http://www.workforceinnovation.org). The Governor’s Office of Workforce Innovation (OWIN) is responsible for the Nevada State Apprenticeship Council and the registration and approval of Apprenticeship Programs and Apprentices.

Requests for dispatch must be in writing and submitted (and received) at least 5 business days in advance (excluding weekends and holidays) of first class mail, fax or email. Proof of submission is not required. Unless otherwise noted, the results will be mailed. Please refer to Chapter 684 of the Nevada Revised Statutes and Nevada Administrative Code Chapter 616 for the laws and regulations governing Registered Apprenticeship Programs and Registered Apprentices.

<table>
<thead>
<tr>
<th>RequestSubmittedto:</th>
<th>Date RequestSubmitted:</th>
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<tbody>
<tr>
<td>Name of RegisteredApprenticeship Program:</td>
<td></td>
</tr>
<tr>
<td>Contact Person/Title:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Tel No.:</td>
<td>Fax No.:</td>
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<table>
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<tr>
<th>RequestorInformation:</th>
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<tbody>
<tr>
<td>Contractor/Subcontractor:</td>
<td>License Number:</td>
</tr>
<tr>
<td>Contact Person/Title:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
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<tr>
<td>Tel No.:</td>
<td>Fax No.:</td>
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<table>
<thead>
<tr>
<th>AvailabilityRequestInformation:</th>
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</thead>
<tbody>
<tr>
<td>Number of Apprentice(s) Required:</td>
<td>Craft Or Trade:</td>
</tr>
<tr>
<td>Apprentice(s) Report Date:</td>
<td>(5 business days’ notice required) Report Time:</td>
</tr>
<tr>
<td>Name of Person To Report To:</td>
<td>Address to Report To:</td>
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<thead>
<tr>
<th>ProjectInformation:</th>
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<tbody>
<tr>
<td>Contract Name/Number:</td>
<td>Project Location:</td>
</tr>
<tr>
<td>AwardingBody Name:</td>
<td></td>
</tr>
<tr>
<td>Contact Person/Title:</td>
<td></td>
</tr>
<tr>
<td>Tel No.:</td>
<td>Fax No.:</td>
</tr>
</tbody>
</table>

Print Name/Title: *Signature* Date: By signing this form you certify that the information you have provided is true and correct to the best of your knowledge.

RequestApproved: RequestDenied: Notes:

Print Name/Title: Signature Date: Date Received: Date Returned:
STATE OF NEVADA
Office of the Labor Commissioner

APPRENTICESHIP UTILIZATION ACT WAIVER REQUEST

Senate Bill (SB) 207 - Apprenticeship Utilization Act passed during the 2010 Legislative Session adds a section to NRS section 338. In passing SB 207, the Legislature hereby finds and declares that: (1) A skilled workforce in construction is essential to the economic well-being of the State; (2) Apprenticeship programs are a proven method of training a skilled workforce in construction; and (3) Requiring the use of apprentices on the construction of public works will ensure the availability of a skilled workforce in construction in the future for this State. [https://www.leg.state.nv.us/AppDev/PRL/PrivateBills/BillView3.html]

A Public Body, upon the request of a contractor or subcontractor, may submit a request for a modification or waiver of the percentage of hours of labor of one or more apprentices prior to (1) the bid advertisement; (2) the bid opening; or (3) the award of the contract if, “Good Cause” exists. The Labor Commissioner may also grant a waiver from the requirements of SB 207 after work on the public work has commenced if the public body, contractor or subcontractor submits documentation and evidence that meets the requirements to establish “Good Cause.”

Public Works Project (PWP) #
Awardsing Body Name:
Contractor/Person/Title:
Address:
Phone: ( ), Fax: ( ), E-Mail:
License Number:
Contact Person/Title:
Address:
Phone: ( ), Fax: ( ), E-Mail:
Craft Apprentice Requested For:

Please check the box for the reason for a Waiver Request and provide/submit supporting documentation/evidence:

[ ] There are no Apprentices available from an Apprenticeship Program Registered by the Nevada State Apprenticeship Council within the jurisdiction where the public work is to be completed.

[ ] The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage Apprentice or Journeyworkers.

[ ] The contractor or subcontractor has requested Apprentices from a Registered Apprenticeship Program and the request has been denied or the request has not been approved within 5 business days.

Please attach additional documentation/evidence supporting the Waiver Request or describe why an Apprentice is not available or cannot be provided:

Contractor/Supplier Name: __________________________ Date Waiver Request Submitted to Awarding Body: __________________________

Signature: __________________________

Awarding Body Printed Name/Title: __________________________ Date: __________________________

*Signature: __________________________

*By signing this form, you certify that the information you have provided is true and correct to the best of your knowledge.

For Office of the Labor Commissioner’s Use Only:
Waiver Request Approved: [ ] Waiver Request Denied: [ ]

Notes: __________________________

Printed Name/Title: __________________________ Date: __________________________

Date Received: __________________________ Date Returned: __________________________

Signature: __________________________
STATE OF NEVADA
Office of the Labor Commissioner
ARRENCE AGREEMENT
(SINGLE PUBLIC WORKS PROJECT ONLY)

The Employer referenced below has been awarded a bid on the below-listed Public Works Project and is not signatory to a Collective Bargaining Agreement with any labor union or labor organization within the geographic area for which the Employer will be performing Apprenticeship work. Nothing in this Apprenticeship Agreement (“Agreement”) shall be construed in any way whatsoever as binding the Employer to any Collective Bargaining Agreement.

The below-listed Public Works Project meets the specifications of Senate Bill 207 of the 2015 Nevada Legislative Session (“Statutes”), which requires employment of Apprentices in Public Works. The Employer is not a sponsor of an Apprenticeship Program covering the applicable trade or craft in the State of Nevada. The Employer requests the dispatch of (Art.#), a registered Apprentice in the program (“Registered Apprenticeship Program”), whose Apprentice number is (‘Apprentice’), to the Employer for purposes of completing the below-listed Public Works Project.

Name of Employer:

Employer’s Address:

Nevada State Contractors
Board License Number:

Telephonenumber:

Fax No.: Email:

This Agreement applies only to the following Public Works Project:

Name of Project:

Project Address:

General Contractor:

Owner:

Starting Date:

Duration:

The Employer agrees as follows:

1. On-the-Job Employment Ratio: Committee. The Employer agrees to employ the Apprentice on the Public Works Project and provide him with supervised on-the-job training by qualified Apprentices as necessary. The provisions of Nevada law governing Apprenticeships, including the Statutes, and the Apprenticeship Standards for the Registered Apprenticeship Program, are hereby incorporated into this Agreement. The Employer shall abide by the Apprenticeship Standards, including the ratio of four (4) journeyworkers for each Apprentice and the Committee’s jurisdiction to determine all Apprentice disputes with the Employer. An official copy of the Apprenticeship Standards is on file with the Nevada State Apprenticeship Council.

2. Wages and Benefits. For the Public Works Project referenced above (only), the Employer agrees to pay:
   a. Wages to the Apprentice, less authorized deductions, according to the Apprentice wage schedule set forth in the Apprenticeship Standards (Form 5020), and
   b. fringe benefit contributions to the below-listed employee benefit trust funds on behalf of the Apprentice, pursuant to the terms of the Trust Agreement creating them and the Apprenticeship Standards. The Employer shall pay the below-listed hourly contributions rates to each applicable Trust Fund, and any other employee benefit Fund required, for each hour worked by the Apprentice on the Public Works Project. Contribution payments shall be made at the time and place, and in the manner directed by the Trust Funds’ Administrator.

   a. Pension Trust Fund
      Hourly Contribution Rate:

   b. Health and Welfare Trust
      Hourly Contribution Rate:

   c. Vacation Trust
      Hourly Contribution Rate:

   d. Joint Apprenticeship and Training Trust Fund
      Hourly Contribution Rate:

3. Monthly Reports. The Employer agrees to submit a complete monthly fringe benefit Contribution Report, identifying all work performed by the named Apprentice on the Public Works Project (subject to this Agreement), together with payment of any amounts owed. Both the Contribution Report and payments shall be submitted to the Administrator designated by the employee benefit Trust Funds, and to any other employee benefit Fund listed above.

4. Report Due Date. The Employer agrees that payments and the completed Contribution Reports shall be made or submitted to the employee benefit Trust Fund(s)’ Administrator no later than the tenth (10th) day of the month following the month in which the named Apprentice worked the Public Works Project.

5. Disbursements. The Employer agrees that if payment is late, or delinquent, the Employer will also pay interest, damages and costs of the late payment, pursuant to the terms of the Trust Fund Agreement and/or employee benefit Fund documents.

6. Audit Right: Monthly Document Submissions. The Employer agrees to permit the Registered Apprenticeship Program, the employee benefit Trust Funds, Administrator and/or their agents or other authorized representatives, to review and audit the Employer’s payroll and related records, including Certified Payroll Reports (“CPR”), to verify the hours reported by the Employer against the actual hours worked by the named Apprentice on the Public Works Project covered by this Agreement.
## Project Workforce Checklist

<table>
<thead>
<tr>
<th>Craft/Trade</th>
<th>More than 3 Employees Anticipated?</th>
<th>Anticipate Needing Waiver?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boilermaker, can also include tie setter, terrazzo workers and marble masons.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Bricklayer, can also include tie setter, terrazzo workers and marble masons.</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Carpenter, can also include cement masons, floor coverer, millwright and pliedriver (non-equipment), plasterers and terrazzo workers.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Electrician, includes communication technician, line, neon sign and wireman. Can also include alarm installer.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Elevator Constructor</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Glazier (see also Painters and Allied Trades)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Hod Carrier, includes brick-mason tender and plaster tender.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Iron Worker, can also include fence erectors (steel/iron)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Laborer, can also include fence erector (non-steel/iron), flag person, highway strip and traffic barrier erector.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Mason, can also cement, plaster, tie setter, terrazzo workers and marble masons.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Mechanical Insulator</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Operating Engineer, can also include equipment greaser, piecener, soils and material tester, steel fabricator/erector (equipment) surveyor (non-licensed) and well driller.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Painters and Allied Trades, can also include glaziers, floor coverers, and tapers.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Plumber/Pipefitter</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Refrigeration</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Roofer (not sheet metal)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Sheet Metal Worker, can also include air balance technician.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sprinkler Fitter</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Truck Driver</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Well Driller (see also Operating Engineer)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

I affirm I am fully authorized to sign on behalf of the contractor/subcontractor listed above, and that the information provided is true and correct to the best of my knowledge. Additionally, I acknowledge any changes to the anticipated workforce, which may have an impact on compliance with the Nevada Apprenticeship Utilization Act, 2010, will require the submittal of a revised form within five (5) calendar days of the change.

Signed: ____________________________ Date: ____________________________

Name and Title: ____________________________

*This is intended as a “Sample Form” only and is not an official or approved form of the Office of the Labor Commissioner.*
Apprenticeship Verification Process
Senate Bill 207 – Apprenticeship Utilization Act becomes effective January 1, 2020
https://www.leg.state.nv.us/App/RELIS/REL/80th2019/Bill/6351/Text

APPRENTICE VERIFICATION PROCESS

When a Contractor and/or Subcontractor first lists an Apprentice on a Certified Payroll Report (CPR), they must submit with that CPR documentation to substantiate that the Apprentice is registered with the Bureau of Apprenticeship and Training of the Office of Apprenticeship, Training, Employer and Labor Services of the Employment and Training Administration of the United States Department of Labor or its successor and the State Apprenticeship Council. (Emphasis added). A properly enrolled and registered Apprentice is exempt from NRS 338.020 to NRS 338.090, inclusive. An Apprentice is paid pursuant to terms of the Apprenticeship Agreement/Standards for the type of work covered by the Apprenticeship Agreement/Standards approved by the State Apprenticeship Council and/or Nevada Revised Statues (NRS) section 610 or Nevada Administrative Code (NAC) section 610. (See NRS 338.080)

ELECTRONIC REPORTING/VERIFICATION OF APPRENTICES FOR CERTIFIED PAYROLL REPORTS AND SENATE BILL 207

Contractor and/or Subcontractors utilizing electronic Certified Payroll Reporting software, such as LCP Tracker or other software, should upload the documentation substantiating that the Apprentice is registered with the Bureau of Apprenticeship and Training of the Office of Apprenticeship, Training, Employer and Labor Services of the Employment and Training Administration of the United States Department of Labor or its successor and the State Apprenticeship Council. The Contractor and/or Subcontractor should upload any Apprentice Forms verifying the Apprentice’s registration and any expiration parameters that need to be applied for the Apprentice in the Certified Payroll Reporting software.

The Awarding/Public Bodies should verify and review/certify that the Apprentice is registered and that the supporting documents were electronically uploaded before a Contractor and/or Subcontractor can certify them on the first Certified Payroll Report. The Awarding/Public Bodies, to verify and accept the Apprentice Forms for the Apprentice/Worker in question, regardless of the number of projects the Apprentice/Employee may be assigned to within the database.
Contractors and/or Subcontractors and/or Awarding/Public Bodies will not need to obtain an Apprentice Verification Form because, the Apprentice Forms will be loaded into the database by the Contractor and/or Subcontractor along with any expiration parameters. This information will then be reviewed and verified by the Awarding/Public Bodies and/or other entities as necessary.

This Apprentice approval process ensures an Apprentice is: 1.) Registered with the Bureau of Apprenticeship and Training of the Office of Apprenticeship, Training, Employer and Labor Services of the Employment and Training Administration of the United States Department of Labor or its successor and the State Apprenticeship Council, and 2.) Assists with validating Apprentice %’s for purposes of Senate Bill 207.

Compliance with Senate Bill 207 (Passed during 2019 Legislative Session.) The Awarding/Public Bodies and Contractors or Subcontractors must ensure the reporting of Apprentices complies with Senate Bill 207, unless a Waiver has been granted by the Labor Commissioner. Apprentices shall be used and reported for at least 10% of the total hours on vertical construction and 3% of the total hours for horizontal construction of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work when more than three employees of each a craft are employed at the site of work.

Apprenticeship Ratio: Be sure to review the apprenticeship standards to see if they provide for a ratio of apprentices to journeymen. If the ratio is not complied with the apprentice is to be paid at full journeyman rate for the type of work performed. (See NAC 338.0095). Awarding/Public Bodies may contact the Governor’s Office of Workforce Innovation to verify the proper apprenticeship ratio because, they have jurisdiction over the Nevada State Apprenticeship Council and apprenticeship standards/agreements and the registration of apprentices.
Links:
Office of the Labor Commissioner’s Website:

- [www.labor.nv.gov](http://www.labor.nv.gov)
- Office of the Labor Commissioner – Apprenticeship Utilization Act Tab:
  - [http://labor.nv.gov/Apprenticeship_Utilization_Act/Apprenticeship_Utilization_Act/](http://labor.nv.gov/Apprenticeship_Utilization_Act/Apprenticeship_Utilization_Act/)
- SB 207
  - [https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6351/Text](https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6351/Text)
- Registered Apprenticeship Programs
  - [http://owinn.nv.gov/Apprenticeship/RegisteredApprenticeshipPrograms/](http://owinn.nv.gov/Apprenticeship/RegisteredApprenticeshipPrograms/)
- AO-2019-03 AUA Jurisdiction definition
  - [http://labor.nv.gov/uploadedFiles/labornvgov/content/Apprenticeship_Utilization_Act/AO-2019-03%20AUA%20Jurisdiction%20definition.pdf](http://labor.nv.gov/uploadedFiles/labornvgov/content/Apprenticeship_Utilization_Act/AO-2019-03%20AUA%20Jurisdiction%20definition.pdf)
Additional Guidance from the Office of the Labor Commissioner

Request for Advisory Opinion – NAC 607.650

Petition for Declaratory Order – NAC 607.670

Awarding/Public Body Working Groups

Awarding/Public Body Handbook/Guide
Contacts for Public Works/Prevailing Wage

Northern Nevada:
- David Gould, Senior Investigator, (775) 684-1890
- Jennafer Jenkins, Auditor/Investigator, (775) 684-1890

Southern Nevada:
- Lleta Brown, Deputy Labor Commissioner, (702) 486-2650
THANK YOU

For complete NRS/NAC 338 laws and regulations and contact information visit: www.labor.nv.gov

Contact us Via Email:
Apprenticeship Utilization Act: AUA@Labor.NV.Gov
Prevailing Wage and Public Works: Publicworks@Labor.NV.Gov
General: Mail1@Labor.NV.Gov

Phone: Carson City: 775-684-1890 or Las Vegas: 702-486-2650