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October 1, 2019

Legislative Counsel Bureau
Legal Division
401 South Carson Street
Carson City, NV 89701

Re: Proposed Regulatory Changes to Nevada Administrative Code section 338

Dear Legislative Counsel Bureau:

On behalf of the Office of the Labor Commissioner, we are submitting the following proposed changes to Nevada Administrative Code (NAC) section 338 for the drafting of language by the Legislative Counsel Bureau. The proposed changes were made to Regulation Package R018-18RP1 from October 17, 2018. The new proposed language implements certain new provisions/requirements from the 2019 Nevada Legislative Session including the following bills passed during the 2019 Nevada Legislative Session: Assembly Bill (AB) 136; AB 190; Senate Bill (SB) 207; SB 231; and SB 243.

New language is in "blue" and deleted language is in "~~red strikethrough~~." The key areas where changes are being proposed to the existing language in Regulation Package R018-18RP1 involve the following:

- Section 1 – Authority for Labor Commissioner to investigate anonymous complaints and requirement that claims and/or complaints be submitted within 24 months.
- Section 5 – Assignment of work in accordance with established practice and Collective Bargaining Agreements; limitation on authority for Labor Commissioner to resolve jurisdictional disputes;
- Sections 6 – 10 - Information considered in determination of Prevailing Wage; Calculation of Prevailing Wage; Effective date and period of Prevailing Wage Rates; Adjustments and Amendments to Prevailing Wage Rates; Public Works Projects over 36 months.
- Sections 11- 15 – Prevailing Wage; Prevailing Wage reports and forms; Electronic Reporting of certified payroll reports and review and access to certified payroll reports; forms and documents for Apprenticeship Utilization Act – SB 207; Reporting of bona fide fringe benefits; and reporting of Apprentices.

- Section 18 – Complaints and claims submitted to Labor Commissioner and forms and requirement that the complaints and/or claims be submitted within 24 months.
- Sections 19-20 – Authority for the Labor Commissioner to conduct inspections and issue subpoenas.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me at your earliest opportunity at (775) 684-1891.

Sincerely,



Shannon M. Chambers
Labor Commissioner
State of Nevada