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Department of Business & Industry

OFFICE OF THE LABOR COMMISSIONER

<http://www.labor.nv.gov>

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
STATE OF NEVADA OFFICE OF THE LABOR COMMISSIONER
&**

PUBLIC/AWARDING BODY _____

This Agreement is made and entered into this ____ day of _____, 20____, by and between the State of Nevada Office of the Labor Commissioner (hereinafter referred to as the "OLC"), and the public/awarding body _____ executing this Memorandum of Understanding (MOU). Together and collectively they shall be referred to herein as "the agencies" or "the parties".

PURPOSE OF MOU

The Office of the Labor Commissioner/Labor Commissioner is responsible for the enforcement of the laws and regulations governing Public Works Projects and the payment of the Prevailing Wage pursuant to Nevada Revised Statutes (NRS) 338.010 through 338.090, inclusive, and Nevada Administrative Code (NAC) 338.005 through 338.125, inclusive. The Office of the Labor Commissioner is also responsible for enforcing the "Powers and Duties" of the Office of the Labor Commissioner pursuant to NRS and NAC Chapter 607, and for the enforcement of "Wage and Hour Laws" pursuant to NRS and NAC Chapter 608.

NRS section 338.070 requires public/awarding bodies to inspect and maintain certain records of contractors and subcontractors and workers employed on public works projects. NAC sections 338.092 through 338.100 require certified payroll reports and the review of certified payroll reports on public works projects by the public/awarding bodies. Senate Bill 231 of the 80th Nevada Legislative Session (2019) required the Labor Commissioner to adopt regulations authorizing a contractor or subcontractor to file the copies of such records including, certified payroll reports, with the public/awarding body electronically.

<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6381/Text>

On or around June 5, 2020, the Legislative Commission of the Nevada Legislature approved OLC Regulation Package LCB File NO. R018-18, setting forth the regulations for the filing of certified payroll reports and other public works records electronically.

Many, but not all public/awarding bodies, and many, but not all contractors and subcontractors, working on public works projects in the State of Nevada have contracted with LCP Tracker, Inc. (LCP Tracker) for electronic filing and reporting of the records and certified payroll reports required by NRS section 338.070 and NRS sections 338.010 through NRS 338.090 and NAC sections 338.092 through 338.100.

The OLC has also contracted with LCP Tracker, Inc. The OLC has contracted with LCP Tracker to utilize the data in LCP Tracker for Workforce Manager. Workforce Manager (WFM) is a software program owned by LCPTracker. WFM compiles data about workers in the construction industry, including but not limited to, those workers in the State of Nevada employed on Nevada public works projects.

Through WFM, the OLC is seeking to report the data submitted and compiled on State of Nevada public works projects as required by NRS section 338.070 and NRS sections 338.010 through NRS 338.090, and NAC section 338.092 through 338.100.

The OLC is seeking a Memorandum of Understanding (MOU) with the public/awarding bodies that have contracted with LCP Tracker for the electronic filing and reporting of the records and certified payroll reports required by NRS section 338.070 and NRS sections 338.010 through 338.090, and NAC sections 338.092 through 338.100. The MOU will authorize the OLC to utilize the data required by NRS section 338.070 and NRS sections 338.010 through 338.090, and NAC sections 338.092 through 338.100, to compile data in WFM and report on that data.

The OLC will only utilize the data required by NRS section 338.070 and NRS sections 338.010 through 338.090, and NAC sections 338.092 through 338.100, in accordance with these provisions and in accordance with the contractual requirements of LCP Tracker and WFM as set forth in the contracts with the public/awarding body, and as set forth in the contract(s) with the OLC.

The agencies agree to these terms and the terms in this MOU.

The MOU is executed as of the _____ day of _____, 20 .

By Public/Awarding Body _____

By _____

&

This MOU is executed as of the _____ day of _____, 20 .
State of Nevada Office of the Labor Commissioner

By _____

Brett Harris
Labor Commissioner - State of Nevada
