

**Governor's Office of Workforce Innovation for a New Nevada (OWINN)
State Apprenticeship Council (SAC)**

Policy Number: 1.1

Originating Office: Governor's Office of Workforce Innovation for a New Nevada

Subject: Application of NAC 610.355, defining similar programs

Issued: February 6, 2018

Purpose: To provide clarity to the State Apprenticeship Council (SAC) on their obligations and duties regarding applications for proposed programs that are similar to registered programs and to allow the SAC to rely on O*NET codes to determine whether two occupations are similar under NAC 610.355.

Authorities/References: NAC 610.355; 29 CFR Part 29; Office of the Attorney General Memorandum – *Application of NAC 610.355* (January 4, 2018); Office of the Attorney General Memorandum – *Nevada State Apprenticeship Council* (February 28, 2017)

Action Required: Upon issuance, members of the State Apprenticeship Council will use O*Net codes in its interpretation of NAC 610.355 to notify program providers with similar objectives for similar jobs.

Background:

Pursuant to 29 CFR Part 29, the State Apprenticeship Council exercises its authority at the direction of the Governor's Office of Workforce Innovation, which serves as the State Apprenticeship Agency¹. Additionally, per Senate Bill 516, the Council is authorized to regulate apprenticeship programs, approve and reject programs in complying with NRS Chapter 610, which is to "regulate the supply of skilled workers in relation to the demand for skilled workers," and to "establish standards for the training of apprentices in approved programs."²

When the Council considers approving a new apprenticeship program by an employer or association of employers, NAC 610.355 - titled "Approval of Programs of Apprenticeship," - requires the Council to notify existing programs with similar objectives for similar jobs and give them between 30 and 60 days to comment before final action on the proposed program is taken.³ This provision only applies to applications for new apprenticeship programs and not to instances where an existing program is proposing revisions to the Council.

To determine whether two occupations are "similar" under NAC 610.355, meaning "having resemblance but not identical," the Council should use Occupational Information Network (O*NET) Codes that are based on the Standard Occupational Classification (SOC) system federal agencies used

¹ 29 CFR 29.13

² NRS 610.020

³ NAC 610.355(1)(2)

to categorize workers into occupational classes for data collection, calculation and dissemination purposes.

O*NET is a nationally recognized independent classification system, developed under the guidance of the US Department of Labor/Employment and Training Administration and defines occupations across industries based on the Standard Occupational Classification. The Standard Occupational Classification system is a federal statistical standard used by federal agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data⁴.

During previous Council meetings, members have raised concerns on whether “similar” programs were appropriately notified. However, differences emerge on what constitute a similar program. Without an objective measure of “similar” programs, differences will continue to emerge regarding whether a program was appropriately notified. Given that the O*NET codes are objective and classify occupations across industries, it provides the only objective manner in whether or not two programs are similar and hence should be notified. All apprenticeable occupation will have an O*NET code. If an occupation shares a similar code as another occupation being proposed under a new program then it will be notified appropriately.

A January 4th memo from the Deputy Attorney General reviewed the question regarding the use of O*NET codes and concluded that the Council may rely on O*NET codes in its interpretation of NAC 610.355. Furthermore, a memo on the matter submitted to the previous Council Chairman on February 28th, 2017, provided additional clarity that the reference to the notice on similar programs “is not a prohibition on the existence of programs with similar objectives, rather it creates a proposed standards.” The memo continues and states “Any decision by the Council on the approval or denial of a proposed program and/or standards must be consistent with the purposes and duties set forth in NRS Chapter 610.”

⁴ <https://www.onetcodeconnector.org/oca/step1>