

*PEEK THE
PORTAL:
INSIDE THE AUA
REPORT*

Presented by the Nevada Office of the Labor Commissioner

BRETT K. HARRIS, ESQ.

- Nevada Labor Commissioner
- Appointed September 2022
- Nevada Resident Since 1992
- Attorney Since 2011
- Prior Small Business Owner



OFFICE OF THE LABOR COMMISSIONER

ENFORCEMENT RESPONSIBILITIES

- Wage & Hour Complaints
- Meal & Break Complaints
- General Complaints
- Prevailing Wage Project Regulation
- **Apprenticeship Utilization Act Regulation**
- Minor Employment

LICENSING RESPONSIBILITIES

- Private Employment Agencies
- Professional Employer Organizations
- Public Works Project Numbers
- State Apprenticeship Council

APPRENTICESHIP UTILIZATION ACT (NRS 338.01165)



Added to Nevada law in 2019



Regulates and Requires the employment of apprentices by all contractors and subcontractors on Public Works Projects in Nevada



Contractors performing work on public works projects must employ apprentices for a minimum number of hours depending on the type of construction (10% vertical 3% horizontal)

NRS 338.01165 (2024)

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 workers on one or more public works during a calendar year** pursuant to [NRS 338.040](#) **shall use one or more apprentices for at least 10 percent**, or any increased percentage established pursuant to subsection 3, **of the total hours** of labor worked **for each apprenticed craft or type of work** to be performed on those public works.

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 workers on one or more public works during a calendar year** pursuant to [NRS 338.040](#) **shall use one or more apprentices for at least 3 percent**, or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on those public works.

...

6. 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**.

7. A **contractor or subcontractor** engaged on a public work **shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply** with subsection 1 or 2, as applicable, as determined by the Labor Commissioner.

...

“SUPPORTING DOCUMENTATION”

7. A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the apprenticeship program, on the form prescribed by the Labor Commissioner, a request for an apprentice not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.

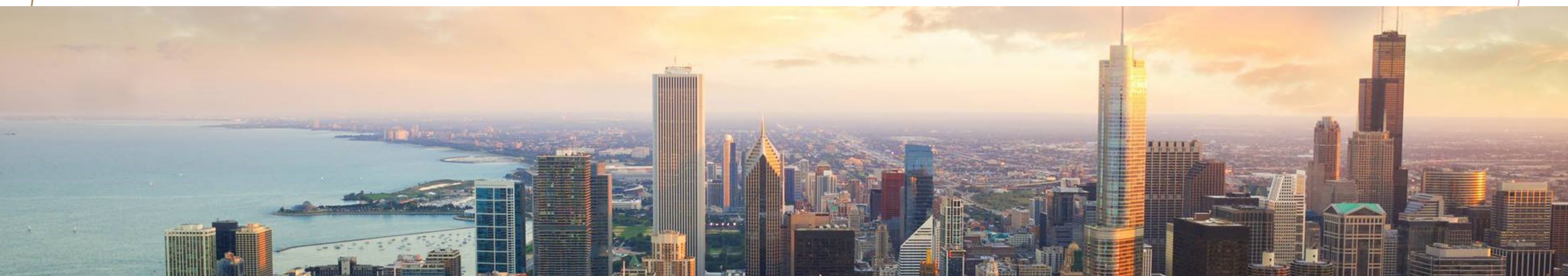
(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The supporting documentation required pursuant to subsection 7 may include, without limitation:

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

Senate Bill 82
2023 Nevada Legislature
Added Annual Reporting Requirement
For The Apprenticeship Utilization Act
(NRS 338.01165)



NRS 338.01165(10):

ON OR BEFORE FEBRUARY 15 OF EACH YEAR,

A CONTRACTOR OR SUBCONTRACTOR ENGAGED IN VERTICAL OR HORIZONTAL CONSTRUCTION, AS APPLICABLE, WHO EMPLOYS A WORKER ON ONE OR MORE PUBLIC WORKS PURSUANT TO [NRS 338.040](#)

SHALL REPORT TO THE LABOR COMMISSIONER,

ON THE FORM PRESCRIBED BY THE LABOR COMMISSIONER,

THE FOLLOWING INFORMATION REGARDING THOSE PUBLIC WORKS FOR THE PREVIOUS CALENDAR YEAR:

(A) FOR EACH APPRENTICED CRAFT OR TYPE OF WORK, THE TOTAL NUMBER OF HOURS WORKED ON VERTICAL CONSTRUCTION.

(B) FOR EACH APPRENTICED CRAFT OR TYPE OF WORK, THE TOTAL NUMBER OF HOURS WORKED ON HORIZONTAL CONSTRUCTION.

(C) FOR EACH APPRENTICED CRAFT OR TYPE OF WORK, THE TOTAL NUMBER OF HOURS WORKED BY APPRENTICES ON VERTICAL CONSTRUCTION.

(D) FOR EACH APPRENTICED CRAFT OR TYPE OF WORK, THE TOTAL NUMBER OF HOURS WORKED BY APPRENTICES ON HORIZONTAL CONSTRUCTION.

(E) FOR EACH APPRENTICED CRAFT OR TYPE OF WORK, THE PERCENTAGE OF THE TOTAL NUMBER OF HOURS WORKED ON VERTICAL CONSTRUCTION THAT WERE WORKED BY APPRENTICES.

(F) FOR EACH APPRENTICED CRAFT OR TYPE OF WORK, THE PERCENTAGE OF THE TOTAL NUMBER OF HOURS WORKED ON HORIZONTAL CONSTRUCTION THAT WERE WORKED BY APPRENTICES.

11. THE INFORMATION REQUIRED TO BE REPORTED PURSUANT TO SUBSECTION 10 MUST NOT INCLUDE ANY IDENTIFYING INFORMATION ABOUT A PUBLIC WORK OR AN APPRENTICE OR EMPLOYEE.



Add AUA



* Craft:

Carpenter



* Type of Hours:

Both



Horizontal Hours

* # Horizontal Hours
in Classification:

Horizontal

Apprentice Hours in
Classification:

The percentage of the
total number of hours
worked on horizontal
construction that

LABOR.NV.GOV

Cancel

Save

*“ON THE FORM PRESCRIBED BY
THE LABOR COMMISSIONER”*

* Region where you worked:

* Name of Individual filling out Report:

* I declare that the information provide
this form is true and correct:

AUA



Add AUA



Item Number



0 records

Files



Add File

https://labor.nv.gov

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Welcome to the Office of the Labor Commissioner



Important Links

- Statutes and Regulations
- Minimum Wage and Overtime Bulletins
- Employer Postings - Required Postings
- Employer Postings - Bulletins and Guides
- Meetings and Agendas

File a wage claim or complaint

- Wage Claim and Complaint Information

Nevada Minimum Wage & Daily Overtime to Increase

Minimum wage in the state of Nevada will be increasing to \$12.00 an hour starting July 1, 2024.

Nevada Ballot Question 2, passed by voters in November 2022, eliminates the two-tier minimum wage system which provided a reduction in the required minimum wage if an employer offered qualifying health benefits. For information on overtime changes and to print free minimum wage and overtime bulletins and postings, please select the Minimum Wage and Overtime Bulletins and/or Employer Postings - Required Postings under Important Links on this page.

Office of the Labor Commissioner (OLC) Responsibilities:

The Office of the Labor Commissioner (OLC) is the principal wage and hour and labor regulatory agency for the State of Nevada. The OLC is responsible for ensuring that minimum wage, prevailing wage, and overtime are paid to employees in Nevada, and that employee rest, break, and lunch periods are provided. In addition, the OLC has authority over the employment of minors and other employment practices. It is the vision and mission of this office to resolve labor-related problems in an efficient, professional, and effective manner.

File the AUA Report at: labor.nv.gov

THE FORM WILL BE LOCATED UNDER THE AUA TAB



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AUA

Apprenticeship Utilization Act

[Current Apprenticeship Programs](#)

[Registered Apprenticeship Programs](#)



Information and Forms

[Senate Bill \(SB\) 82 - Revises Provisions Related to Public Works - AUA](#)



[Senate Bill \(SB\) 82 Enrolled](#)



[Request for Apprentice Availability on a Public Works Project rev. Nov. 2024](#)



[AUA Reporting Presentation](#)



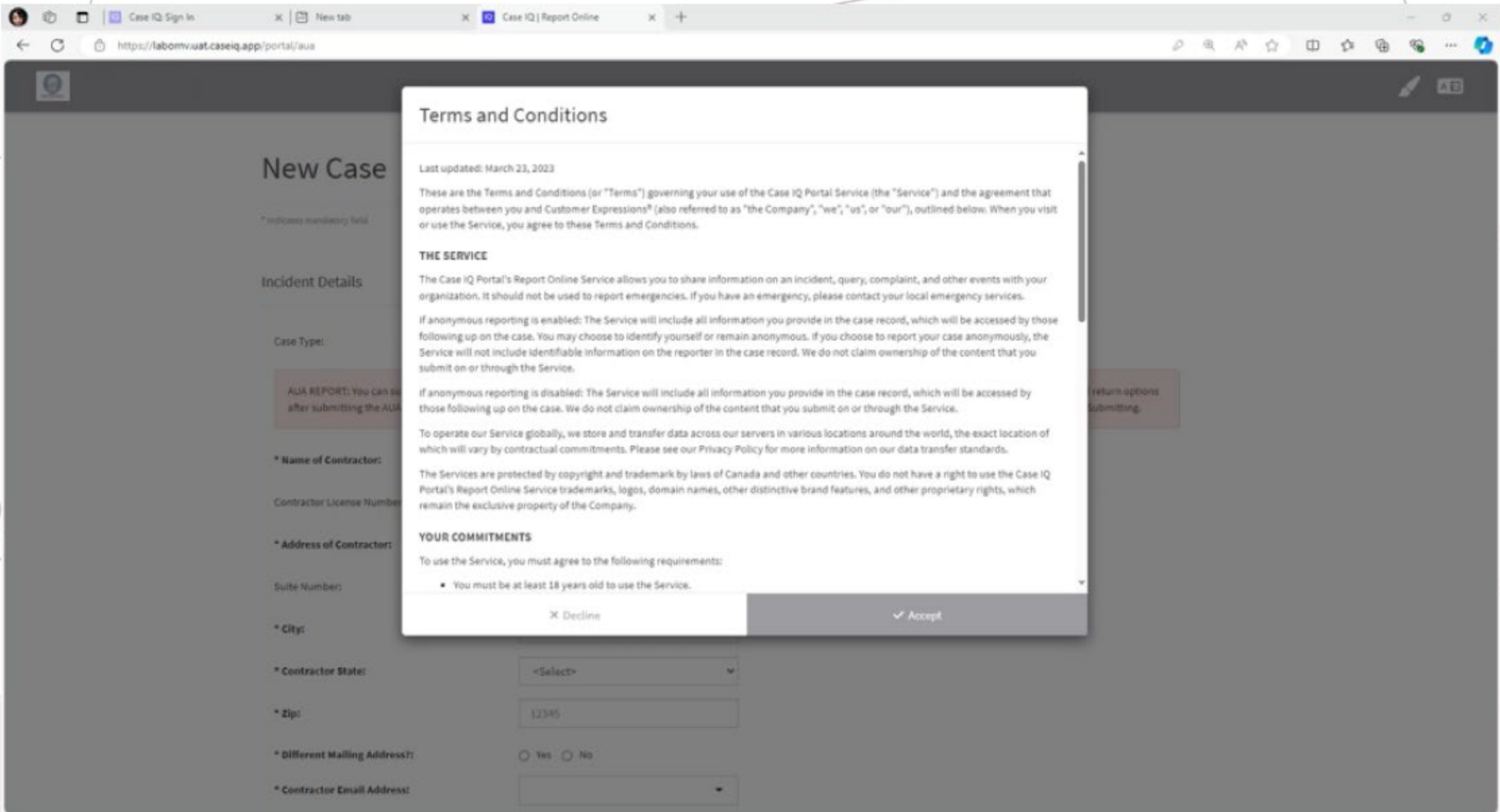
[AUA Reporting Portal Demonstration](#)



[SB 82 Checklist](#)



[Labor Commissioner's SB 82 Presentation 2024](#)



THE AUA REPORT PORTAL

WHAT TO KNOW ABOUT THE AUA PORTAL

- Available January 1, until February 15, at 11:59 p.m. at labor.nv.gov
- Accessible through labor.nv.gov
 - Landing Page &
 - AUA Tab
- Include all crafts in one submission
- Upload files for “Supporting Documentation” as necessary
- Create user login (recommended)
- Submit AUA Report no later than February 15, at 11:59 p.m.
- Receive submission confirmation by e-mail with AUA matter number (AUA-24-
- Submit notes to the OLC or subsequent “Supporting Documentation” as needed
- Contact aua@labor.nv.gov with questions

NRS 338.01165(12)-(15)

*APPRENTICESHIP
UTILIZATION ACT
PENALTIES*

No Forfeitures to the Awarding Body

Failure to Submit Report

- \$10,000 to \$75,000 Penalty; OR
- Disqualification from 180 Days to 2 Years

Penalty Structure is Based on Severity of Apprentice Hour Deficiency

- 7.5%-9.94% for Vertical Construction or 2%-2.94% for Horizontal Construction
 - \$2 per deficient hour or \$2,500
 - Whichever is More
- 4%-7.44% for Vertical Construction or 1%-1.94% for Horizontal Construction
 - \$4 per deficient hour or \$3,000
 - Whichever is More
- 0%-3.94% for Vertical Construction or 0%-0.94% for Horizontal Construction
 - \$6 per deficient hour or \$5,000
 - Whichever is More

*THE OFFICE OF
THE LABOR
COMMISSIONER*

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DEPUTY LABOR COMMISSIONER

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