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**Senate Bill 207 – Apprenticeship Utilization Act effective January 1, 2020**

**<https://www.leg.state.nv.us/App/NELIS/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 documentation and verification with that CPR 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 as approved by the State Apprenticeship Council and/or Nevada Revised Statutes (NRS) section 610 or Nevada Administrative Code (NAC) section 610. (See NRS 338.080)

**KEY POINTS OF THE APPRENTICE VERIFICATION PROCESS:**

- Contractors/Subcontractors and/or Awarding/Public Bodies will not need to obtain a new Apprentice Verification Form from the State Apprenticeship Council (SAC) every 60-days.
- Once verified with the State Apprenticeship Council, an Apprentice can work for multiple Contractors/Subcontractors on various PWP's.
- Contractors/Subcontractors are responsible for submitting the Apprentice Verification Forms, documentation, information with Certified Payroll Reports (CPR's) that are submitted to the Awarding/Public Bodies for each PWP.
- While not required, if an Apprenticeship Verification Form from SAC for an individual Apprentice is older than 1-year or the Apprentice goes to work for a new Contractor/Subcontractor, it is recommended that a Contractor/Subcontractor obtain a new Apprenticeship Verification Form from SAC to submit with the CPR's on any PWP that the Apprentice may be working on.

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

The following guidance is being provided by the Labor Commissioner.

- (1) Contractors and/or Subcontractors utilizing electronic Certified Payroll Reporting (CPR) software, such as LCP Tracker or other software, should verify 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.
- (2) The Apprentice Verification Form from the State Apprenticeship Council along with the Apprentice Certificates, documents, etc., would be the information that is needed to verify an Apprentice pursuant to number (1) above.
- (3) **A new Apprentice Verification Form is not required every 60 days from the SAC or if the Apprentice works on a new PWP for the same Contractor/Subcontractor.**
- (4) A new Apprentice Verification Form, while not required, should be obtained from SAC if the Apprentice starts work for a new Contractor/Subcontractor or the Apprentice Verification Form is over one 1-year old.
- (5) The Contactor/Subcontractor submits and uploads the forms/documents/information verifying the Apprentice along with the CPR reporting the Apprentice into the CPR payroll system or submits this information manually to the Awarding/Public Body.
- (6) The Awarding/Public Bodies should verify the documentation submitted by the Contractor/Subcontractor verifying the apprentice and review that the CPR was submitted correctly. The Awarding/Public Bodies and/or other entities as necessary, will validate the Apprentice verification/information as the database Administrator for that project or multiple projects.
- (7) It is up to each Contractor/Subcontractor to make sure the necessary Apprenticeship Verification documents and/or forms are uploaded and submitted with the CPR's on every PWP that the Apprentice is working on.

Contractor and/or Subcontractors utilizing electronic Certified Payroll Reporting (CPR) 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 also 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 CPR. The Awarding/Public Bodies and/or other entities as necessary, will validate the Apprentice information as the database Administrator for that project or multiple projects. This will allow the database Administrator, typically, 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. However, it will be up to each Contractor/Subcontractor to make sure the necessary Apprenticeship Verification documents and/or forms are uploaded and submitted with the CPR's.

**\*\*Once an Apprentice is verified by a Contractor/Subcontractor on a specific project, Contractors and/or Subcontractors and/or Awarding/Public Bodies will not need to obtain an additional Apprentice Verification Form within 60 days. This is because the Apprentice Forms including, the Apprentice Verification Form 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. If the Apprentice changes Contractors/Subcontractors, the new employer should review the Apprentice Verification documents to determine if they need to request further information. Apprentice Verification documents and forms should be good for at least 1-year but will need to accompany any CPR reporting.**

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.