338 Stakeholders Meeting-20261026_125948-Meeting Recording

October 26, 2026, 7:59PM

45m 19s

Eileen Woltz started transcription

Chetan Champaneri 0:14

Hi, if you record...

Brett K. Harris 0:43

Just one more reminder, this is being recorded, so you do not need your AI note taker.

There will be a copy of the recording made available to everyone.

I'm gonna...

Give Eileen a few more minutes to clear the lobby.

And then a couple people were confused because we had an 11 A.m. stakeholders, but we have a different link for this meeting.

Okay, it is 101 PM. I'm going to call to order the October 26th, 2026 stakeholder meeting held pursuant to Governor Lombardo's Executive Order 2026-003 regarding receiving input and comments on Nevada Administrative Code Chapter

regarding public works and prevailing wage. So I know that there are probably a lot of you eager to give comment. We thank you for being here today to engage in this process. The notice for the stakeholder meeting was posted in many places. It was provided directly by e-mail.

to anyone registered to the Office of the Labor Commissioner's e-mail list. It was posted at the Nevada State Library Archives and Public Records. It was published to our website in addition to the State of Nevada Public Notice website and the Nevada Legislature's website. The meeting is being held by teams.

or telephone. No action will be taken during this meeting. It is informational and information gathering and input gathering only. Any language that is subsequently drafted, you will receive similar notice. There will be similar opportunity to provide input and comment on.

and you will have the opportunity to review before anything is passed. So this is just for informational purposes on Nevada Administrative Code Chapter 338. Again, the

meeting is being recorded and it will be available to anyone that wants a copy of it. So there's no need to
also take AI notes, but a full meeting recording will be made available. So with that being said, we are going to have two periods of public comment pursuant to the agenda that was posted. There will be a period for public comment, and then we will discuss the executive order that brings us here today.
briefly review NIC 338. And if there's that cause anyone else to want to make public comment in the second period, they can do so at that time. We'd ask that your comments be limited to 3 minutes each. Everyone's been doing a great job. Nobody's even come close to time limit. So please
state your first and last name for the record and spell your last name. If your first name is also difficult to spell, please feel free to spell that as well. In order to make public comment, use the raise hand feature. I will call on everyone in the order that I see them. And before I close out any public comment period, I will make sure
that there's opportunity to speak up if for some reason I haven't seen your hand raised. So to that end, we're going to open up agenda item 3, the first opportunity for public comment. Does anyone want to make public comment regarding NAC 338 at this time?
Mr. Robert Diaz, I saw your hand go up first.

RD **Robert Diaz** 4:34
Yeah, thank you. Robert Diaz, DIAZ, representing the sheet metal workers, Smart Local 88. I guess in addition to all the long paperwork I provided back in 2025 that your office requested for changes to the NACs, I guess I'll just recap some of that stuff. We're looking for a few changes in a few sections.
I might come close to the three minutes on this one, but I guess we got two tries. Looking at NAC 3380054, NAC, excuse me, 338008, NAC 3380095, NAC 338094. And NAC 338010. On the 0054, we'll start there. Just recapping my list I provided. We're looking for something for the awarding bodies. The awarding body should include public body as well. And that may not even be the perfect way to put that language.
We've had many debates with public bodies about being awarding bodies. Vocabulary becomes cute when circumventing prevailing wage is the goal. They'll be the awarding body if they need to be the awarding body. They'll be the public body when they don't want to be the awarding body and vice versa. So it gets complex,

but convenience in the circumstance for circumventing prevailing wage seems to be the goal.
338, or excuse me, NAC 338008, existence or non-existence between awarding bodies and contractors does not bar the labor commissioner or awarding body. This section should again have the public body responsibilities as far as language and included into that in addition to the definition of the statute.
That section does reference the statute, but it doesn't say it direct. So there's no exact location to go and reference some of that language. NAC 3380095 is workers in apprenticeship language. We hope to see something that explains if an owner or salary paid management position or any level of salary.
employee performs work on a project, they are also classified as a worker at the appropriate rate for the class of work they're performing. Often we hear, I'm the owner of the company, I don't have to report wages. If you touch a tool or help that project while on site for that project, you should be reported at the appropriate rate on the CPRs.
NAC 338094, the certified payroll format. There's a lot of room, I believe, in this section for upgrades. We're finding a lot of ghost employees, quote un quote, people that are being reported to be there that may or may not be there or aren't there for the whole time.
Problems complicated, to say the least. Inclusive of, excuse me, inclusive of subsection 4 language, we believe the addition of required sign-in sheets or electronic equivalent should be required under shall language in this section to verify the CPRs. Maybe we can work with OSHA to verify if that's a safety thing.

SG **Stephanie L. Goblet** 7:24
Something to say.

RD **Robert Diaz** 7:38
not knowing who's on what projects, especially when we're trying to cross-reference CPRs, certified payroll reports, to verify that the employees that are showing up on the payrolls were actually on site and or that there weren't any additional employees. I think it's subsection one of that same NAC.
We believe inclusive of subsection one, there should be some form of language that's punishable by misdemeanor and or felony added in there because wage theft at the end of the day is theft. Theft has language for punishment. Wage theft does

not. Essentially, you're kind of put in place to
pay back what you would have vote anyway, doesn't really seem to have any consequences there. That section does cover, I believe, what is the issues and how to address them. But again, we're looking for some form of misdemeanor for those who are verifying the certified payrolls.
to be accurate or felonies, we're good with that too.
Subsection 5, or excuse me, in addition to all of this, we found that the FOH field operation manuals of the DOL.
15 subsection BO7 has lease agreement language. We're looking at lease agreement, agreement, I'm sorry, lease agreement language from this chapter of the 15 or chapter 15 Davis Bacon and related acts to contract works of the wages from the DOL.
It gives a great baseline for the lease loopholes being exploited in the state of Nevada. The federal government gives baseline standards for public works projects. They kind of set the floor, not the ceiling. And in the state of Nevada, we've lowered that floor level, making it easier to publicly fund private equities. And I believe that's all I have for the first.
section of public comment. I got better examples as we move forward. Thank you.

Brett K. Harris 9:43
Thank you, Mr. Diaz. And I apologize to everyone who was logged on who was not logged on before. I think I forgot to introduce myself. My name is Brett Harris. I'm the Nevada Labor Commissioner. Just wanted to make sure I said that on the record. And we will continue public comment to Mr. Gerardo Salgado.

Gerardo Salgado 10:04
Good afternoon, everyone. My name is Gerardo Salgado. That is GERARDOSALGADO. I'm the compliance officer for the Roofers and Waterproofers Local 162. I would like to recommend changes to NAC 338.
Got 094.
NAC 338.096 and 338.098 to establish more consistent certified payroll reportings, auditing, and public access across all Nevada public works agencies. Currently, different awarding bodies can utilize different reporting systems and procedures. This can make it difficult to locate records, compare payroll information, and determine whether contractors are meeting their prevailing wage obligations. My

recommendation is to establish a standardized statewide electronic payroll reporting and compliance framework that every public agency follows.
First, under NAC 338.094, I would suggest establishing A uniform electronic reporting format tied to each project's public works project number. This would allow payroll records, contractor and subcontractor information
wage classifications, and fringe benefit reporting to be organized consistently, regardless of which agency awards the project. Second, under NAC 338.096, I would recommend a standardized audit checklist that every awarding body
Must follow.
This should include verifying actual wages paid, overtime calculations, worker classifications, apprenticeship information, and fringe benefit contributions. Third, under NAC 338.098, I would encourage the state to establish a centralized searchable public portal or at minimum a statewide index connecting existing agency systems. These public, the public should be able to search by project number, awarding body, contractor or subcontractor and easily access records that are legally available for public inspection.
I would also recommend replacing the existing as soon as practice.
practicable electronic access.
Language with a clear publication deadline such as 10 business days after receiving the required records. This does not mean publishing confidential employee information or creating unnecessary paperwork. The goal is to have one consistent system of accountability.
regardless of whether a project is awarded by state, county, city, or school district.
Thank you.

BH **Brett K. Harris** 13:10
Thank you, Mister Nathaniel Domski.

ND **Nathaniel Domsky** 13:14
Hi, everybody. My name is Nate Domsky, last name spelled D-O-M-S-K-Y, representing Operating Engineers, Local 12. I am asking the Labor Commissioner to strengthen the protection of recognized craft classifications on public works projects. Under NRS 338.020, prevailing wages follow the jurisdictional classes recognized in the region.
NAC 338.007 recognizes distinct crafts and NAC 338.010. Number 2, uses applicable

collectively bargained scopes and job descriptions when the collectively bargained rate is the prevailing wage. Those distinctions exist for a reason. Different crafts involve different training qualifications and responsibilities.
NAC 338.0095 correctly requires workers to receive the prevailing wage for the work they actually perform, but that wage protection should not be interpreted as permission to use one worker as a catch-all for several distinct crafts, simply by changing the classification on certified payroll.
Paying a different rate after the fact does not by itself establish that the underlying work assignment was appropriate, in my opinion. I request that NAC 338.0095 clarify that its actual work pay requirement does not authorize assignments contrary to applicable law, established practices, or collective bargaining agreements. I also ask for a clear review of procedures under NAC 338.
and 338.096 when payroll reports show a worker repeatedly shifted among distinct recognized crafts. Contractors should be required to substantiate the classification, the work performed, rather than treating a payroll entry as proof of compliance. This is not a request for the Labor Commissioner to decide union jurisdictional disputes NAC 338.0095 #3 already distinguishes those disputes from wage enforcement. It is a request to preserve meaningful craft classifications and prevent misclassification from weakening wages and establishing work practices. That's all that I have to report under this first opportunity for public comment. I appreciate everybody's time. Thank you.

BH **Brett K. Harris** 15:29
Thank you, Mister Ron Ibarra.

AI **Aaron Ibarra** 15:33
Thank you again, Labor Commissioner. My name is Aaron Ibarra, AARONIBARRA. I am requesting an amendment to NAC 338.008 to establish clearer and more consistent procedures for determining prevailing wage coverage when public agencies use private development agreements.
government leases, lease purchase agreements, or other forms of public financial assistance. Nevada law already recognizes this concern. NRS.338.01155 calls for careful scrutiny of unusual leasing and financial agreements, including incentives offered by public bodies for construction of public works.
NRS 354.745 also establishes prevailing wage requirements for qualifying local

government construction lease arrangements. Our concern is that public agencies may support construction through private developers, long-term leases, future purchase agreements, publicly owned land, grants, loans,
or infrastructure assistance without directly awarding the construction contract. These arrangements should receive a consistent review to determine whether existing prevailing wage laws apply. The Federal Department of Labor already provides useful examples under the Field Operations Handbook, specifically Section 15B-07. Federal reviewers consider the length of a lease,
government involvement in construction, whether the facility serves as a public purpose, whether lease payments recovery, whether lease payments recover construction costs, and whether the arrangement was structured to avoid paying prevailing wage. I am requesting 3 specific regulatory changes. First, amend NAC 338.008.
to establish a standardized checklist for reviewing these arrangements when prevailing wage coverage is in question. That review should examine public financing, ownership, lease terms, future purchase rights, government involvement, and applicable statutory exemptions. Second, establish a clear process for requesting a written applicability determination
form from the Labor Commissioner, identifying the facts reviewed and the specific Nevada law supporting the determination. Third, establish consistent procedures for obtaining and examining relevant financing, lease, and development agreements during public work coverage reviews, and verifying that existing prevailing wage obligations are enforced when applicable. These procedures should be available before construction begins whenever practicable.
practicable so that contractors can bid accurately and workers understand their rights. Thank you.

BH **Brett K. Harris** 18:06
Thank you, Mister Jimmy Schwartz.

J **jimmy@ironworkers433.org** 18:13
Good afternoon, Commissioner. My name is Jimmy Schwarz. JIMMYSCHWARZ.
I'm requesting changes to NAC 338.094 and NAC 338.096 to ensure apprentices working on public projects are receiving real on the, excuse me, real on-the-job training, not just accumulating hours on certified payroll.

One concern is that contractors may request an apprentice to satisfy utilization requirements, but then provide very little opportunity for those apprentices to actually earn their trade, learn their trade, excuse me. Apprentices, apprenticeship is supposed to develop skilled journey workers.
Not simply help contractors meet a regular reporting requirement, Jesus.
Nevada already has standards for this. Under NRS 610.144, registered apprenticeships programs must provide supervised on-the-job training, identify the work processes apprentices should learn and periodically evaluate their progress. My recommendation is to connect those existing training requirements to public works oversight.
Under NAC 338.094, contractors should identify the apprentices registered program, craft and designated journey level supervisor. Under NAC 338.096, public agencies should conduct periodic checks to ensure apprentices are performing work consistent with their approved training programs.
and receiving appropriate supervision.
This could include reviewing existing on-the-job training records and, when appropriate, confidentially speaking with apprentices about the training they're receiving. If an apprentice is repeatedly assigned work unrelated to their training plan or is not receiving appropriate supervision, those concerns should be documented and referred to the state apprenticeship director
or state apprenticeship council for review. I'm not asking for additional utilization percentages or unnecessary daily paperwork. I'm asking that we ensure public works projects are eventually developing, are actually developing the skilled workforce these apprenticeship requirements were intended to create.
Thank you.

BH **Brett K. Harris** 20:36
Thank you, Mister Benny Wilson.

BW **Benny Wilson** 20:41
Good afternoon, everybody. My name is Benny Wilson. I'm the coordinator of the Northern Nevada Sheep Mill and HPC apprenticeship here in Reno. Thank you for this opportunity to comment on NEC 338. There are two clarifications I would implore the Labor Commissioner to clarify.
One.

NRS 338.01165. The apprentice utilization under subsection 7.
The regulation should clarify on how a contractor's good faith effort is verified. Simply submitting an apprentice request shouldn't be sufficient when a contractor refuses to accept or fails to follow through on an available apprentice.
Secondly, dispatch procedures on subsections 8 and 9. Clearer documentation requirements when apprentices are available but are not dispatched, including the contractor responses, coordination of start dates, and the reasons why an available apprentice was not accepted or employed.
These clarifications will help the Apprenticeship Utilization Act result in actual employment and training opportunities rather than simply documenting the request for compliance.
Thank you again. You're doing a great job.

Brett K. Harris 22:08
Thank you, Mister Andrew Barnum.

Andrew Barnum 22:14
Good to talk to you again, Brett. Andy with the Teamsters, 631. Last name Barnum, B-A-R-N-U-N.
I'm requesting amendment NAC 338.009 and NAC 338017 to establish a clear, consistent statewide rules for prevailing wage covering involving off-site facilities and material hauling. We're having a major issue with this. Public construction often involves work occurring outside the main construction site.
including batch plants, borrowed pits, equipment yards, material transportation, material production, material refining, and material manufacture. Under NAC 338.009, certain locations established specifically for public project or dedicated exclusively or nearly exclusively to that project are considered public work sites. NAC 338.
establishes when truck drivers transporting materials at or between covered sites are entitled to prevailing wage. My concern and the concern of others is that how these rules are applied and how contractors, public agencies and workers determine which locations actually qualify. I'm requesting 3 specific changes. First, I establish A uniform statewide checklist for determining whether an off-site facility qualifies as a public works site.
That review should consider why the facility was established, how it was extensively it

serves the public project and whether it operates independently of that project. Second, require written applicability determinations identifying covered project specific locations whenever practicable before construction begins with updates as additional facilities are established.
Third, establish consistent record-keeping requirements for covered hauling, including dispatch records, loading and unloading locations, and time spent transporting materials at or between covered sites. These requirements should be applied consistently regardless of which public agency awards the project. I'm not requesting that every commercial delivery or permanent private facility automatically become subject to prevailing wage, but I am asking for clear procedures to ensure work already covered by Nevada law is properly identified and paid for. We need to make this black and white. It is too gray right now. Having consistent rules before work begins protects our workers, allows responsible contractors to bid accurately, and reduces disputes during construction.
Right now in our construction industry, the biggest issue we're having is theft of wages. We appreciate your assistance with this. Thank you.

BH **Brett K. Harris** 24:35
Thank you, Mister Les Patu.

LP **Les Patu** 24:41
Good afternoon. Les Patu with the Heat and Frost Insulators, Local 135. I want to piggyback off of what Jimmy just said in regards to NAC 33.096. Also adding additional language in regards to contractors should also be able to document the reasons for short assignments.
layouts are repeated hours shorted for these apprentices when they're hired. Plus these patterns of where we're starting to notice to where they're just picking up apprentices, you know, that way they're within compliance. But these apprentices aren't getting the two hours of the work that's still available to them. I mean, we recognize, you know,
Layoffs are going to happen in construction. But when certain contractors repeatedly hire and lay off, hire and lay off, there should be a repeated pattern where it should be investigated under. Thank you for your time.

BH **Brett K. Harris** 25:44

Thank you. I think I'm going to give everyone a second because I think somebody entered the wrong call again. Before I close out this period of public comment, does anyone else that's already in the room wanting to make public comment during this first period of public comment regarding NAC338 that did not?
Yeah, get an opportunity.
I do not see any hands raised. If you're being polite and you think your hand is raised, please unmute yourself.
Okay.
With that being said, we will close out the first opportunity for public comment as there is another one at the end. So that will close out agenda item number three. For this meeting, for agenda item number four, just briefly summarizing why this meeting is being held. Executive Order 2026-003 regarding a regulation review.
was issued by Governor Lombardo earlier this year and requested that we engage the public and stakeholders in additional conversations regarding regulation and specifically first host one of these meetings. We've had a lot of conversations with a lot of you.
and a lot of members of the public works and construction community. You guys are very active. We very much appreciate that. We appreciate you coming here today to submit these comments. Those of you that have written your comments down, if you wouldn't mind emailing those over to us, that would be very helpful. Many of you know the chief investigator, Kate Allen,
We have a whole spreadsheet we've been working on in terms of our regulation review for NAC338, and we will add all of these comments there. Any language that is subsequently drafted, you will also have an opportunity to review and make comment on.
And we also look forward to further engaging you in these regulations, because I know specifically that these ones are needing a lot of work. And the reason that we move so slowly is that we do want to make sure that it's as right as possible so that any regulation that we do pass is clear and usable and understandable by everyone that has to use it. So
Um...
That's what we're here to discuss today. That will end agenda item 4. For agenda item 5, we'll just generally talk about NAC 338, which is the Nevada Administrative Code Chapter 338, governing public works and prevailing wage, which clarifies Nevada Revised Chapter 338. We're also going to share during this time, generally,

comments that the Office of the Labor Commissioner has received.
Prior to this meeting.
So they have an idea as to what regulation review we're doing internally and what you can expect language on probably in the not so distant future. So I'm going to have Chief Investigator Kate Allen introduce herself for item number 5 and sort of review and discuss those regulations that we've been looking at.

KA **Kate Allen** 29:07
All right, good afternoon, everybody. We've been looking over a variety of things to start defining normal maintenance and normal operations, making some changes to NAC 3309, excuse me, 009 that have already been discussed here.
The changes that were discussed regarding NAC 330095 and apprentices the ratio.
comments regarding apprentices.
and 338.
Oh, oh, 95 subsection 3, removing some language or modifying it, and those were in Mister Diaz's comments. We've also...
Sorry, guys, received comments regarding NAC 338094 and adding some more information regarding bona fide fringe benefits and what documentation needs to be provided to prove annualization. We received some written comments from Clark County Purchasing and Contracts.
regarding adding language to define or provide an example of how to calculate that annualization.
some comments regarding NAC 338096 and certified payroll reporting. We need to update that to reflect the 90 days after substantial completion change that was made through AB 502.
Let's see, NAC 338098. There has been some comments regarding under subsection 3, adding the option for the contractor or subcontractor to request that a final non-performance report be submitted after three consecutive months of non-performing work.
Three 3.107, there's been some comments regarding.
filing a complaint, if an anonymous complaint is filed, that they should provide documentation as to why, if a complaint is filed on behalf of an other, that that person should sign the complaint to try and minimize frivolous complaints that are received in our office. Let's see.
We have received comments regarding changes to NAC 33112 and 114, which will be

updated due to AB 502 changes. Those should change significantly.
And then there was comments regarding NAC 33120. And this is regarding the penalty, or excuse me, forfeiture structure and removing the word prime contractor, adding just contractor or subcontractor and changing language from must to must be more, not more than.
And then we have other language regarding defining premium pay, the definition of a subcontractor, and the disclosure of labor agreements, and more clarification on 410s.
And then we've also received public comments regarding...
See.
subsection 2B to delete that section and to remove language from NAC330095 regarding the ratios on apprentices and then the deletion of 096 subsection 2B would.
Work to align with those changes.
I think that about sums everything up.

BH **Brett K. Harris** 33:01
Does that include all the ones that you wanted to mention? Yes.
Excellent. Thank you so much, Miss Allen.
As you guys can all see, there's a lot of work that we are working on in this chapter. So to that end, we will close out our general review and summary and pull up the second period for, or open up the second period for public comment, which is agenda item 6.
So same rules as before. If you would like to make public comment again, please use the raise hand feature to do so. And please state and spell your last name and limit your comments to 3 minutes. And I will call on you in the order that I see. Mr. Al Lopez, you go first.

AL **Alfonso Lopez** 33:53
Yes, good afternoon, everyone. My name is Alfonso Lopez, L-O-P-E-Z. I am requesting stronger contractor accountability requirements under NAC 338.0095 and NAC 338.092. When workers are supplied through staffing agencies and other labor providers on public works projects. Under NAC 338.0095, a contractor is already considered the employer for prevailing wage purposes when workers perform work directly for that contractor, even if those workers were furnished

through another company. However,
When multiple companies are involved, it can become difficult to identify who supervises the workers, who maintains their payroll records, and who is responsible for ensuring that correct wages and benefits are paid. My recommendation is to establish a standardized disclosure requirement
for contractors using supplied labor on public works projects. First, under NAC 338.092, contractors should identify the company supplying the workers, the contractor directing their work, who issues their wages, and who maintains the timekeeping payroll,
and benefit records. Second, under NAC 338.0094 and 338.096, awarding bodies should verify that supply workers are properly reported on certified payrolls and are receiving the prevailing wage and benefits required for the recognized craft.
Third, where these arrangements raise concerns about whether a company is performing construction work with the required contractor's license, the Labor Commissioner should establish a clear referral process with the State Contractors Board. This is particularly important because NRS 624.
distinguishes between who may perform the construction and who requires A contractor's license and work that does not require one. I am not asking to prohibit law staffing arrangements or impose unnecessary paperwork. I am asking to consistent reporting and enforcement
so contractors cannot avoid existing wage responsibilities by placing another business between themselves and the workers. Regardless of who provides the labor or issues the paycheck, workers on public works should receive the prevailing wages and protections required by law. Thank you.

BH **Brett K. Harris** 36:35
Thank you, Mister Robert Diaz.

RD **Robert Diaz** 36:40
Thank you again, Robert Diaz, DIAZ, representing the Gmail order Smart Complete 8. I think the only one I forgot to cover in my first one was NAC 338010.
The governor's bill is the reason for my circling back on this. AB 540 from the 25 session afforded, I guess, attainable housing because affordable was struck every single time is written in the bill and changed to attainable. The example I have, the governor's attainable housing bill, AB 540.

of the 2025 session had prevailing wage language and excluded the paying of prevailing wage to the workers on these projects as the introduced revision. The language was debated by the legislatures, eventually having been removed from the bill in the very first draft or redraft, excuse me.
Organizations like Nevada Hand Innovations, just to name a few, often receive public funds from our county, city, state, and federal government. The DOL has often explained that one public dollar in these activities constitutes Davis-Bacon. I suppose that would also constitute prevailing wage. In addition to those comments, the DOL has taken the position that
The highest rate when mincing dollars shall be recognized, meaning if DOL and the residential markets rate is lower than that of construction, then the construction rate for the area shall supersede. The workaround becomes the statute or the fund in the bank account organizations.
like we have described in the funds and dictates their obligations by paying prevailing wage using local dollars. The example Smart Local 8 has given is if the funds come from the Attainable Housing Fund, it is excluded. If it comes from the State Infrastructure Bank, it is included.
Ah.
Our opinion is the public dollar is a public dollar and that it should not activate responsibilities because of the bank account it comes from. The substantiation to this language is there is no language that gives oversight for wages and residential works, only an exclusion in NAC 338010 and subsection 4 A&B, I believe.
This has been produced as an arrangement with the developers. There is no law requiring us to pay prevailing wages, what I often get told. When I say, hey, where's the prevailing wage on this project? You have public dollars. Well, there's no law that requires it. And they're right, there isn't. But they also wouldn't have asked for a concession if those laws weren't applicable.
Those concessions were removed by legislatures, meaning that they should be utilized. If prevailing wage is not required to build a house, it would have not have been added and debated and ultimately removed from AB 540. It must exist had given those circumstances and it needed clarification and explanation.
Otherwise, it wouldn't have been put in the language in the beginning. The simple ask is we need better oversight over residential market. I don't know exactly how to do it. Obviously, as I often say, I went to school to swing a hammer, not to read law, but I do my best here. I believe that the exclusion of 338

010 subsection 4 of single-family residents and multifamily residents is the reason they're able to circumvent the prevailing wage while still receiving public dollars. Publicly, the governor has come out and said $100 million have gone to these housing projects. That means 100 million taxpaying dollars.
have gone to these funded projects, and there aren't any prevailing wages, meaning those people building those homes can't even afford to live in them. While attainable housing is a crisis, and we understand that, and a real need for our communities, I think getting a tax break or a discount on the workers' back is unacceptable. So figuring out a way to
kind of exclude that housing carve out they've been receiving for looks like since 2000 under another NAC revised in 01 and then again in 2020. Hopefully we can get some changes made there. Thank you.

BH **Brett K. Harris** 40:49
Thank you, Mr. Andy Barnum.

AB **Andrew Barnum** 40:54
All right, Brett, thank you. Hey, well, I want to talk about 338.005. The other issue we have with that is there's too many times with these temporary agencies, we've tracked different companies that are using these temp agencies to put somebody in there and only have them in there for a day or two on a project and then move them to another project. We'd like full transparency on all of these.
temp agencies, companies that are claiming to be temp agencies and everything else, and how they're doing their staffing to help track where this fraud is coming from and to do a better job of being able to report it. We would like a streamlined and or online form or source that we would be able to log into, update which job, which project, which company, any of the employees that we find and everything else. By the time we're done going
through this current standardized paperwork, and we try and put that forward to you. It's months later, and a lot of times the projects and or at least our part of that project have already been completed. The other issue we're having is a lot of these people are no longer are not being e-verified, so it's hard to track down somebody who doesn't have a work visa, social security card, or any other way that we can find them and or
make sure that they're paid consistently. So when we try to do these after action

audits or anything else, it's too late. They're already gone. They're in the wind. We require that at this point, moving forward, just like we've asked earlier on different properties, that when somebody is going to start doing work, that we know who those workers are, where they're coming from, and
make sure that they're getting the benefits they owed. They may not be union workers, but they at least are owed the prevailing wage that the government is paying for them to receive. And we appreciate that. Thank you.

BH **Brett K. Harris** 42:34
Thank you, Mr. Jose Torres.

JT **Jose Torres** 42:38
All right, where are we at? Am I on? I think I'm on.
Okay, good afternoon, Commissioner and members of the staff. So my name is Jose Torres, J-O-S-T-O-R-E-S, and I represent the IBW 357 here in Southern Nevada. We appreciate the opportunity to comment on the review of NAC chapter 338. And we recognize obviously the value of eliminating unnecessary regulations and reducing administrative burdens.
However, we believe that it is essential to distinguish between unnecessary paperwork and regulations that are actually necessary to enforce Nevada labor laws. Obviously, 338 has established that the prevailing wage laws are here to protect workers. With that said, we believe that
any consideration to changing and streamlining rules and regulations should keep priority number one is to protect Nevada workers and also to make sure that contracting firms that are abiding by Nevada laws are not disadvantaged unfairly by non-compliant contractors. So please keep that in mind when making any of your decisions moving forward. We appreciate your time. Thank you.

BH **Brett K. Harris** 43:57
Thank you. Anyone else want to make public comment at this time?
This is the second period of public comment for this meeting, so it will be the last one. So I want to make sure if you have comment you would like to make, you get an opportunity to do so.
Last call.
If you're waiting to be called on and you think your hand is raised, it is not showing

up on my end, so just say something.
Seeing nobody, I'm gonna close out this second.
Period of public comment. Agenda item number six. Thank you so much, everyone that joined us today for this stakeholder meeting for NAC338. Your input feedback is always very valuable to us. We will continue to work on the regulations for these chapters, and we hope to have language for you very soon, particularly on this one. Thank you for those of you that just took the time to be on this meeting today to observe and hope everyone has a great day. Thank you.
Close the meeting at 1:44 pm.

◉ stopped transcription