607, 608, 609 and 613 Stakeholders Meeting-20261026_110016-Meeting Recording

October 26, 2026, 6:00PM

19m 2s

Eileen Woltz started transcription

Brett K. Harris 0:08

I'm gonna give Eileen a couple minutes to clear this lobby.
This is a popular meeting today.
All right.
Again, we are recording the meeting, we do not need your AI note takers.
We are recording the meeting.
All right, it is 11:00 AM. I'm gonna call this meeting to order.
Just to be clear, this is the stakeholder meeting for Nevada Administrative Code 607608609 and 613. Later this afternoon, we will have them the stakeholder meeting for Nevada Administrative Code 338.
But this morning we are holding 607608609 and 613. This meeting was properly noticed on September 29th and posted.
The Nevada State Library Archives and Public Records building online. It was sent to all people on the office of the Labor Commissioner's e-mail list published on our website, published to the state of Nevada Public Notice website and published legislature website.
The meeting is being held on teams and there is a recording.
Being made of this meeting that will be available afterwards.
This is a meeting to get input from stakeholders on the previously named codes.
No action will actually be taken today.
We are just going to be going over Nevada administrative code 607608609 and 613.
Again, this meeting is being recorded.
There are a lot of people in it which can.
Cause some backup. Please do not admit your AI note taker.
There is a recording being made.
And again, the purpose of this meeting is to solicit comments from the public and recommendations from stakeholders regarding Nevada Administrative code 607608609 and 613, as directed by the Governor's Executive Order 2026-003.

Section 1.
So with that being said, there are going to be two periods for public comment during this.
Meeting if you would like to make public comment.
Please raise your hand using the raise hand feature.
We will call on you in the order that we see them.
I promise I will call on everybody at the end if I see no more hands, I will still make a call to make sure nobody who meant to put their hand up didn't.
And then after that, we will briefly touch on all of the the chapters and have a second period for public comment. If you forgot to say something, you wanted to say during the first one.
And then we will call the meeting closed.
So again, thank you in advance for being here today.
I look forward to hearing your input, and with that we will open the first period for public comment.
Who would like to make public comment?
Mr. Ibarra, I see you first.

AI **Aaron Ibarra** 3:46
Perfect. Can you hear me OK?

BH **Brett K. Harris** 3:49
I can.

AI **Aaron Ibarra** 3:50
Beautiful. Beautiful.
I'll go ahead and start. Good morning.
My name is Aaron Ivarra.
I am asking the Labor Commissioner to strengthen NAC 608.150 and 608.155 regarding employee misclassification and the identification of the responsible employer when the labor is provided through another business, NAC 608.150.
Already allows investigators to examine who hires and fires workers.
Controls their schedule, sets their pay, maintains employment records, and operates related businesses. Those are important factors.
Also, specifically addresses improper independent contractor classifications under

NRS, 608.400 and 608.410 on a construction project. The entity using a paycheck may be different from the company directing the daily work.
A worker may be recruited by one business supervised by another and described in paperwork as an independent contractor. Those arrange arrangements are not automatically unlawful, but they should not make it impossible to determine who actually exercises control or which legal process implies.
My first request is that NAC 608.150 to establish a standard investigative checklist, identifying the entity that hires the worker, directs job site activity, sets compensation, keeps time, records and processes payment.
The resulting determination should explain which facts support the employer identification decision, consistent with existing statutory definitions and presumptions.
My second request and concern is NAC 608.155.
It currently states that an independent CONT may not file an ordinary unpaid wage claim.
I ask that the regulation expressly distinguish an actual independent contractor from a person who is disputing that classification, where the allegations possibly involve misclassification, the claimant should receive clear instructions and a referral to the separate process authorized by NRS 608.410 rather than.
A rejection based solely on the label printed on the contract.
Finally, licensing concerns identifying identified during an investigation should be referred to the appropriate licensing agency when warranted, the proposal seeks accurate determination in coordinated enforcement, not automatic liability for every business on a project. Thank you.

BH **Brett K. Harris** 6:04
Thank you, Mr. Ibarra.
Anyone else looking to make public comment?
I see no hands.
Just making sure because there are 81 people logged in.
OK.
I'm gonna go over the executive order today and then we'll kind of touch base on all the administrative codes and then there will be a second call for public comment in case anyone changes their mind during that time period.
So Governor Lombardo issued executive order 2026-003, which pursuant to Section

1, requested that every executive branch Department, Agency Board and Commission hold a public hearing.
After having provided reasonable notice to key industry stakeholders to solicit stakeholders recommendations regarding regulations that should be streamlined, clarified or removed, undertake a comprehensive review of the regulations subject to its enforcement and identify other regulatory changes. The subject Department, agency Board or Commission determines worthy of consideration so.
Today or for right now in this 11:00 AM meeting, we are doing not for Nevada administrative code.
607608609613.
Which is the general regulation review for NAC?
607 NAC 607 just generally governs or is reflective of the the regulations that pair with NRS 607, which is primarily the kind of the the operational and procedural. Responsibilities and the jurisdictional responsibilities of the Office of the Labor Commissioner as a whole.
So the the regulations themselves are our definitions related to that and then clarifications on procedural issues related to the investigations process pre hearing process hearing process, post hearing process.
Parties and jurisdiction. It is also applicable to the new Public works compliance.
Is formed under NRS 607.
But again, that's more relating to their operations under the office as opposed to any substantive jurisdiction that they have.
So that's a brief review of NAC 60, Nevada Administrative Code, chapter Six O 7.
So I'll close out that.
Agenda item, which leads us to agenda item.
Five, I'm sorry 6. Which is the regulation review for NAC Six O 8.
You heard Mr. Ibarra make comments and I see NRS 608 is our wage an hour and generally our private employment, jurisdictional compliance responsibilities under the Office of the Labor Commissioner.
Things such as one final paychecks are due.
How over time is calculated?
So the Nevada Administrative Code affiliated with NAC 608 clarifies those statutes relating to compensation wages.
Hours and then.
Sometimes clarifies how the nuances of those statutes work.

For example, like Mr. Barr said with Mr. with MIS classification.
So that sort of is a summary review of NAC 608.
That will close our agenda item 6, and we'll open up agenda item 7, which is the review of NAC 609.
Which is the regulations that accompany Nevada revised statutes, Chapter 609, which is the statutes governing the employment of minors in Nevada and AC 609, is just it's actually a very brief administrative code.
Just clarifies some of the the requirements and and compliance requirements for.
Employing a minor in the state of Nevada.
And then so that will close out meeting agenda item 7.
We'll open up the meeting agenda, item 8, which is a brief review of NAC 613, which is general employment practices, goes along with NRS 613 and.
Is generally very.
Short and just sort of outlines some or explain some process.
This is with regards to hearings.
But NRS 613 is sort of where all of the employment statutes that don't fit nicely anywhere else are in 608 or in 609 where they fit into we have.
Jurisdiction over. I think most of the chapter, but not all.
And.
Again, there aren't a lot of administrative codes related to that chapter right now.
That is a brief overview of NAC 613, so I'll close out.
Agenda item 8 and that will lead to agenda item 9, which is our second call for public comment.
So if my, I'm sure, riveting review made you think of a second public comment you would like to make, now would be the time for public comment.
I see Jose Torres has a hand up.
I will call Mr. Torres.

JT **Jose Torres** 12:10
All right.
Hello. Good morning, Commissioner, and members of the staff.
My name is Jose Torres.
That would be JOSCTORES and I represent the IBW Local 357 and it's 4200 skill electrical workers here throughout Southern Nevada.
So we appreciate the opportunity to comment on the review of NEC chapters

607608609 and 613 under the Executive order of 2026.
Dash 003.
Now we recognize that regulations should be efficient, understandable and free of unnecessary administrative burdens.
However, we also believe that regulations serving an important worker protection or enforcement purpose should not be weakened simply because they impose compliance obligations on employers.
Our concern begins with NAC 607, which establishes procedures for investigating and resolving labor disputes and wage claims.
Workers must have a meaningful access to the Labor Commission.
And investigators must retain the tools necessary to determine whether violations have occurred.
Under NAC 608, we are particularly concerned with protections involving payment for time, work, overtime, travel and training, meal and rest periods, wage records and unauthorized deductions.
These are everyday issues in the construction industry and weakening the ability to document and enforce these requirements could create an unfair competitive advantage for employers.
Who failed to comply with Nevada labor laws?
Furthermore, regarding NAC 609, we believe that the state should preserve clear information and protection concerning hazardous employment involving minors, particularly as we encourage younger workers to enter skilled trade career pathways and then under NAC 613, we believe the existing protections against employee displacement and covered.
Employment programs should be preserved.
And.
Our larger concern is that reducing regulatory obligations should not come at the expense of accountability.
We respectfully ask that the Labor Commissioner, when to identify the specific regulations being considered for amendment or repeal, and evaluate whether those changes could reduce worker protections or impair enforcement.
The cost of compliance should never be confused with the cost of non compliance.
Responsible contractors should not be disadvantaged because they follow the law.
And workers should not lose meaningful protections in the name of administrative efficiency.

The IBW 357 supports sensible regulatory improvements that preserve effective enforcement work protections and promote fair competition throughout Nevada's construction industry.
Thank you for your time.

Brett K. Harris 15:04
Thank you, Mr. Torres.
Mr. Robert Diaz.

Robert Diaz 15:14
Thank you for the time for everyone's time sake.
I just want a Ditto the building trade comments from Mr. Ibarra.
On this half of the public agenda. Thank you.

Brett K. Harris 15:27
Thank you, Mr. Diaz. Mr. Bennie Wilson.

Benny Wilson 15:33
Good morning, Commissioner Harris.
I want to keep this short as well.
For the record, my name is Benny Wilson, coordinator for Northern Nevada ******* HHC apprenticeship.
Thank you for this opportunity to provide some some input here, right.
I find this very encouraging that we're trying to move the ball forward here. So there are three areas that I'd like to ask for clarification.
One is NEC 608. The wages and hours if we could.
Really focus on clarifying the difference between required apprenticeship classroom instruction and the employer directed training, because they're not the same in some instances.
And then on NAC six O 7, if we could recognize electronic documentation fully.
And that would improve our access to the written regulatory guidelines.
And then the the last one is kind of like A wish list item NAC six O 9 because it's the employment of minors. And what we're really trying to do is encourage that next generation.
And we really need some clearer guidance on supervised high school career

explorations.
And some hands on educational demonstrations so that we can get the interested people in here because a lot of them are on advanced path and they may be graduating at 16 or 17.
18 years old and have a long stint with without being able to get into these trades.
So if we could work on some kind of a pathway for that, like I said, that's a wish list item.
I don't see an immediate solution, but again thank you for your for your time and consideration.

Brett K. Harris 17:23
Thank you, Mr. Wilson.
Anyone else public comment?
Going once.
Going twice.
All right, seeing no more hands up to make public comment at this time, I want to thank you very much for your feedback and attendance at this stakeholder meeting.
It's extremely valuable and I appreciate just seeing everyone in the room who is interested in in what we're doing here at the office of the Labor Commissioner, whether or not you make comment, the comments were very helpful. But your presence and your interest is also just very helpful.
And and supportive.
So I appreciate you taking the time out of your day to attend the meeting to make your comments.
We look forward to reviewing those in line with our overall regulatory review. You will of course have opportunity to review any language and make comment on any language that is drafted regarding any of these regulations and their the chapters of these regulations.
So please don't worry that we ever do this stuff in the cover of night. But thank you so much for your participation.
Today, we really appreciate it.
I'm sure I will see many of you around 1:00. And with that we will close out the stakeholder meeting for NAC 607608609 and 613.
Thank you everyone.
It is 11:19 AM.

◉ **Eileen Woltz** stopped transcription