

**ADOPTED REGULATION OF THE
LABOR COMMISSIONER**

LCB File No. R022-06

Effective May 4, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 338.012 and 338.040.

A REGULATION relating to labor; deleting the definition of “supplier”; and providing other matters properly relating thereto.

Section 1. NAC 338.009 is hereby amended to read as follows:

338.009 1. As used in NRS 338.040, the Labor Commissioner will interpret:

(a) “Employed at the site of a public work” to mean the performance of work in the execution of a contract for a public work at the physical place or places at which the work is performed or at which a significant portion of the public work is constructed, altered or repaired if such place is established specifically for the execution of the contract for the public work or dedicated exclusively, or nearly so, to the execution of the contract for the public work.

(b) “Necessary in the execution of the contract for the public work” to mean the performance of duties required to construct, alter or repair the public work and without which the public work could not be completed.

2. As used in this section ~~⌘~~:

~~—(a) “Site],~~ “*site* of a public work” includes job headquarters, a tool yard, batch plant, borrow pit or any other location that is established for the purpose of executing the contract for the public work or that is dedicated exclusively, or nearly so, to executing the contract for the public

work. The term does not include a permanent home office, branch plant establishment, fabrication plant, tool yard or any other operation of a contractor, subcontractor or supplier if the location or the continued existence of the operation is determined without regard to a particular public work.

~~[(b) "Supplier" has the meaning ascribed to it in NRS 338.450.]~~

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R022-06**

The Office of the Labor Commissioner adopted regulations assigned LCB File No. R022-06 which pertain to chapter 338 of the Nevada Administrative Code on April 7, 2006.

Notice date: 2/6/2006
Hearing date: 4/6/2006

Date of adoption by agency: 4/7/2006
Filing date: 5/4/2006

INFORMATIONAL STATEMENT

Pursuant to NRS 233B.066, the Office of the Labor Commissioner provides the following information concerning newly adopted regulations for NAC 338.

- (a) **A description of how public comment was solicited, a summary of the public response, and an explanation how other interested persons may obtain a copy of the summary.**
Public comment on the proposed rule was solicited on the agency website, posted notices, e-mail, and direct mail to persons on the agency 233B mailing list. Copies are available through the agency website or upon request from the agency.
- (b) **The number of persons who:**
- (1) **Attended each hearing:**
Ten people attended the hearing, five in Carson City and five in Las Vegas. The attendees represented a range of labor organizations, contractors, and government agencies.
- (2) **Testified at each hearing:**
Two individuals testified at the hearing.
- (3) **Submitted to the agency written statements:**
No written comments were received.
- (c) **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:**
Comments were solicited through posted notices, by direct mail to organizations and individuals on the agency mailing list, posting on the agency website, and by e-mail.
- (d) **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:**
LCBs proposed language was adopted without change.
- (e) **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

Impact on businesses that are regulated:

(1) Both adverse and beneficial effects:

The regulation merely comes into compliance with a legislative change and is neutral.

(2) Both immediate and long-term effects:

The regulation merely comes into compliance with a legislative change and is neutral.

Impact on the public:

(1) Both adverse and beneficial effects:

The regulation merely comes into compliance with a legislative change and is neutral.

(2) Both immediate and long-term effects:

The regulation merely comes into compliance with a legislative change and is neutral.

(f) The estimated cost to the agency for enforcement of the proposed regulation:

There is no anticipated cost to the agency for enforcement.

(g) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

The regulation does not overlap the regulations of any other state or federal agency.

(h) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:

Not applicable.

(i) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

No new fees are involved.