

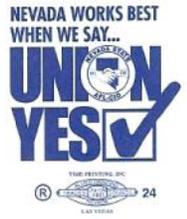


Building and Construction Trades Council of Northern Nevada

Chartered June 5, 1928

Affiliated with: Nevada State AFL-CIO

Building and Construction Trades Department, AFL-CIO



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Representing Nevada Energy Director
Asbestos Workers Nevada State Office of Energy
755 N. Roop St. Suite 202
Boilermakers Carson City, NV 89701

Bricklayers
and Allied
Craftsmen October 28, 2013

Cement Masons

Electrical Workers

Elevator Constructors

Floor Coverers

Glaziers

Hod Carriers

Iron Workers

Laborers

Operating Engineers

Painters and
Allied Trades

Plasterers

Plumbers

Sheet Metal Workers

Sprinkler Fitters

Teamsters

Director,

As a follow up to October 24th work session on Proposed Regulation of the Director of the Office of Energy LCB File No. R065-13 I would submit the following recommendations to address concerns with proposed changes as outlined in my October 24th letter and discussion at the work session.

On pg. 1 in Sec 2. 1. ***“Construction of the facility” means any activity that is:***
(a) Related to the improvement of real property for which a project is designed ; and
(b) Essential for the generation of renewable energy.

2. The term does not include:

(a) Field development or preparatory work, including without limitation, the installation of temporary fencing or exploratory wells, soil and pile testing, data system testing, surveying, grading and pad certifications;

Understanding the stated intent of defining a starting point for construction on a project I would offer some clarifying language which may assist while not infringing into actual construction as it is currently defined in other areas of the NRS.

2. The term does not include:

(a) Field development or preparatory work which will not be a part of the final project or utilized in the construction of the project, including without limitation the installation of temporary fencing for preconstruction work sites or exploratory wells, preconstruction soil and pile testing, data system testing, preconstruction surveying, preconstruction grading for exploration or preconstruction testing and pad certifications in association with exploration and preconstruction testing;

On pg. 18 in Sec 18

Sub 2. (a) To be a full-time employee working on ~~(the)~~ construction of the facility if the applicant establishes that the employee works or was regularly scheduled to work ~~(40)~~ **an average of 35** or more hours per week engaged in activity that furthers ~~(the)~~ construction of the facility.

I would recommend retaining the 40 hour language which exists in R094-10.

On pg. 19 Sec 18

Sub 4 ~~(on a weekly basis and calculated for each week during the construction period as)~~ **by dividing** the total wages paid to all employees who performed construction work on the project ~~(for the week divided)~~ **during the course of the construction period** by the total number of hours worked by all employees who performed construction work on the project ~~(for that week,)~~ **during the course of the construction period**, excluding management and administrative employees.

I would recommend retaining existing weekly reporting language.

On pg. 20 Sec 18

Sub 5

the applicant must establish **through certification by a third party, including without limitation, a provider of health care or provider of insurance, or through other documentation which is approved by the Director**, that the ~~(cost of providing health insurance or a)~~ health insurance plan for and employee and the employee's dependents during the construction of the project includes,.....

Understanding the stated intent of the proposed language is to verify that benefits are being paid to a third party administrator as required in AB239, I would recommend the following language to clear up confusion.

the applicant must establish *health insurance benefits are being provided by a third-party administrator through certification by the a third party administrator and submission of summary plan description, including without limitation, a provider of healthcare of provider of insurance, or through other documentation which is approved by the Director*, that the ~~(cost of providing health insurance or a)~~ *which establishes that the* health insurance plan for an employee and the employee's dependents during the construction of the project includes,.....

With this language the proposed language the proposed definitions of "provider of health care" and "provider of insurance" would not be needed. Any legitimate third party administrators who will provide the information described above at the request of the employer who is providing insurance through the third party administrator and only the third party administrator knows if the employer is current on his payments for the benefits provided.

On pg. 21 Sec 18

Sub 5(g) (For) *Except as otherwise provided in this paragraph, for* an in-network provider, a minimum employer contribution of at least 80 percent of medical expenses after the employee's deductible limit is met. *The Director may approve a minimum employer contribution of less than 80 percent if an employer submits a written request stating reasonable grounds for such an exception.*

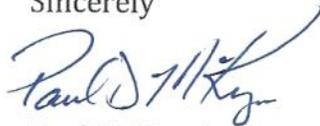
I still fail to see a need for this exemption and the provisions of NRS 701A or AB239 do not establish a need for this provision. I would recommend retaining existing language in this section of the regulation. The explanation of a small business which could not provide insurance at the level currently existing in regulation is an arbitrary argument. Any employer can claim they cannot afford insurance at this level - the point is if they are unwilling to provide the insurance as outlined in NRS and regulation then they don't need to seek work on the projects. These projects are supposed to provide a certain level of economic benefit back to Nevada and when Counties give their approval they are expecting those benefits - their evaluation is based on the wages and benefits which are outlined in statute and a reduction of health benefits will directly affect

the Counties as they take the brunt of the burden for the uninsured and under insured.

The provisions of the proposed regulation I have provided comment on here are only those which I was directly involved in the discussion of during the Legislative process in conjunction with changes made to NRS 701A by AB239 during the last session of the Legislature. My concerns with the regulatory language is based on my interest in the construction workers on these project receive the wages and benefits intended by the Legislature. I feel the issues I have pointed out here reduce those wages and benefits and also reduce the positive economic impact to the State which these incentives are supposed to bring.

I will be happy to continue to work with the Director and his staff to address these issues.

Sincerely

A handwritten signature in blue ink that reads "Paul McKenzie". The signature is written in a cursive style with a large initial "P" and "M".

Paul McKenzie

Secretary Treasurer