

**PROPOSED REGULATION OF THE GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**

LCB File No. R135-26

July 15, 2026

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

AUTHORITY: §§ 1-8, NRS 288.110.

A REGULATION relating to the Government Employee-Management Relations Board; authorizing the Board to stay a hearing pending proceedings in another forum; revising provisions relating to practice before the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Government Employee-Management Relations Board to make rules governing proceedings before the Board, procedures for fact-finding, the recognition of employee organizations, the designation of the exclusive representative of a bargaining unit and the determination of bargaining units. (NRS 288.110)

Existing regulations require each party to a hearing before the Board to file with the Board a prehearing statement that includes a statement of whether there are any pending or anticipated administrative, judicial or other proceedings related to the subject of the hearing and whether the hearing should be stayed pending the outcome of any such proceedings. (NAC 288.250) **Section 1** of this regulation authorizes the Board to stay a hearing pending proceedings in another forum and establishes procedures for the submission of a joint status report to allow the Board to assess whether a stay should remain in effect.

Existing regulations authorize a respondent to file an answer to a complaint not later than 21 days after receiving the complaint. (NAC 288.220) **Section 2** of this regulation authorizes a respondent to file a counterclaim, crossclaim, or both with his or her answer to a complaint.

Existing regulations authorize the Board to allow any pleading or motion to be amended or corrected, or any omission in the pleading, motion or other papers to be cured. (NAC 288.235) **Section 3** of this regulation establishes procedures authorizing a party to amend its initial pleading with the written consent of the opposing party or leave of the Board.

With certain exceptions, existing regulations require each party to file a prehearing statement with the Board not later than 21 days after the service of the answer. (NAC 288.250) **Section 4** of this regulation expands the deadline to file a prehearing statement to not later than 21 days after service of the answer to a complaint or after the reply to a counterclaim or crossclaim, whichever document is filed later. **Section 4** also provides that if a motion to dismiss is pending before the Board, the prehearing statement is deferred until the Board decides to grant or deny the motion.

Existing regulations require: (1) the Commissioner appointed by the Board to assign a case to the full Board or appoint an initial panel to consider whether a hearing should be held; (2) the Board or initial panel to assign the case to itself or another panel if the Board or initial panel decides a hearing should be held; and (3) the Commissioner to assign a stipulation to dismiss all or any part of a complaint or petition, if such a stipulation is filed, to the next available panel for consideration and disposition. (NAC 288.2715) **Section 5** of this regulation removes the initial panel appointment and instead provides that the full Board will retain a case until the Board decides whether a hearing should be held. **Section 5** also provides that the Board will assign the case to the next available panel if the Board decides a hearing should be held, and that panel shall decide any stipulation, including, without limitation, a stipulation to dismiss.

Existing regulations authorize the Chair or Vice Chair of the Board to issue a subpoena on behalf of the Board and provide that subpoenas will not be issued unless a date for the hearing has been set. (NAC 288.279) **Section 6** of this regulation establishes an exception to the restriction on issuing subpoenas by requiring the Chair or Vice Chair to determine a date for the production of documents for a subpoena duces tecum. **Section 6** also establishes procedures for the submission of a request for a subpoena duces tecum and the filing of a motion to quash all or any part of a subpoena duces tecum.

Existing regulations require a party to submit a copy of each documentary exhibit to each party of record and to furnish: (1) eight copies to the Board; or (2) six copies to the panel, as applicable. (NAC 288.324) **Section 7** of this regulation decreases the number of copies required to be furnished to six copies to the Board and four copies to the panel and provides that a party may be required to furnish additional copies before the hearing upon the request of the Commissioner.

Existing regulations provide that: (1) any decision or order announced outside of a hearing will be in writing, and the Board will serve a copy upon each of the parties; and (2) any decision or order announced at a hearing may be stated orally and must be included in the stenographic report of the hearing. (NAC 288.340) **Section 8** of this regulation authorizes any member of the Board or panel to orally dissent in a split decision or abstain from voting.

Section 1. Chapter 288 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Board may stay a hearing pending proceedings in another forum pursuant to the limited deferral doctrine as set forth in City of Reno v. Reno Police Protective Ass’n, 118 Nev. 889 (2002).

2. When a hearing is stayed pursuant to this section, the Board may require each party to file a joint status report.

3. A joint status report must include the status and the anticipated date or time frame for the conclusion of any related pending proceeding in another forum.

4. If the parties are unable to agree on the content of a joint status report, each party may include a separate section in the joint status report.

5. Upon receipt of a joint status report, the Board will assign review of the joint status report to itself or another panel. The Board or panel, as applicable, will review the joint status report and determine whether the stay will continue.

6. If the stay is continued, the Board or panel, as applicable, will establish a due date for the next joint status report.

7. If the stay is lifted, the Board or panel, as applicable, will issue the appropriate orders for further proceedings.

Sec. 2. NAC 288.220 is hereby amended to read as follows:

288.220 1. A respondent may file an answer in the form of a pleading and not later than 21 days after the receipt of a complaint.

2. An answer must contain a clear and concise statement of the facts which constitute a defense. The respondent must specifically admit, deny or explain each of the allegations in the complaint unless he or she is without knowledge, in which case the respondent shall so state and the statement shall be deemed a denial. Any allegation in the complaint not specifically denied in the answer, unless it is stated in the answer that the respondent is without knowledge, shall be deemed to be admitted to be true.

3. If an answer is not made within the prescribed time, the dilatory party is precluded, except with the consent of the opposing party or the Board, from asserting any affirmative defense in the proceeding.

4. An answer must be signed and filed with the Board.

5. Except as otherwise specifically provided *in subsection 6 and* by this chapter or chapter 288 of NRS, a respondent shall not attach any document, including, without limitation, an exhibit, to an answer.

6. A respondent may file a counterclaim, crossclaim, or both with his or her answer to a complaint.

7. A counterclaim or crossclaim must include any claim arising out of the transaction or occurrence that is the subject matter of the complaint or relating to the subject matter of the complaint that the respondent has against the complainant, a co-party or a third-party at the time of service.

8. A party may file a reply to a counterclaim or crossclaim filed pursuant to this section not later than 21 days after service of the counterclaim or crossclaim.

Sec. 3. NAC 288.235 is hereby amended to read as follows:

288.235 1. If not otherwise prohibited by law and if substantial rights of the parties will not be prejudiced, *a party may amend its initial pleading once as a matter of course within:*

(a) Fourteen days after service; or

(b) If the pleading is one to which a responsive pleading is required, 14 days after service of a responsive pleading.

↪ In all other cases, a party may amend its pleading with the written consent of the opposing party, and the Board may allow any pleading or motion to be amended or corrected, or any omission in the pleading, motion or other papers to be cured.

2. Pleadings, motions and other papers will be liberally construed, and any defects which do not affect substantial rights of any party may be disregarded by the Board.

3. Any required response to an amended pleading must be made within the time remaining to respond to the original pleading or not later than 14 days after service of the amended pleading, whichever is later.

Sec. 4. NAC 288.250 is hereby amended to read as follows:

288.250 1. ~~Not~~ *Except as otherwise provided in subsection 2, not* later than 21 days after the service of the answer ~~to~~ *to the complaint or after the reply to a counterclaim or crossclaim, if any, whichever is later, and* unless otherwise ordered by the Board or Commissioner, each party shall file with the Board the prehearing statement of the party which includes:

(a) A plain and concise statement of the issues of fact and law to be determined by the Board which have not been resolved by negotiation or otherwise;

(b) A memorandum of law or points and authorities in support of the party's position, including a list of significant differences or close similarities of the issue or issues to any prior determinations of the Board;

(c) A statement of whether there are any pending or anticipated administrative, judicial or other proceedings related to the subject of the hearing and, if so, a description of the manner in which those proceedings may affect the hearing and an opinion concerning whether the hearing should be stayed pending the outcome of any such proceedings;

(d) A list of witnesses and their qualifications, including a brief summary of their expected testimony; and

(e) An estimate, to the nearest hour, of the time needed for the presentation of the party's position.

2. *If a motion to dismiss is pending before the Board, the prehearing statement is deferred until the Board decides to grant or deny the motion.*

3. Except as otherwise specifically provided by this chapter or chapter 288 of NRS, a party shall not attach any document, including, without limitation, an exhibit, to a prehearing statement.

Sec. 5. NAC 288.2715 is hereby amended to read as follows:

288.2715 1. The Commissioner shall schedule the meetings of each panel in consultation with the members of the panel.

2. Except as otherwise provided in this section and NAC 288.211, whenever a case is commenced before the Board by the filing of a complaint, petition or other pleading, the Commissioner shall ~~+~~

~~—(a) Assign~~ *assign* the case to the full Board~~;- or~~

~~—(b) Appoint an initial panel,~~

~~→ to consider~~, *which will retain the case until the Board decides* whether a hearing should be held. ~~{in the case.}~~

3. If the Board ~~{or panel, as applicable,}~~ decides pursuant to subsection 2 that a hearing should be held in a case, the Board ~~{or initial panel}~~ will, during the same meeting, randomly assign the case to ~~{itself or another}~~ *the next available* panel for hearing.

4. ~~{Except as otherwise provided in this subsection, after}~~ *After* a case has been assigned to a panel pursuant to subsection ~~{2 or}~~ 3, ~~{as applicable,}~~ any motion, *stipulation* or other matter relating to the case, *including, without limitation, a stipulation to dismiss all or any part of a complaint or petition*, will be decided by that panel. ~~{If a stipulation to dismiss all or any part of~~

~~a complaint or petition is filed, the Commissioner shall assign the stipulation to the next available panel for consideration and disposition.~~

5. If the Commissioner determines that a case involves an issue of statewide significance, the Commissioner may so designate the case and assign it to the full Board instead of a panel for all further proceedings. If such a designation is made, the Commissioner shall prepare and file written notice of the designation, stating the reasons for the designation, and serve a copy of the notice upon each party to the case.

Sec. 6. NAC 288.279 is hereby amended to read as follows:

288.279 1. The Chair, or the Vice Chair in the absence of the Chair, may issue a subpoena on behalf of the Board pursuant to NRS 288.120 upon the request of a party to the case or a person who has a pending motion to intervene.

2. If a request for a subpoena is made less than 7 days before the date of the hearing, the person requesting the subpoena must show good cause for the delay in the request.

3. Subpoenas will not be issued in blank form.

4. ~~{Subpoenas}~~ *Except as otherwise provided in subsection 6 for a subpoena duces tecum, subpoenas* will not be issued unless a date for the hearing has been set. *The Chair, or Vice Chair in the absence of the Chair, shall determine a date for the production of documents for a subpoena duces tecum.*

5. In his or her discretion, the Chair, or the Vice Chair in the absence of the Chair, may deny a request for a subpoena on behalf of the Board if the request commands the production of frivolous, irrelevant, burdensome or privileged material, or other material made confidential by statute.

6. *A party must submit a request for a subpoena duces tecum not later than the submission of the original prehearing statement of the party.*

7. *A person requesting a subpoena duces tecum that is directed to a government employer must include proof that he or she attempted to obtain the records pursuant to chapter 239 of NRS and include the response from the government employer, if any, or an affidavit stating that no response was received.*

8. *A motion to quash all or any part of a subpoena duces tecum must be filed not later than 7 days after service of the subpoena duces tecum and include an affidavit stating that the parties attempted to meet and confer to resolve issues related to the subpoena duces tecum. Any opposition must be filed not later than 7 days after service of the motion. A party may not file a reply to the opposition. The motion to quash the subpoena duces tecum must be heard at the next available meeting of the Board for oral argument and resolved before the hearing on the subpoena duces tecum.*

Sec. 7. NAC 288.324 is hereby amended to read as follows:

288.324 1. Unless otherwise permitted, exhibits submitted to the Board must be limited in size to 8 1/2 by 11 inches. Except as otherwise provided in subsection 2, a copy of each documentary exhibit must be furnished to each party of record, and, if the case has been assigned to:

(a) The full Board, ~~eight~~ *six* copies must be furnished to the Board.

(b) A panel, ~~six~~ *four* copies must be furnished to the panel.

↪ *A party may be required to furnish additional copies before the hearing upon the request of the Commissioner.*

2. The Board may waive the requirements of subsection 1 and require the parties to furnish documentary exhibits in an electronic format. If the Board does so, the Board will notify each party of this requirement when it notifies the party of the hearing.

3. If relevant evidence is included in a written or printed statement, book or document of any kind, containing other matters not relevant and not intended to be put into evidence, the statement, book or document containing that other matter may not be received or admitted in whole. Counsel or other parties offering evidence or exhibits shall present, in convenient and proper form for filing, a copy of the relevant portions or, at the discretion of the Board, read these portions into the record. Any documentary evidence offered, whether in the form of an exhibit or introduced by reference is subject to appropriate and timely objection.

4. If documents are numerous or voluminous, and a party desires to offer into evidence more than a limited number of these documents as typical of the others, an orderly abstract of relevant data contained in these documents may be prepared and offered as an exhibit. Other parties of record will be given a reasonable opportunity to examine both the abstract and the documents.

5. In any proceeding involving detailed accounting exhibits, the Board may require each party to file with the Board, and to serve on each party of record, a copy of these exhibits within a specified time before the hearing to enable the parties of record to study the exhibits and to prepare cross-examination with reference to them.

6. Amendments to exhibits may be made after filing with the Board if the amendments do not prejudice the rights of any party or if the amendments contain a clerical or mathematical error.

Sec. 8. NAC 288.340 is hereby amended to read as follows:

288.340 1. Any decision or order *from the Board or panel, as applicable*, announced outside of a hearing will be in writing. The Board will serve a copy upon each of the parties.

2. Decisions and orders *from the Board or panel, as applicable*, announced at a hearing may be stated orally and must be included in the stenographic report of the hearing.

3. If the Board or panel, as applicable, issues a split decision, any member of the Board or panel, as applicable, may orally dissent at the hearing when the vote is taken. A dissent must not be announced in writing unless the member of the Board or panel, as applicable, who dissents submits his or her dissent in writing.

4. Any member of the Board or panel, as applicable, may abstain from voting, subject to the provisions of NRS 241.0355 and 281A.420. A member of the Board or panel, as applicable, who abstains from voting is not required to explain the reason for their abstention, unless otherwise required by NRS 281A.420 or other applicable law.