

**PROPOSED REGULATION OF THE LOCAL GOVERNMENT  
EMPLOYEE-MANAGEMENT RELATIONS BOARD  
LCB File No. R034-16**

**IMPACT ON SMALL BUSINESSES**

**Statutory Provision**

NRS 233B.0608(1) states:

Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall make a concerted effort to determine whether the proposed regulation is likely to:

- (a) Impose a direct and significant economic burden upon a small business; or
- (b) Directly restrict the formation, operation or expansion of a small business.

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

It should be noted that the EMRB regulates labor relations between local governments and employee organizations, the latter of which generally are organized as non-profit corporations. Neither of these entities qualifies as a small business under the statute, which defines a small business as a business conducted for profit that employs less than 150 full-time or part time employees. The only small businesses that appear before the EMRB that may qualify under this definition would be private law firms that represent either local governments or employee organizations. The EMRB Commissioner reviewed the proposed regulations in an effort to determine the impact on such law firms.

The EMRB Commissioner also solicited comments from the law firms via the monthly e-newsletter issued by the agency. Interactions with employees of these law firms, and with legal staff of the local governments and employee organizations, in the weeks prior to the workshop were universally positive, with many individuals mostly inquiring as to how soon the proposed changes could be adopted.

Interested persons may obtain a copy of this document from the Commissioner of the Local Government Employee-Management Relations Board.

- 2. The manner in which the analysis was conducted.**

See answer to Question #1.

(cont'd on page 2)

**3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation (a) both adverse and beneficial effects and (b) both direct and indirect effects.**

The agency has concluded that the proposed regulations will neither impose a direct and significant economic burden upon small businesses nor directly restrict the formation, operation or expansion of small businesses. On the contrary, the proposed regulations have several features that may minimize the impact of the law firms that represent clients who appear before the agency:

Regulatory changes effective in early 2015 allowed for the electronic filing of documents with the agency. Sections 1 and 2 would allow parties to electronically serve those same documents on other parties to a case, thus eliminating the need to either mail those documents or else personally serve other parties with those documents, thus saving both time and expense. There is a provision in Section 1 that would allow a person to opt out of being served by electronic service. This request came from the user community at the agency's annual open forum in January 2016.

Documents subsequent to the filing of a complaint have deadlines for when they must be filed. Section 3 of the regulation simplifies the computation of these deadlines by adopting the Nevada Rules of Civil Procedure 6(a) and 6(e). These rules are well-understood by attorneys who practice in the state courts. Adopting the same rules will improve consistency and ease understanding of those who practice before the agency. This request came from the user community at the agency's annual open forum in January 2016.

Sections 4, 5, 6 and 7 prohibit a person from attaching any document, including an exhibit, to respectively, complaints, answers, prehearing statements and petitions. All filings with the agency become part of the administrative record for a given case. This has been a means whereby a person attempts to get a document into the administrative record without an opposing party having an opportunity to object to the document. Documents may still become part of the administrative record either by the filing of a motion or other document related thereto or at a hearing. Both of these instances allow an opposing party to object to a given document and thus makes for a better record of the case. There is a beneficial effect in that less paperwork will be filed with the agency, absent a full hearing occurring later in the case.

Section 4 also removes the requirement that the addresses of the complainant and respondent be included in a complaint. This request came from the user community at the agency's annual open forum in January 2016, at which time a concern was expressed that including the addresses in the complaint is a security concern, especially for public safety employees. Moreover, the agency already has addresses on file for all local governments and employee organizations, as well as for the attorneys who practice before the agency. Thus the regulation would slightly simplify the drafting of a complaint.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

Per the response to item (3) above, the agency has identified no adverse impacts to small businesses regarding the proposed regulations. Therefore the agency did not employ any methods to reduce the impact of the proposed regulation on small businesses.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

None.

**6. If the proposed 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.**

Not applicable.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

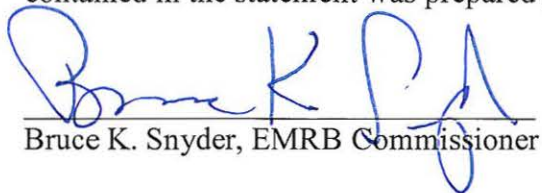
The proposed regulations do not duplicate any federal, state or local standards. Thus neither would they be more stringent than any federal, state or local standards.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The proposed regulations do not provide any new burdens on any party to a case. Rather, all the regulations to some extent or another lift burdens and make working with the agency easier. Parties would be able to electronically serve document on other parties in lieu of either mailing those document or else personally deliver them. Computing when a given document is due will be simplified because rules with which attorneys are familiar, namely the Nevada Rules of Civil Procedure, will be used for such purposes. Finally, the requirement to include addresses of parties in the body of a complaint is being eliminated.

**Certification**

I, Bruce K. Snyder, Commissioner of the Local Government Employee-Management Relations Board, do certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement was prepared properly and is accurate.

  
Bruce K. Snyder, EMRB Commissioner

8-3-16  
Date

