

PROPOSED REGULATION OF THE LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

LCB File No. R010-15

(This regulation was previously adopted as LCB File No. T009-14)

Section 1. NAC 288.070 is hereby amended to read as follows:

288.070 Filing requirements. Except as otherwise provided in this chapter, if any written document or other written matter is filed with the Board:

1. The original ~~{and four copies}~~ must be signed and filed in the form of a pleading;
2. The written document or other written matter must satisfy the requirements set forth in NAC 288.231; and
3. The filing party must serve a copy upon the opposing party, intervener and any party in interest.

Sec. 2. Chapter 288 of NAC is hereby amended by adding thereto a new section to read as follows:

Optional electronic filing of documents.

1. *Any person or entity filing a document with the agency may file the document electronically in lieu of filing a paper original, subject to fulfilling the requirements of this section.*
2. *Any person or entity electing to file a document electronically must first register with the agency any and all e-mail accounts authorized to send and receive e-mails related to the electronic filing of documents for that person or entity, doing so using a form as provided by the agency.*

3. Electronic documents must be sent only to the e-mail account designated by the agency for the purpose of receiving the filing of electronic documents. The agency shall only accept documents that are both sent to the designated agency e-mail account and that are sent from a registered e-mail account.

4. All electronic documents to be filed shall be sent as a pdf file attachment to an e-mail.

5. Upon receipt the agency shall stamp the document as filed, including the date filed, and issue a reply e-mail to the sender of the document with the date-stamped version of the document attached as a pdf file. Documents shall be dated as of the date the e-mail is received by the agency in the inbox of the designated e-mail account.

6. Anyone filing a document electronically shall keep the original of the document until any and all appeals are exhausted and shall produce the original of the document to the Commissioner upon request.

Sec. 3. NAC 288.140 is hereby amended to read as follows:

288.140 Lists of organizations recognized by employers. Before December 1 of each year, each local government employer shall file with the Board *the name and contact information of the person to receive all official communications (excluding those communications related to a case before the Board for which an attorney has filed an appearance), along with* a list of all employee organizations that the employer is currently recognizing and a description of the bargaining unit for each employee organization.

Sec. 4. NAC 288.147 is hereby amended to read as follows:

NAC 288.147 Lists of officers and representatives of organizations. Between November 1 and December 1 of each year, each local government employee organization shall file with the Board *the name and contact information of the person to receive all official communications*

(excluding those communications related to a case before the Board for which an attorney has filed an appearance), along with the name of each local government employer which recognizes the employee organization, the total number of persons in each bargaining unit represented by the employee organization, and a list of its current officers and representatives including, but not limited to, any and all elected officials and other professional representatives retained to administer the various activities of the employee organization. The employee organization may elect, appoint or retain additional or other officers and representatives subsequent thereto. Additionally, each employee organization shall also file a copy of any changes in the employee organization's constitution or bylaws adopted during the preceding year and a copy of any collective bargaining agreement in effect between the organization and the local government employer.

Sec. 5. NAC 288.200 is hereby amended to read as follows:

NAC 288.200 Complaint.

1. In addition to any other applicable requirements set forth in NAC 288.231, a complaint must include:

- (a) The full name and address of the complainant;
- (b) The full name and address of the respondent;
- (c) A clear and concise statement of the facts constituting the alleged practice sufficient to raise a justiciable controversy under chapter 288 of NRS, including the time and place of the occurrence of the particular acts and the names of persons involved; and
- (d) The legal authority under which the complaint is made.

2. The complainant shall file an original ~~and four copies~~ of the complaint with the Board in the form of a pleading and shall serve a copy by certified mail on all parties in interest at their last known addresses.

Sec. 6. NAC 288.220 is hereby amended to read as follows:

NAC 288.220 Answer.

1. The respondent may file an answer in the form of a pleading and not later than 20 days after the receipt of a complaint.

2. The 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 is without knowledge, in which case he 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 original ~~and four copies~~ of the answer must be signed and filed with the Board.

Sec. 7. NAC 288.250 is hereby amended to read as follows:

NAC 288.250 Prehearing statement. Not later than 20 days after the service of the answer, unless otherwise ordered by the Board, each party shall submit to the Board the original ~~and four copies~~ of the prehearing statement of the party which includes:

1. 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;

2. 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;

3. A list of witnesses and their qualifications, including a brief summary of their expected testimony; and

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

Sec. 8. Chapter 288 of NAC is hereby amended by adding thereto a new section to read as follows:

Extensions of Time. Upon written stipulation of the parties, the Commissioner may extend the time to file any document as described in NAC 288.220 through NAC 288.250 inclusive, provided that the proposed extension of time will not, in the Commissioner's opinion, delay any hearing for the case that may then or in the future be authorized by the Board.

2. In all other instances a stipulation to extend the time for filing a document shall be presented to the Board for a determination as to whether the stipulation shall be granted.

3. Nothing herein shall preclude a party from filing a motion to extend the time for filing a document(s).

Sec. 9. NAC 288.338 is hereby amended to read as follows:

NAC 288.338 Proposed findings of fact and conclusions of law.

1. The Board may require any party of record to file proposed findings of fact and conclusions of law at the close of the proceedings. The Board will require the designated party to file these proposed findings and conclusions within 30 days after the hearing date. No decision, report or recommended order may be made until after the expiration of this fixed time.

2. Each proposed finding of fact and conclusion of law must be clearly and concisely stated and numbered.

3. An original ~~{and four copies}~~ of findings of fact and conclusions of law, accompanied by a certificate of service, must be filed by each party with the Commissioner and one copy must be served upon each party of record.

4. Any party of record may petition the Board for an extension of time in which to file proposed findings of fact and conclusions of law, but in no case may the extension exceed 60 days before the date required by subsection 2 of NRS 288.110 for the issuance of a decision by the Board.

5. Any party upon whom a proposed finding of fact and conclusion of law has been served has 10 days from receipt of a copy of the proposed findings of fact and conclusions of law to submit to the Board objections and proposed modifications to those findings and conclusions.

Sec. 10. NAC 288.345 is hereby amended to read as follows:

NAC 288.345 Briefs: Order to file; procedure for filing. In any proceeding the presiding officer may order briefs to be filed within a reasonable time. An original ~~{and four copies}~~ of each brief must be filed with the Board and must be accompanied by a certificate showing service on each party of record as provided in NAC 288.200.

Sec. 11. NAC 288.390 is hereby amended to read as follows:

NAC 288.390 Response to petition for declaratory order.

1. Any party served with a petition for a declaratory order may respond to the petition within 20 days by filing the original ~~{and four copies}~~ of his ~~{sworn}~~ response with the Board. The responding party shall also serve a copy of the response upon the petitioner.

2. The response must include:

- (a) The full name and address of the petitioner;
- (b) The full name and address of the respondent;
- (c) A clear and concise statement of the facts, including the time and place of the occurrence of the particular acts described in the petition and the names of persons involved; and
- (d) A memorandum of authorities, including legal authorities in support of or in opposition to any position or contention raised by the petitioner.

3. A party requesting a petition for declaratory order may file a reply to any response filed pursuant to this section within 10 days after the date on which the response is served.