

PROPOSED REGULATION OF THE LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

LCB File No. R034-16

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 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;

3. The written document or other written matter must be filed in accordance with the requirements set forth in section 2 of this regulation if the written document or other matter is filed electronically; and

4. The filing party must serve a copy upon the opposing party, intervener and any party interest, *which shall be done by including a certificate showing service by hand delivery of the document, mailing of the document, or transmission of the document as an attachment to an e-mail.*

Sec. 2. Chapter 288.090 of NAC is hereby amended to read as follows:

NAC 288.090 Time; Computation. ~~In computing any period of time prescribed by this chapter or by an order of the Board, the day of the act from which the designated period begins is not included. The last day of the period so computed is included unless it is a Saturday, Sunday or nonjudicial day. If the period prescribed is less than 7 days, intermediate Saturdays, Sundays and nonjudicial days are excluded.~~ *Nevada Rules of Civil Procedure 6(a) and 6(e) are hereby adopted by reference for computing any period of time prescribed by this chapter or by an order of the Board.*

Sec. 3 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 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 a 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.

3. Exhibits and other documents shall not be attached to any complaint.

Sec. 4. 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 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. Exhibits and other documents shall not be attached to any answer.

Sec. 5. 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 file with the Board 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.

5. Exhibits and other documents shall not be attached to any prehearing statement.