

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R033-17

1. A clear and concise explanation of the need for the adopted regulation.

The emergency regulations adopted to implement the amendments to NRS 281 in A.B. 113 of the 2017 Legislative Session are set to expire. These permanent regulations are necessary to replace the emergency regulations.

Effective July 1, 2017, Chapter 281 of the Nevada Revised Statutes (NRS 281) requires a public body to provide an employee who is the mother of a child under 1 year of age with reasonable break time and a place to express breast milk, unless it is an undue hardship to the public body. The language effective July 1, 2017 also prohibits retaliation against any employee because the employee has utilized break time or a place to express breast milk, or has taken any action to ensure compliance with the requirements. Additionally, an employee who is aggrieved may file a complaint with the Employee-Management Committee in accordance with NRS 284.384.

The amendments in this LCB File place into regulations the requirement for an appointing authority to allow leave or the adjustment of her schedule to express breast milk, as well as the requirement for agencies to develop a procedure for requesting reasonable break times and a place to express milk.

The amendments also set forth the definition of a complaint, and a process to request consideration of a complaint by the Employee-Management Committee if the employee is not satisfied with the response by the agency, the agency failed to respond to the request, or for alleged retaliation.

In addition, several other conforming changes have been proposed for adoption in this LCB File.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

On August 30, 2017, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management's website, the Nevada Public Notice website, the Legislative Counsel Bureau's website, and mailed to all county libraries in Nevada, and posted at the following locations:

Blasdel Building
209 E. Musser Street
Carson City, NV

Nevada State Library and Archives
100 N. Stewart Street
Carson City, NV

Legislative Counsel Bureau
401 S. Carson Street
Carson City, NV

Grant Sawyer Office Building
555 E. Washington Avenue
Las Vegas, NV

A regulation workshop was conducted by the Division of Human Resource Management on July 11, 2017, and a public hearing was held by the Nevada Personnel Commission on September 29, 2017.

During the workshop held on July 11, 2017, comment was received from an employee of the State of Nevada Department of Public Safety in support of the new regulations. Additionally, comment was received from the HR Officer of the Division of Agency HR Services with concern that if a nursing mother was required to travel to another location for the purpose of expressing milk, an agency could require the use of accrued leave for travel time. Comment was generally favorable and supportive of these regulations.

At the public hearing, staff provided information regarding the intent and need for the regulations. No public comment was received at the hearing.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at sblotter@admin.nv.gov or by calling (775) 684-0105.

3. **The number of persons who:**
 - (a) **Attended each hearing:** 37
 - (b) **Testified at each hearing:** 1
 - (c) **Submitted written comments:** 0

4. **Following is a list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):**

Carrie Hughes, Personnel Analyst
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Department of Administration
Division of Human Resource Management
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- 5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from effected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

There was no opposition to the regulation at the Personnel Commission hearing.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) Both adverse and beneficial effects; and**
 - (b) Both immediate and long-term effects.**

This regulation does not have a direct economic effect on either a regulated business or the public.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

Section 2 of this regulation partially overlaps the Department of Labor's Fair Labor Standards Act. This overlap is necessary to provide the reference for the remaining regulations related to procedures, approval of leave for break times, and the complaint process.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation does not include any provisions that are covered by any federal regulations.

- 11. If the 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.**

No fees are associated with this regulation.