

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NAC 607
LCB FILE R019-18**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 607.

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

The Regulations set up the necessary framework to help ensure that the Office of the Labor Commissioner provides a streamlined and efficient process for proceedings before the Office of the Labor Commissioner. Specifically, the provisions allow for the electronic filing of claims/complaints and the elimination of filing multiple copies of documents in proceedings before the Office of the Labor Commissioner and will eliminate unnecessary time and paperwork for the public, small businesses, as well as employers and employees.

The Regulations will also provide how the computation of time is calculated for the filing and service of claims, complaints, determinations, orders, and other pleadings before the Labor Commissioner.

The Regulations also outline when the Labor Commissioner can deviate from the provisions of NAC 607 and the factors for considering when a petition to intervene should be granted. The Regulations provide general consistency in language for NAC 607.

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

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were posted at specific local government entities; sent by U.S. mail, and emailed to persons of interest in the subject of the Rules of Practice before the Labor Commissioner, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Office of Business and Industry (B&I), www.lc.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

Legislative Building, State of Nevada
401 So. Carson Street, 1st Floor
Carson City, Nevada 89701

Business & Industry
3300 West Sahara Avenue - Lobby
Las Vegas, Nevada 89102

Office of the Labor Commissioner
3300 West Sahara, Suite 225
Las Vegas, Nevada 89102

Office of the Labor Commissioner
1818 College Parkway, Suite 102
Carson City, Nevada 89706

Carson City Court
885 E. Musser Street

Office of the Labor Commissioner Website
www.Labor.nv.gov

Carson City, Nevada 89701

Nevada Legislature Website
www.leg.state.nv.us/App/Notice/A/89701

Nevada Public Notice Website
notice.nv.gov

Office of the Labor Commissioner website
http://labor.nv.gov

Interested Parties List

A Workshop to Solicit Comments on Current Regulations on April 22, 2016 hereafter, on or about September 20, 2019, the Labor Commissioner issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendments the suggestions of the parties attending the April 22, 2016, workshop and the written comments provided.

An additional workshop and public hearing was held on October 1, 2019. At that hearing Michael Kinney, attorney representing the Laborers' Union and Leah Jones of Thurman Bach LLP, testified regarding specific amendments.

3. The number persons who:

(a) **Attended each hearing:** April 22, 2016 and October 22, 2019: 2 & 5

(b) **Testified at each hearing:** April 22, 2016: 2 Carson City

October 22, 2019: 2 Las Vegas + 3 Carson City

(c) **Submitted to the agency written comments:** 2

4. 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, as provided to the agency, is attached as Exhibit A.

2016 –(2)

Dwayne Kilgore, Operating Engineers Compliance

Michael Langton, Laborers 169 counsel

2019 –(5)

Nick DiFranco, IUOE #12

Leslie Mujica, Las Vegas Power & Professional IBEW/NECA LMCC

Michael Kinney, Laborers 169

Dwayne Kilgore, Operating Engineers Compliance

Leah Jones, Thurman Bach UP

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Notice to Solicit Comments and Notice of Intent to Act Upon Regulations were posted in public places, emailed to interested parties, posted in libraries and comments were allowed to be mailed or emailed to the Office of the Labor Commissioner.

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 were changes to the regulation.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- a. The Regulations do not place any additional regulatory or fee requirements on small business. The Regulations set up the necessary framework to help ensure that the Office of the Labor Commissioner provides streamlined and efficient process for proceedings before the Office of the Labor Commissioner. Specifically, the provisions allowing for the electronic filing of claims/complaints and the elimination of filing multiple copies of documents in proceedings before the Office of the Labor Commissioner will eliminate unnecessary time and paperwork for the public and small businesses and employers and employees.
- b. The streamlining of the filing/responding process will ease the financial burden of employers/employees as everything can be submitted online either through the electronic filing system or electronic mail.
- c. There should be no adverse effects. The beneficial effects are shown above.

8. The estimated cost to the agency for enforcement of the adopted regulation.

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

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

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

There are no federal regulations that apply.

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.

This regulation does not provide a new fee or increase an existing fee.