

**PROPOSED REGULATION OF THE
DIVISION OF INDUSTRIAL RELATIONS OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R027-23

October 23, 2023

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1 and 2, NRS 618.295.

A REGULATION relating to occupational safety; removing provisions requiring the publication of certain notices in newspapers; revising the form in which recordings of certain hearings are required to be kept; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations that are necessary to provide safe and healthful employment in the employments within its jurisdiction. (NRS 618.295) Existing law authorizes an affected employer to apply to the Administrator of the Division for a variance from a standard adopted by the Division relating to occupational safety and health. (NRS 618.415) Existing regulations set forth procedures governing the application for and granting of such a variance. (NAC 618.630-618.6382)

Under existing regulations, if an application for a variance is not denied because it is defective, the Administrator is required to have published in at least two daily newspapers a notice of the filing of the application. Existing regulations additionally require the Administrator, within 10 days after issuing a final decision on the application, to have the decision published in at least two daily newspapers. (NAC 618.6334) **Section 1** of this regulation removes those requirements.

Existing regulations authorize an affected employer or employee to file with the Administrator a request for a hearing on an application for a variance. (NAC 618.6343) Existing regulations require such a hearing to be stenographically reported or captured as an audio recording. (NAC 618.6373) **Section 2** of this regulation instead requires that a stenographic or electronic record be kept of the hearing.

Section 1. NAC 618.6334 is hereby amended to read as follows:

618.6334 ~~1.~~ ~~If an application for a variance has not been denied because it is defective, the Administrator will have published in at least two daily newspapers a notice of the filing of the application.~~

~~2.~~ The Administrator will include in the notice:

~~(a) The terms or an accurate summary of the application;~~

~~(b) A reference to the statutory section under which the application has been filed;~~

~~(c) An invitation to interested persons to submit, within a stated period, written data, views or arguments regarding the application; and~~

~~(d) A statement of the right of affected employers and employees to request a hearing on the application.~~

~~3.~~ Within 10 days after issuing a final decision on ~~the~~ *an* application ~~for~~ *for a variance*, the Administrator will furnish a copy of his or her decision to the affected employer and employees . ~~[and will have the decision published in at least two daily newspapers.]~~

Sec. 2. NAC 618.6373 is hereby amended to read as follows:

618.6373 A ~~[hearing must be stenographically reported]~~ *stenographic* or ~~[captured as an audio recording]~~ *electronic record must be kept of the hearing*. Copies of the transcript may be obtained by the parties upon the filing of a written application with the reporter and the payment of fees at the rate provided in the agreement with the reporter or the Enforcement Section.