

## **NOTICE OF ADOPTION OF REGULATION**

The Local Government Employee-Management Relations Board adopted regulations assigned LCB File No. R010-15 which pertain to chapter 288 of the Nevada Administrative Code on August 19, 2015. A copy of the regulations as adopted is attached hereto.

### **LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 LCB FILE R010-15**

**The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 288.**

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

The temporary regulation does six things. First, it eliminates the requirement for a party to a case to file four copies in addition to the original. Only the original would be required. Secondly, it institutes a voluntary program whereby parties to a case can electronically file their documents in lieu of either mailing an original or filing the original in person. Thirdly, the regulation allows the Commissioner to approve stipulations to extend the time for filing certain documents in lieu of having the parties wait for approval at the next meeting of the Board, which only meets once per month. Fourthly, the regulation clarifies what is to be included in the annual reports submitted by local governments and employee organizations, and in particular, makes the regulation conform to state law. Fifthly, the regulation no longer requires that responses to a petition for declaratory order be sworn. Finally, the regulation repeals NAC 288.338 as the agency now prepares the findings of fact and conclusions of law.

**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 this summary.**

Copies of the proposed regulation, notice of workshop and notices of intent to act upon the regulations were sent by U.S. mail and/or email to all local governments and employee organizations who filed an annual report with the agency, to persons who were known to have an interest in the subject of the Local Government Employee-Management Relations Board as well as to any persons who had specifically requested such notice. These documents were also made available at the website of the Employee-Management Relations Board (EMRB), [www.emrb.nv.gov](http://www.emrb.nv.gov), mailed to all county libraries in Nevada and posted at the following locations:

State of Nevada Local Government  
Employee-Management Relations Board  
2501 E. Sahara Ave., Ste. 203  
Las Vegas, NV 89104

Attorney General's Office  
Grant Sawyer Building  
555 E. Washington Blvd.  
Las Vegas, NV 89101

Supreme Court Library  
201 S. Carson Street #100  
Carson City, NV 89701

Nevada State Library & Archives  
100 N. Stewart Street  
Carson City, NV 89701

State of Nevada Bradley Building  
2501 E. Sahara Ave., Main Lobby  
Las Vegas, NV 89104

Clark County Personnel  
500 S. Grand Central Parkway  
Las Vegas, NV 89101

State of Nevada  
Department of Business & Industry  
1830 College Parkway, Ste. 100  
Carson City, NV 89706

State of Nevada  
Department of Business & Industry  
555 E. Washington Blvd.  
Las Vegas, NV 89101

A workshop was held on August 10, 2015, and the minutes of that meeting, attached hereto as Exhibit A, contain a summary of the discussion held regarding the proposed regulation. No written responses were received. On July 17, 2015 the Commissioner issued a Notice of Intent to Act upon a Regulation.

A public hearing was then held on August 19, 2015, and the minutes of that public hearing, attached hereto as Exhibit B, contain a summary of the discussion held regarding the proposed regulations.

A copy of the summary of the public response to the proposed regulation may be obtained from the Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104 or via email to [emrb@business.nv.gov](mailto:emrb@business.nv.gov).

**3. The number of persons who:**

**(a) Attended each hearing:**

August 10, 2015 Workshop in Las Vegas: 2 (not including EMRB Board members and staff)

August 19, 2015 Public Hearing: 0 in Las Vegas (not including EMRB Board members and staff)

**(b) Testified at each hearing:**

August 10, 2015 Workshop: 2

August 19, 2015 Public Hearing: 0

**(c) Submitted to the agency written comments: 0**

The agency believes that the low interest at the workshop and public hearing is due to this regulation being very similar to the temporary regulation that has been in effect since late February 2015 and which has been very well received.

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 C.**
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.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public, namely via mailings to all local governments and employee organizations who have filed an annual report with the agency plus to others who were known to have an interest in the subject of the Local Government Employee-Management Relations Board as well as to any persons who had specifically requested such notice. Comments were received at the workshop. The minutes of both the workshop and the public hearing, the small business impact statement and the summary may 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.**

The comments received at the workshop were all in favor of the proposed regulation and no one suggested any changes to the text.

7. **The established 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) Both adverse and beneficial effects; and**

The agency has concluded that the proposed regulations will neither impose a direct and significant economic burden upon small businesses nor directly restrict the formation, operation or expansion of small businesses. On the contrary, the proposed regulations have several features that may minimize the impact of the law firms that represent clients who appear before the agency and streamline interaction with the agency.

Sections 4, 8, 9, 10, 11, and 12 eliminate the need to file four copies in addition to the original when filing a document with the EMRB. This will eliminate paper and preparation costs for law firms that file documents with the agency.

Section 2 provides for optional electronic filing of documents with the EMRB in lieu of filing a manual original. This feature is not only at no cost to the law firms that file documents with the agency but it also has the distinct advantage of eliminating fees paid to “runners” that deliver documents to the agency. For those

law firms that use their own staff to file documents this feature will allow the firms to use their staff for other business.

Sections 6 and 7 change existing regulations to make them better conform with state law.

Section 3 expedites the handling of stipulations to extend the time to file certain documents. Currently all stipulations to extend time are approved by the Board, which only meets once per month. Thus there are many times when the Board is officially approving extensions after-the-fact. This causes uncertainty among the parties to a case and leads to extra telephone calls to the agency, especially among lawyers who do not frequently practice before the agency. The proposed amendment allows for the Commissioner to approve these stipulations right away, if warranted, thus helping to provide certainty to the parties.

Section 12 of the proposed regulation eliminates the need for a response to a petition for declaratory order to be sworn. In the most recent regulatory change approved by the Legislative Commission a similar requirement for answers was eliminated. This will eliminate the need for lawyers to find the correct person to sign the response, thus saving time and money.

Finally, Section 13 repeals NAC 288.338, which had parties prepare the findings of fact and conclusions of law. This has for some time been done by the agency itself through the Deputy Attorney General assigned to the agency.

Neither will there be any adverse effects on the public. This is for the same reasons as stated above.

**(b) Both immediate and long-term effects.**

There will be no immediate or long-term adverse effects on the businesses that the EMRB regulates. For the reasons stated in #7a above, the proposed regulations will have both immediate and long-term beneficial effects on those businesses.

There will be no immediate or long-term adverse effects on the public. For the reasons stated in #7a above, the proposed regulations will have both immediate and long-term beneficial effects on the public in that any cases filed have the potential of being handled more efficiently through such means as the e-filing of pleadings, reducing the number of copies required for manual filings and by expediting the approval process for stipulations.

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

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.