

**PROPOSED TEMPORARY REGULATION OF THE LOCAL
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

LCB File No. T009-14

December 5, 2014

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of
Regulations of the

**NEVADA LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

The Nevada Local Government Employee-Management Relations Board will hold a public hearing at **8:00 a.m. on January 13, 2015** at:

**Local Government Employee-Management Relations Board
2501 East Sahara Avenue, Suite 203
Las Vegas, Nevada 89104**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of temporary regulations, a copy of which is attached, that pertain to chapter 288 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment. The need for and the purpose of the proposed amendments are to simplify the process by which entities interact with the agency. This is done by eliminating the filing of unnecessary copies of documents, by allowing for the voluntary electronic filing of documents, by expediting the handling of stipulations to extend the time to file certain documents, and by clarifying what is to be included in the annual reports filed by both local governments and employee organizations, making them better conform to state law.

2. A description of the subjects and issues involved: The proposed temporary regulations does five things. First, it would eliminate the requirement for a party to a case to subject four copies in addition to the original. If the regulation is adopted, only the original would be required. Secondly, it would institute a voluntary program whereby parties to a case could electronically file their documents in lieu of either mailing an original or filing the original in person. Thirdly, the regulation would allow 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 would clarify what is to be included in the annual reports submitted by local governments and employee organizations, and in particular, make the regulations conform to state law. Finally, the regulation would no longer require that responses to a petition for declaratory order be sworn.

Any person may obtain a copy of the proposed amendments by submitting a request in writing to the Nevada Local Government Employee-Management Relations Board, 2501 E. Sahara Ave., Ste. 203, Las Vegas, NV 89104.

3. 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 in each case must include:

(a) **Both adverse and beneficial effects;** The proposed amendments will streamline interaction with the agency. Sections 1, 5, 6, 7, 9, 10, and 11 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 3 and 4 change existing regulations to make them better conform with state law.

Section 8 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.

Finally, Section 11 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.

(b) **Both immediate and long-term effects.** There are no immediate or long-term economic effects.

The agency determined that there was no adverse economic impact on small businesses

by determining that the agency does not directly regulate small businesses and by ascertaining that the substance of the regulations does not impose an adverse economic burden on any entity. In addition, the agency sought public input prior to conducting a workshop on the proposed regulations and the input it received was positive with respect to the proposed regulation.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There is no estimated additional cost for the Local Government-Employee Management Relations Board to enforce the proposed amendments.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency. The proposed amendment does not overlap or duplicate any regulations of other state or local governmental agencies.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law. The regulation is not required pursuant to federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. No existing federal regulation regulates the same activity.

8. Whether the proposed regulation establishes a new fee or increases an existing fee. The proposed amendments do not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Local Government Employee-Management Relations Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Nevada Local Government Employee-Management Relations Board, 2501 E. Sahara, Ste. 203, and Las Vegas, Nevada 89104. Written submissions must be received by the Local Government Employee-Management Relations Board on or before January 12, 2015. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Local Government Employee-Management Relations Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Local Government Employee-Management Relations Board, 2501 E. Sahara, Ste. 203, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the

Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Carson City Library
900 North Roop Street
Carson City, NV 89701

Las Vegas-Clark County Library District
833 Las Vegas Blvd North
Las Vegas, NV 89101

Elko County Library
720 Court Street
Elko, NV 89801

Eureka County Library
10190 Monroe Street
Eureka, NV 89316

Battle Mountain Branch Library
625 South Broad Street
Battle Mountain, NV 89820

Lyon County Library System
20 Nevin Way
Yerington, NV 89447

Tonopah Public Library
167 South Central Street
Tonopah, NV 89049

Storey County Public Library
95 South "R" Street
Virginia City, NV 89440

White Pine County Library
950 Campton Street
Ely, NV 89301

Churchill County Library
553 South Maine Street
Fallon, NV 89406

Douglas County Public Library
1625 Library Lane,
Minden, NV 89423

Esmeralda County Library
PO Box 430
Goldfield, NV 89013

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Lincoln County Library
63 Main Street
Pioche, NV 89043

Mineral County Public Library
110 First Street
Hawthorne, NV 89415

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419

Washoe County Library System
301 South Center Street
Reno, NV 89501-2102

Nevada State Library & Archives
100 North Stewart Street
Carson City, NV 89701-4285

Grant Sawyer State Building
555 E. Washington Ave.
Las Vegas, NV 89101
Attn: Capitol Police