

**PROPOSED REGULATION OF THE LOCAL GOVERNMENT  
EMPLOYEE-MANAGEMENT RELATIONS BOARD  
LCB File No. R010-15**

**IMPACT ON SMALL BUSINESSES**

**Statutory Provision**

NRS 233B.0608(1) states:

Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall make a concerted effort to determine whether the proposed regulation is likely to:

- (a) Impose a direct and significant economic burden upon a small business; or
- (b) Directly restrict the formation, operation or expansion of a small business.

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

It should be noted that the EMRB regulates labor relations between local governments and employee organizations, the latter of which generally are organized as non-profit corporations. Neither of these entities qualifies as a small business under the statute, which defines a small business as a business conducted for profit that employs less than 150 full-time or part time employees. The only small businesses that appear before the EMRB that may qualify under this definition would be private law firms that represent either local governments or employee organizations. The EMRB Commissioner reviewed the proposed regulations in an effort to determine the impact on such law firms. Moreover, the EMRB has had experience with many features of the proposed regulation as they were in effect as temporary regulations. The e-filing portion of the regulation has had an overwhelmingly positive response from the user community. Since taking effect as a temporary regulation in late February more than 97% of all documents filed with the agency have been e-filed. Also, the portion of the regulation allowing the Commissioner to approve certain stipulations has also been well received, giving certainty to the parties involved.

Interested persons may obtain a copy of this document from the Commissioner of the Local Government Employee-Management Relations Board.

- 2. The manner in which the analysis was conducted.**

See answer to Question #1.

(cont'd on page 2)

**3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation (a) both adverse and beneficial effects and (b) both direct and indirect effects.**

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.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

Per the response to item three above, the agency has identified no adverse impacts to small businesses regarding the proposed regulations. Therefore the agency did not employ any methods to reduce the impact of the proposed regulation on small businesses.

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

None.

**6. If the proposed 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.**

Not applicable.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The proposed regulations do not duplicate any federal, state or local standards. Thus neither would they be more stringent than any federal, state or local standards.

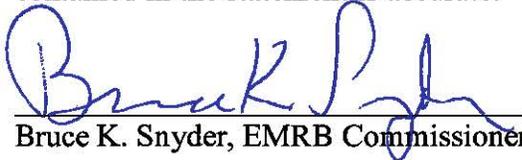
**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The proposed regulations do not provide any new burdens on any party to a case. Rather, all the regulations to some extent or another lift burdens and make working with the agency easier. For those wishing to manually file documents the burden of filing additional copies is eliminated. For those wishing to electronically file their documents this option is not available.

Additionally, stipulations to extend time can now be approved expeditiously, the regulations are being clarified with respect to the filing of the annual reports, and the need for a sworn response to a petition for declaratory order is being eliminated. All of these lighten the burden of working with the EMRB.

**Certification**

I, Bruce K. Snyder, Commissioner of the Local Government Employee-Management Relations Board, do certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

  
Bruce K. Snyder, EMRB Commissioner

8-7-15  
Date