

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

LCB FILE NO. R027-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 07/27/2023**

**PROPOSED REGULATION OF THE
DIVISION OF INDUSTRIAL RELATIONS OF
THE
DEPARTMENT OF BUSINESS AND
INDUSTRY LCB File No.**

Unassigned

July , 2023

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

AUTHORITY: §§ NRS 618.015, 618.295; 618.376, 618.383, 618.535.

A REGULATION relating to occupational health;

Legislative Counsel’s Digest:

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

NAC 618.6334 Notice of application; decision of Administrator. (NRS 618.295)

~~[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 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:

NAC 618.6373 Records of hearings. (NRS 618.295) ~~[A hearing must be stenographically reported or recorded on magnetic tape.]~~ *A stenographic or 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.

Sec. 3. NAC 618.767 and 618.779 are hereby repealed.

TEXT OF REPEALED SECTIONS

NAC 618.767 Prehearing conference. (NRS 618.295)

1. At any time before a hearing, the Board, on its own motion or on the motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference to consider matters which will simplify the issues or expedite the proceedings.

2. The Board may issue a prehearing order which includes the agreements reached by the parties. The order will be served on all parties and is a part of the record.

NAC 618.779 Expedited proceeding. (NRS 618.295, 618.585)

1. Upon application of any party or intervener, or upon the motion of any member of the Board, the Chair of the Board may order an expedited proceeding.

2. If an expedited proceeding is ordered:

(a) The Chief shall notify all parties and interveners.

(b) The Chair of the Board shall make necessary rulings for the time for the filing of pleadings and all other matters, order daily transcripts of the hearing, and do all other things necessary to complete the proceeding in the minimum time consistent with fairness.