

**PROPOSED REGULATION OF THE
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD
LCB File No. R039-23**

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 the State and local governments versus labor organizations and employee organizations, the latter of which generally are organized as non-profit corporations. None 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 the State or local governments, labor organizations or employee organizations. The EMRB Commissioner reviewed the proposed regulations in an effort to determine the impact on such law firms.

The EMRB Commissioner also solicited comments via the monthly e-newsletter and via an e-mail issued by the agency. Interactions with employees of these law firms, and with legal staff of the State and local governments as well as labor organizations and employee organizations, during the entire process revealed that the proposed changes were both viewed as not impacting small businesses and also that they were minor in nature.

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

2. The manner in which the analysis was conducted.

See answer to Question #1.

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.

As to particular sections of the proposed regulation, Section 1 eliminates the requirement for an attorney or law firm to register its email addresses with the EMRB before electronically filing any documents with the EMRB. In 2015, when electronic filing was first allowed, this was thought to be necessary as a safeguard against someone impersonating another when filing a document. However, this has never occurred and thus the agency has determined this to be an unnecessary and burdensome step that can be eliminated.

Senate Bill 166 established four new supervisory bargaining units at the State level, increasing the total number of bargaining units from 11 to 15. This proposed change adds descriptions for the four new supervisory bargaining units.

A party filing a new complaint or petition must serve the opposing parties via certified mail. Section 3 would require a party filing a new complaint or petition to forward to the EMRB within one day the USPS tracking number for the certified mail, thus allowing the EMRB to easily track when the answer or response will be due and to advise all the parties of the same. This would eliminate follow-up with the parties and confusion as to when the answer or response is due.

Back in 2019 the EMRB revamped its due dates for various documents to have due dates in multiples of seven days, which was akin to what was done with the Nevada Rules of Civil Procedure. In doing so, the deadline for an answer was inadvertently not changed. Section 4 corrects this oversight by changing the due date from 20 days to 21 days. This will help attorneys as that deadline will be the same as they routinely encounter in court.

A change to the EMRB's statute in 2017 increased the size of the Board from three to five members and allows certain types of cases to be heard by a panel of three Board members, thus increasing the capacity of the Board to hear cases and thereby reduce the time in which to hear a given case. Section 5 would smooth the workload of the Board members when a new member is appointed to the Board by allowing the current randomly assigned panel member (sitting as a substitute on a panel due to a vacancy) and the new member assigned to that panel to agree to let the new member take over serving on the panel for that case, provided that the hearing on the case had not yet occurred.

Section 6 proposes to eliminate four current sections of NAC 288 as follows:

- NAC 288.025 is the definition of "Commissioner." This is redundant to that found in

NRS Chapter 288.

- NAC 288.050, last amended in 1973, has never been used.
 - NAC 288.060 authorizes mailing lists. Through the filing of the annual reports required by NRS Chapter 288, the agency has a robust set of mailing lists for each government, labor organization and employee organization. The agency also has a directory of all the attorneys who have practiced before it as well as others who have asked to be included on a mailing list for the monthly e-newsletter and for other purposes. All these individuals (numbering more than 700) automatically receive the monthly e-newsletter plus copies of all changes in NRS Chapter 288, NAC 288 and proposed regulation changes.
 - NAC 288.320, added in 1971, has to the best of our knowledge never been invoked.
- 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 number 3 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.

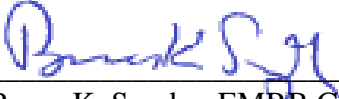
The proposed regulations do not duplicate any federal, state or local standards. Thus neither would they be more stringent than any federal, state or local standards.

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. Please see the response to number 3 above.

Certification

I, Bruce K. Snyder, Commissioner of the 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 was prepared properly and is accurate.



Bruce K. Snyder, EMRB Commissioner

May 21, 2024

Date