

**PROPOSED REGULATION OF THE GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD
LCB File No. R056-19**

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 from the law firms 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, in the weeks prior to the workshop were generally positive.

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.

Most notably, the proposed regulations integrate the handling of cases into one system, no matter whether a given case is related to the state government or local governments. This is important to attorneys practicing before the Board as a number of attorneys may represent both clients at the state and local levels.

As to particular sections of the proposed regulation, Sections 5 and 6 provide rules for implementing two optional processes involving prohibited practice complaints at the State level. Section 5 allows for a preliminary investigation to be conducted, which could save law firms costs associated with conducting a separate investigation. Section 6 allows for the use of hearing officers, which might expedite the hearing of claims in certain situations.

Sections 10, 11, 13, 18, 20, 22, 23, 28, 29, 32, 33, 35 and 36 change procedural deadlines for the certain documents filed with the Board to make them coincide with deadlines of similar documents filed with a court under the Nevada Rules of Civil Procedure. This will help law firms in that the deadlines for the EMRB will be the same as attorneys routinely encounter in court.

Section 20 adds an element to items required to be included in any prehearing statement by requiring a statement as to whether there are any pending or anticipated administrative, judicial or other proceedings related to the case filed with the EMRB. Although this is an added requirement, it will avoid any misunderstanding as to whether the EMRB case should be stayed under the limited deferral doctrine while other proceedings are active, thus eliminating the cancellation of a scheduled hearing for which attorneys may have already prepared.

Other sections allow for the increased use of technology. For example, Section 26 provides for rules for the use of video-conferencing for hearings while Section 30 allows for the furnishing of documentary exhibits electronically instead of through the creation of exhibit books. Likewise, Section 17 provides that pleadings and motions filed electronically do not need to comply with certain requirements prescribed for written documents filed with the Board.

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

Date