

LIST OF REGULATIONS TO AMEND
To Ensure They Are Streamlined, Clarified, Reduced
or Otherwise Improved

(text in red to be removed and text in blue to be added)

Number 1

NAC 288.271 Establishment; assignment of members of Board to panel; presiding officer. (NRS 233B.040, 288.090, 288.110)

1. The Commissioner may establish one or more panels as the Commissioner deems necessary. Each panel must be designated “Panel A,” “Panel B” and so forth according to the number of panels established.

2. To the extent consistent with the provisions of subsection 3 of NRS 288.090, if two or more panels are established:

(a) The Commissioner shall assign each member of the Board to a panel or panels.

(b) Each member of the Board must be assigned to the same number of panels as every other member of the Board.

(c) If the absence of one or more members of a panel would otherwise require the postponement of a hearing, the Commissioner may randomly assign another member or members of the Board to the panel for the purposes of the hearing and disposition of the matter. If the Commissioner randomly assigns another member or members of the Board to the panel pursuant to this paragraph:

(1) The agenda for the meeting of the panel must indicate that the Commissioner has taken such action; and

(2) The member or members randomly assigned to the panel shall continue to participate in the panel for purposes of the hearing and disposition of the matter, including, without limitation, when the matter is deliberated or disposed of at a future meeting of the panel.

(3) **Notwithstanding subsection 2(c)(2) above, whenever a new member is appointed to the Board and assigned to a given panel, upon agreement by the new member and the member randomly assigned to the panel, the new member shall replace the previously randomly assigned member for purposes of the hearing and disposition of the matter, provided a hearing has not yet taken place.**

3. Except as otherwise provided in subsection 4:

(a) If the Chair of the Board is a member of a panel, he or she shall serve as the presiding officer of the panel.

(b) If the Chair of the Board is not a member of a panel, the Vice Chair of the Board shall serve as the presiding officer of the panel.

(c) If the Chair or the Vice Chair of the Board is not a member of a panel, the most senior member of the Board assigned to the panel shall serve as the presiding officer of the panel. For the purposes of this paragraph:

(1) The seniority of a member must be determined on the basis of the date of the appointment of the member to the Board.

(2) If two or more members were appointed on the same date, they shall draw lots to determine which of them will serve as the presiding officer of the panel.

4. Notwithstanding the provisions of subsection 3, with the consent of the presiding officer of the panel and the member so designated, the Commissioner may designate any member of a panel as the acting presiding officer for a meeting of the panel.

(Added to NAC by Local Gov't Employee-Mgt. Rel. Bd. by R074-17, eff. 2-27-2018; A by Gov't Employee-Mgt. Rel. Bd. by R056-19, 12-30-2019)

RATIONALE:

Currently once a Board member is randomly assigned to a case to fill a vacancy on that panel (usually due to there being a vacancy on the Board) that Board member remains on that case for the duration of the case. Sometimes a Board member is randomly assigned and nothing happens on the case for some time. This change would allow that randomly assigned member and a new member appointed to the Board and assigned to that panel to agree to let the new member take over being on the panel for that case. The only exception would be if a hearing had already taken place and the only thing left for the case would be for the panel to deliberate and decide on the case.

Number 2

NAC 288.220 Answer. (NRS 288.110)

1. A respondent may file an answer in the form of a pleading and not later than [20] 21 days after the receipt of a complaint.

2. An answer must contain a clear and concise statement of the facts which constitute a defense. The respondent must specifically admit, deny or explain each of the allegations in the complaint unless he or she is without knowledge, in which case the respondent shall so state and the statement shall be deemed a denial. Any allegation in the complaint not specifically denied in the answer, unless it is stated in the answer that the respondent is without knowledge, shall be deemed to be admitted to be true.

3. If an answer is not made within the prescribed time, the dilatory party is precluded, except with the consent of the opposing party or the Board, from asserting any affirmative defense in the proceeding.

4. An answer must be signed and filed with the Board.

5. Except as otherwise specifically provided by this chapter or chapter 288 of NRS, a respondent shall not attach any document, including, without limitation, an exhibit, to an answer.

[Local Gov't Employee-Mgt. Rel. Bd., No. 2.06, eff. 11-12-71; A 1-10-73; No. 2.07, eff. 11-12-71]—(NAC A 9-30-88; R135-03, 10-30-2003; R043-13, 10-24-2014; R010-15, 10-27-2015; R034-16, 9-9-2016)

RATIONALE:

Back in 2019 when our regulations were revamped due to the addition of collective bargaining at the State level, all of the due dates for documents subsequent to the filing of complaints were made in multiples of seven days, which is akin to what was done with the Nevada Rules of Civil Procedure. The changing of the filing of the answer from 20 days to 21 days was inadvertently left out.

Number 3

NAC 288.200 Complaint. (NRS 288.110)

1. In addition to any other applicable requirements set forth in NAC 288.231, a complaint must include:

(a) The full name of the complainant;

(b) The full name of the respondent;

(c) A clear and concise statement of the facts constituting the alleged practice sufficient to raise a justiciable controversy under chapter 288 of NRS, including the time and place of the occurrence of the particular acts and the names of persons involved; and

(d) The legal authority under which the complaint is made.

2. A complainant shall file a complaint with the Board in the form of a pleading and shall serve a copy by certified mail on all parties in interest at their last known addresses, [forwarding a copy of the USPS tracking number\(s\) to the Board within 24 hours of mailing the complaint.](#)

3. Except as otherwise specifically provided by this chapter or chapter 288 of NRS, a complainant shall not attach any document, including, without limitation, an exhibit, to a complaint.

[Local Gov't Employee-Mgt. Rel. Bd., part No. 2.03, eff. 11-12-71; A 1-10-73; 12-15-75; No. 2.04, eff. 11-12-71; A 1-10-73; No. 2.05, eff. 11-12-71; A 1-1-72; 1-10-73]—(NAC A 9-30-88; 3-11-96; R135-03, 10-30-2003; R043-13, 10-24-2014; R010-15, 10-27-2015; R034-16, 9-9-2016)

RATIONALE:

The EMRB has always had a difficult time tracking when an answer is due since the due date for an answer is dependent on when the Respondent was served a copy of the complaint by certified mail. We have often had to follow-up with the Complainant to get the needed information. This change would require the Complainant to forward the USPS tracking number to us so that we could track when the complaint was served and thus when the answer will be due, all without having to do any follow-up.

Number 4

NAC 288.075 Electronic filing of documents. (NRS 288.110)

1. Any written document required to be filed with the Board may be filed electronically in accordance with this section.

[2. If a filing party elects to file a document electronically, the filing party must first register with the Board all electronic mailing addresses authorized to send and receive electronic mail for the filing party on a form provided by the Board.]

[3.] 2. To be deemed filed, a document submitted electronically must be:

(a) Sent to the electronic mail address designated by the Board for receiving electronic documents;

(b) Sent from an electronic mail address registered with the Board pursuant to subsection 2; and

(c) Submitted as an attachment to the electronic mail address designated by the Board in portable document format.

[4.] 3. When a document is filed electronically in accordance with this section, the document will be stamped as filed with the date the document is received at the electronic mail address of the Board. The Board will send to the filing party, by electronic mail, a confirmation receipt that contains the date-stamped copy of the document attached in portable document format.

[5.] 4. The filing party must retain the original version of any document that was filed electronically until the filing party has exhausted all available appeals. The filing party may be required to produce the original of the document to the Commissioner upon request.

(Added to NAC by Local Gov't Employee-Mgt. Rel. Bd. by R010-15, eff. 10-27-2015)

RATIONALE:

Since electronic filing was instituted in 2015 we have determined that the registration of e-mail addresses prior to a party filing a document with the EMRB for the first time was an unnecessary step and one that has not resulted in any benefits to the process.