

STATE OF NEVADA

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DEPARTMENT OF BUSINESS AND INDUSTRY
**GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

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**NOTICE OF WORKSHOP TO SOLICIT COMMENTS FOR REMOVING, IMPROVING
OR MAKING CHANGES TO EXISTING REGULATIONS OF THE EMRB**

The Government Employee-Management Relations Board needs to remove, improve and/or make changes to its existing regulations, located in Chapter 288 of the Nevada Administrative Code, in accordance with Executive Order 2023-003 and Executive Order 2023-008. To this end, the EMRB will conduct a workshop, which will be conducted by Commissioner Bruce K. Snyder.

The workshop is scheduled for August 10, 2023, at 2:00 p.m. and will be held in the Carl Dodge Conference Room, which is located in Suite 490 of the Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, NV 89102. The workshop will also be held virtually using a remote technology system called WebEx. Any person planning to participate who does not wish to attend in-person must participate by using WebEx.

WebEx Link

There are two ways to join the workshop to hear, observe and participate using WebEx. If you would like to hear, observe and participate in the workshop online, you may click on the link below.

Meeting number: 2496 280 8447

Password: yEYC92mtJv2

<https://businessnv2.webex.com/businessnv2/j.php?MTID=m8e1394b53e375ad83ff8c5f019bfce80>

If you would like to join the workshop by telephone to hear and participate in the workshop, but not observe the workshop, then follow the instructions below:

Join by phone
1-844-621-3956 United States Toll Free
Access code: 2496 280 8447

The purpose of the workshop is to solicit comments from interested persons on the topics listed below. After discussing the issues related to the two executive orders, it was determined that the agency should first hold an initial public workshop to solicit ideas and recommendations on how best to implement the requirements of those executive orders. The EMRB believes that this first requires listening to our user community. After this initial public workshop, the agency will draft revised language, which will then be formalized by the Legislative Counsel Bureau (LCB). Once the formal document is then returned by the LCB to the EMRB, the EMRB will then conduct a second public workshop on the draft provided by the LCB.

The agenda for the workshop is as follows:

1. Public Comment

The EMRB welcomes public comment. Public comment must be limited to matters relevant to or within the authority of the Government Employee-Management Relations Board. No subject may be acted upon unless that subject is on the agenda and is scheduled for possible action. If you wish to be heard, please raise your hand and the Commissioner will recognize you. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited. The EMRB will not restrict public comment based upon viewpoint.

2. Solicitation of Comments on Regulations to be Removed Pursuant to Executive Order 2023-003.

Section 2 of Executive Order 2023-003 required every executive branch agency, board and commission to develop a list of not less than ten (10) regulations recommended for removal, ranking them in descending order of priority. To this end staff prepared a report, listing ten (10) regulations recommended for removal, ranking them in descending order of priority, and listing the rationale for including each one on the list. This report was presented to the Board which tentatively adopted it subject to the normal rulemaking process. The list of the ten (10) regulations are:

1. NAC 288.025 "Commissioner" defined.
2. NAC 288.010 Definitions.
3. NAC 288.211 Preliminary investigation of complaint.
4. NAC 288.276 Duties of hearing officer; written objection to recommended decision or order; duties of Board.
5. NAC 288.050 Severability.

6. NAC 288.320 Contemptuous conduct.
7. NAC 288.430 Procedure for consideration of petition for adoption, amendment or repeal of regulations.
8. NAC 288.150 Fact finder: Personal assessment of merits prohibited; schedule for hearing; record of proceedings; report.
9. NAC 288.155 Fact finder: Effect of failure to schedule hearing.
10. Mailing lists for notice of complaints or controversies and copies of documents; charge for furnishing documents.

The actual text of the regulations on the list and the rationale for inclusion of each regulation in the list appears in a separate attachment, which will be sent upon request. At the workshop the EMRB will solicit comments as to whether a given regulation should be on the list for removal (or not) and/or whether other regulations not so listed should be either added to the list or substituted for ones on the list.

3. Solicitation of Comments and Suggestions on Rules Relating to the Operation of Panels.

Section 1 of Executive Order 2023-003 required every executive branch department, agency and commission to undertake a comprehensive review of its regulations and to provide a list of how each regulation could be streamlined, clarified, reduced or otherwise improved. To this end staff prepared a report, listing four (4) regulations that could be improved and the rationale for including each one on the list. This report was presented to the Board, which tentatively adopted it subject to the normal rulemaking process. The list of the four (4) regulations are:

1. NAC 288.271 Establishment; assignment of members of Board to panel; presiding officer.
2. NAC 288.220 Answer.
3. NAC 288.200 Complaint.
4. NAC 288.075 Electronic filing of documents.

The actual text of the regulations on the list and the rationale for inclusion of each regulation in the list appears in a separate attachment, which will be sent upon request. At the workshop, the EMRB will solicit comments as to whether a given regulation should be on the list for improvement (or not) and/or whether other regulations not so listed should be either added to the list or substituted for ones on the list.

4. Solicitation of Comments and Suggestions on Rules Relating to the Adoption of SB 135.

Section 2 of Executive Order 2023-008 authorizes agencies, boards and commissions to promulgate new regulations due to laws adopted during the most recent general session of the state legislature. Staff reviewed the six new laws affecting public sector collective bargaining and has concluded that only one regulation needs to be amended due to the passage of Senate Bill 166. This regulation is NAC 288.108; Establishment of bargaining units of employees of Executive Department.

The actual text of the regulation appears in a separate attachment, which will be sent to you upon request. At the workshop the EMRB will solicit comments as to whether this regulation should be amended, and if so, then whether language other than that proposed should instead be substituted.

5. Proposed Additions or Revisions for Other Than the Above Reasons.

The agency welcomes any other proposals for adding to or revising its administrative rules. A number of changes made in the last several years have come from those we serve, and thus we are open to proposals for reasons other than the three stated reasons listed above (items 2 through 4 on the agenda).

6. Additional Period of Public Comment.

Please see comments under item 1 on the agenda.

Inquiries and Supporting Materials

You may obtain copies of any supporting materials by contacting the Board Secretary, Marisu Romualdez Abellar, at the address at the top of page one of this document or by calling 702-486-4505. A link to the supporting materials may also be found on the agency's website next to the agenda for the meeting, which will be posted three business days before the hearing. The attachments referenced above are attached to the e-mail sent to those on our mailing lists.

Posting

The Notice of Workshop to Solicit Comments for Removing, Improving or Making Changes to Existing Regulations of the EMRB has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Government Employee-Management Relations Board, 3300 W. Sahara Avenue, Suite 260, Las Vegas, Nevada

Department of Business & Industry, 3300 W. Sahara Avenue, Fourth Floor, Las Vegas, Nevada

Department of Administration Public Meeting Notice Web Site: <http://notice.nv.gov/>

Employee-Management Relations Board Web Site: www.emrb.nv.gov