

# STATE OF NEVADA

STEVE SISOLAK  
GOVERNOR

MICHAEL J. BROWN  
DIRECTOR

SHANNON CHAMBERS  
LABOR COMMISSIONER



## Department of Business & Industry OFFICE OF THE LABOR COMMISSIONER

[www.labor.nv.gov](http://www.labor.nv.gov)

OFFICE OF THE LABOR COMMISSIONER  
1818 COLLEGE PARKWAY, SUITE 102  
CARSON CITY, NV 89706  
PHONE: (775) 684-1890  
FAX (775) 687-6409

OFFICE OF THE LABOR COMMISSIONER  
3300 W. SAHARA AVENUE, SUITE 225  
LAS VEGAS, NEVADA 89102  
PHONE: (702) 486-2650  
FAX (702) 486-2660

## NOTICE OF INTENT TO ACT UPON REGULATIONS AND HEARING AGENDA

Notice of Hearing for the Adoption, Amendment, or Repeal of Regulations of the  
Department of Business and Industry, Office of the Labor Commissioner.

The State of Nevada, Department of Business and Industry, Office of the Labor Commissioner (OLC), will hold a public hearing at **9:00 a.m. on October 22, 2019**, in the following locations:

Division of Insurance  
Conference Room - 1<sup>st</sup> Floor  
1818 College Parkway  
Carson City, Nevada 89706

Nevada State Business Center  
Office of the Labor Commissioner  
Nevada Room – 4<sup>th</sup> Floor  
3300 W. Sahara Avenue  
Las Vegas, Nevada 89102

Interested persons may also participate through a simultaneous videoconference conducted in both above-noted locations. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations pertaining to Chapter 607 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of the Nevada Revised Statutes (NRS) 233B.0603 and the directives of the Nevada State Governor:

### **LCB File No. R019-18P.– THE LABOR COMMISSIONER.**

“A REGULATION relating to the Labor Commissioner; revising provisions relating to administrative proceedings before the Labor Commissioner; and providing other matters properly relating thereto.”

(1) Why are the Regulations necessary and what are their purposes?

*The Regulations set up the necessary framework for the following: electronic filing of claims and complaints; the computation of time; jurisdiction over claims and complaints; administrative complaints; deviation from NAC 607; petitions to intervene; filing of and service of determinations; representation before the Labor Commissioner; and pre-hearings and hearings.*

*These regulations are necessary to provide a streamlined process for the filing and resolution of claims and complaints before the Office of the Labor Commissioner.*

*The regulations will also provide how the computation of time is calculated for the filing and service of claims, complaints, determinations, orders, and any other pleadings filed before the Office of the Labor Commissioner*

*The regulations also outline when the Labor Commissioner can deviate from the provisions of NAC 607 and the factors for considering when a petition to intervene should be granted.*

*Finally, the regulations provide general consistency in language for NAC 607.*

- (2) What are the terms or substance of the proposed Regulations?

*The proposed regulations clarify certain requirements and definitions relating to electronic filing of claims and complaints; the computation of time; jurisdiction over claims and complaints; administrative complaints; deviation from NAC 607; petitions to intervene; filing of and service of determinations; representation before the Labor Commissioner; and pre-hearings and hearings.*

- (3) What is the anticipated impact of the Regulations on the problem(s)?

*These regulations will create the necessary definitions and rules for enforcement by the Office of the Labor Commissioner governing: electronic filing of claims and complaints; the computation of time; jurisdiction over claims and complaints; administrative complaints; deviation from NAC 607; petitions to intervene; filing of and service of determinations; representation before the Labor Commissioner; and pre-hearings and hearings.*

- (4) Do other regulations address the same problem(s)?

*There are no other regulations that specifically address these issues set forth above relating to NAC 607 and the procedures, jurisdiction, and rules of practice of the Office of the Labor Commissioner.*

- (5) Are alternate forms of regulation sufficient to address the problem(s)?

*There are no alternative forms of regulations sufficient to address the issues set forth above relating to NAC 607 and the procedures, jurisdiction, and rules of practice before the Office of the Labor Commissioner.*

- (6) What value do the Regulations have to the public?

*The Regulations set up the necessary framework to help ensure that the Office of the Labor Commissioner provides a streamlined and efficient process for proceedings before the Office of the Labor Commissioner. Specifically, the provisions allowing for the electronic filing of claims/complaints and the elimination of filing multiple copies of documents in proceedings before the Office of the Labor*

*Commissioner will eliminate unnecessary time and paperwork for the public and small businesses and employers and employees.*

(7) What is the anticipated economic benefit of the Regulations?

- a. Public
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*
- b. Office of the Labor Commissioner.
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*
- c. Small Business.
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*
- d. Small Communities.
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*
- e. Government Entities.
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*

(8) What is the anticipated adverse impact, if any?

- a. Public
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*
- b. Office of the Labor Commissioner.
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*
- c. Small Business.
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*
- d. Small Communities.
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*
- e. Government Entities.
  - 1. Immediate. *None.*
  - 2. Long Term: *None.*

(9) What is the anticipated cost of the Regulations, both direct and indirect?

- a. *Enactment: None.*

- b. *Enforcement:* None.
- c. *Compliance:* None.

(10) Do the Regulations establish a new fee or increase an existing fee?

*The Regulations do not establish a new fee or increase an existing fee.*

(11) Provide a statement that identifies the methods used by the agency in determining the impact of the proposed regulation on small business, prepared pursuant to subsection 3 of NRS 233B.0608.

*(See attached Small Business Impact Statement) – if applicable.*

(12) Provide a description of any regulations of the other state or local governmental agencies for which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the Regulations overlap or duplicate a federal regulation, state the name of the regulating federal agency.

*Not applicable, as the Regulations as drafted do not appear to overlap or duplicate existing state, local, or federal laws and/or agencies.*

(13) If the Regulations are required pursuant to federal law, provide a citation and description of the federal law.

*Not applicable, as the Regulations are not required pursuant to federal law.*

(14) If the Regulations includes provisions that are more stringent than a federal regulation, which regulates the same activity, provide a summary of such provisions.

*Not applicable, as the Regulations are not more stringent and only govern state and/or local projects.*

Persons wishing to comment upon the proposed actions of the Office of the Labor Commissioner may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Office of the Labor Commissioner, 1818 College Parkway, Suite 102, Carson City, Nevada 89706. **Written submissions must be received by the Office of the Labor Commissioner on or before October 22, 2019.** If no person who is affected by the proposed action appears to request time to make an oral presentation, the Office of the Labor Commissioner may proceed immediately to act upon any written submissions.

A copy of this Notice and the Regulations to be adopted, amended, or repealed will be on file at the State Library, 100 North Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations will be available at the Office of the Labor Commissioner, 1818 College Parkway, Suite 102, Carson City, Nevada 89706, and 3300 West Sahara Avenue, Suite 225, Las Vegas, Nevada 89102, and in all counties where an office of the Agency is not maintained at the main public library, for inspection and copying by members of the public

during business hours. This notice and the text of the proposed Regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://labor.nv.gov>. Copies of this Notice and the proposed Regulations will be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the Agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice is also being posted on Nevada's Public Notice website at <http://notice.nv.gov>.

Notice of hearing was provided via electronic means to all persons on the Agency's List; either via email or the United States Postal Service, and this Notice of Intent to Act upon Regulations was posted to the Agency's internet website at <http://labor.nv.gov> and was provided to or posted at the following locations:

Office of the Labor Commissioner-Lobby  
3300 West Sahara Street, Suite 225  
Las Vegas, Nevada 89102

Legislative Building, State of Nevada  
401 So. Carson Street, 1st Floor  
Carson City, Nevada 89701

Office of the Labor Commissioner - Lobby  
1818 College Parkway, Suite 102  
Carson City, Nevada 89706

Nevada State Capitol  
101 N. Carson Street  
Carson City, Nevada 89701

Nevada State Business Center  
3300 West Sahara Street  
Las Vegas, Nevada 89102

Office of the Labor Commissioner website  
<http://labor.nv.gov>

Carson City District Courthouse  
885 E. Musser Street, First Floor  
Carson City, Nevada 89701

Nevada Public Notice website –  
[www.notice.nv.gov](http://www.notice.nv.gov)

Nevada Legislature website  
[www.leg.state.nv.us/App/Notice/A/](http://www.leg.state.nv.us/App/Notice/A/)

Grant Sawyer Office Building  
555 East Washington Avenue  
Las Vegas, Nevada 89101

Blasdel State Office Building  
209 E. Musser Street  
Carson City, NV 89701

Carson City Library  
900 North Roop Street  
Carson City, Nevada 89701

Nevada State Library & Archives  
100 North Stewart Street  
Carson City, Nevada 89701

Churchill County Library  
553 South Main Street  
Fallon, Nevada 89406

Douglas County Library  
P. O. Box 337  
Minden, Nevada 89423

Elko County Library  
720 Court Street  
Elko, Nevada 89801

Esmeralda County Library  
P. O. Box 430  
Goldfield, Nevada 89013

Eureka Branch Library  
P. O. Box 293  
Eureka, Nevada 89316

Humboldt County Library  
85 East 5th Street  
Winnemucca, Nevada 89445

Lander County Library  
P. O. Box 141  
Pioche, Nevada 89043-0330

Las Vegas-Clark county Library District  
7060 W. Windmill Lane  
Las Vegas, Nevada 89113

Lincoln County Library  
P. O. Box 330  
Pioche, Nevada 89043-0330

Lyon County Library  
20 Nevin Way  
Yerington, Nevada 89447

Mineral County Public Library  
P. O. Box 1390  
Hawthorne, Nevada 89415

Pershing County Library  
P. O. Box 781  
Lovelock, Nevada 89419

Storey County Clerk  
P. O. Box D  
Virginia City, Nevada 89440

Tonopah Public Library  
P. O. Box 449  
Tonopah, Nevada 89049


Washoe County/Downtown Reno Library  
P. O. Box 2151  
Reno, Nevada 89505-2151

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301

Members of the public who would like additional information about the proposed Regulations may contact Chief Assistant Rosiland Hooper at (775) 684-1892, or via email to [rhooper@labor.nv.gov](mailto:rhooper@labor.nv.gov).

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify Chief Assistant, Rosiland Hooper, in writing at 1818 College Parkway, Suite 102, Carson City, Nevada 89701 or at [rhooper@labor.nv.gov](mailto:rhooper@labor.nv.gov), no later than five (5) working days before the hearing, or Ionela Dragomirescu, Administrative Assistant IV at the Las Vegas Office at 3300 West Sahara Avenue, Suite 225, Las Vegas, Nevada 89102, or via email to [idragomirescu@labor.nv.gov](mailto:idragomirescu@labor.nv.gov).

DATED this 20th day of September 2019.



SHANNON M. CHAMBERS  
Labor Commissioner  
State of Nevada

## HEARING AGENDA

The State of Nevada, Department of Business and Industry, Office of the Labor Commissioner

**October 22, 2019 at 9:00 a.m.**

**Location of Hearing and Available via Videoconference in both locations:**

Division of Insurance  
Conference Room -1<sup>st</sup> Floor  
1818 College Parkway  
Carson City, Nevada 89706

Nevada State Business Center  
Office of the Labor Commissioner  
Nevada Room – 4<sup>th</sup> Floor  
3300 West Sahara Avenue  
Las Vegas, Nevada 89102

1. Open Hearing: R019-18P
2. Presentation, Discussion, and Adoption of Proposed Regulations. (For Possible Action)

**LCB File No. R019-18P. THE LABOR COMMISSIONER.**

“A REGULATION relating to the Labor Commissioner; revising provisions relating to administrative proceedings before the Labor Commissioner; and providing other matters properly relating thereto.”

3. Public Comment
4. Close Hearing: R019-18P
5. Adjournment

Supporting public material for this hearing may be requested from Rosiland M. Hooper, Chief Assistant, Office of the Labor Commissioner, 1818 College Parkway, Suite 102, Carson City, Nevada 89706, or rhooper@labor.nv.gov; or Ionela Dragomirescu, Administrative Assistant IV, Office of the Labor Commissioner, at 3300 West Sahara Avenue, Suite 225, Las Vegas, Nevada 89102, or via email to idragomirescu@labor.nv.gov.

Note: Any agenda item may be taken out of order; items may be combined for consideration by the public body; items may be pulled or removed from the agenda at any time; and discussion relating to an item may be delayed or continued at any time. The Labor Commissioner, within her discretion may allow for public comment on individual agenda items. Public comment may be limited to three minutes per speaker.

Members of the public are encouraged to submit written comments for the record.

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify Chief Assistant, Rosiland Hooper, within writing at 1818 College Parkway, Suite 102, Carson City, Nevada 89701, or at [rhooper@labor.nv.gov](mailto:rhooper@labor.nv.gov) no later than five (5) working days before the hearing, or Ionela Dragomirescu, Administrative Assistant IV, Office of the Labor Commissioner, at 3300 West Sahara Avenue, Suite 225, Las Vegas, Nevada 89102, or via email to [idragomirescu@labor.nv.gov](mailto:idragomirescu@labor.nv.gov).

This notice is also being posted on Nevada's Public Notice website at <http://notice.nv.gov>.

Notices for this Hearing have been posted in accordance with NRS 241 as noted on Notice of Intent to Act upon Regulations.

Office of the Labor Commissioner-Lobby  
3300 West Sahara Street, Suite 225  
Las Vegas, Nevada 89102

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Mineral County Public Library  
P. O. Box 1390  
Hawthorne, Nevada 89415

Storey County Clerk  
P. O. Box D  
Virginia City, Nevada 89440

Washoe County/Downtown Reno Library  
P. O. Box 2151  
Reno, Nevada 89505-2151

Las Vegas-Clark county Library District  
7060 W. Windmill Lane  
Las Vegas, Nevada 89113

Lyon County Library  
20 Nevin Way  
Yerington, Nevada 89447

Pershing County Library  
P. O. Box 781  
Lovelock, Nevada 89419

Tonopah Public Library  
P. O. Box 449  
Tonopah, Nevada 89049

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301

**STATE OF NEVADA  
DEPARTMENT OF BUSINESS & INDUSTRY  
OFFICE OF THE LABOR COMMISSIONER**

**Determination of Necessity – Small Business Impact Statement  
NRS 233B.0608(1)**

**REGULATIONS relating to the Office of the Labor Commissioner**, “A REGULATION relating to the Labor Commissioner; revising provisions relating to administrative proceedings before the Labor Commissioner; and providing other matters properly relating thereto.”

EFFECTIVE DATE OF REGULATIONS:  
Upon filing with the Nevada Secretary of State

1. BACKGROUND

The Regulations set up the necessary framework for the following: electronic filing of claims and complaints; the computation of time; jurisdiction over claims and complaints; administrative complaints; deviation from NAC 607; petitions to intervene; filing of and service of determinations; representation before the Labor Commissioner; and pre-hearings and hearings.

These regulations are necessary to provide a streamlined process for the filing and resolution of claims and complaints before the Office of the Labor Commissioner.

The regulations will also provide how the computation of time is calculated for the filing and service of claims, complaints, determinations, orders, and any other pleadings filed before the Office of the Labor Commissioner

The regulations also outline when the Labor Commissioner can deviate from the provisions of NAC 607 and the factors for considering when a petition to intervene should be granted.

Finally, the regulations provide general consistency in language for NAC 607.

2. DESCRIPTION OF SOLICITATION SHOWING A CONCERTED EFFORT,  
NRS 233B.0608(1).

The impact of the Regulations on small businesses was analyzed by the Office of the Labor Commissioner. A solicitation of this Regulation was not made with small businesses in Nevada, as none of the proposed changes in the Regulations will impact small businesses.

However, the Office of the Labor Commissioner did request Public Comment on the proposed regulations and incorporated that Public Comment into the NAC 607 Regulations that were drafted by the Legislative Counsel Bureau on May 11, 2018.

The Regulations set up the necessary framework to help ensure that the Office of the Labor Commissioner provides a streamlined and efficient process for proceedings before the Office of the Labor Commissioner. Specifically, the provisions allowing for the electronic filing of claims/complaints and the elimination of filing multiple copies of documents in

proceedings before the Office of the Labor Commissioner will eliminate unnecessary time and paperwork for the public and small businesses and employers and employees.

3. DO THE PROPOSED REGULATIONS IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN UPON A SMALL BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION, OR EXPANSION OF A SMALL BUSINESS? NRS 233B.608(1).

X NO       YES

4. HOW WAS THAT CONCLUSION REACHED? NRS 233B.0608(3).

The Regulations do not place any additional regulatory or fee requirements on small business. The Regulations set up the necessary framework to help ensure that the Office of the Labor Commissioner provides a streamlined and efficient process for proceedings before the Office of the Labor Commissioner. Specifically, the provisions allowing for the electronic filing of claims/complaints and the elimination of filing multiple copies of documents in proceedings before the Office of the Labor Commissioner will eliminate unnecessary time and paperwork for the public and small businesses and employers and employees.

The regulations will also provide how the computation of time is calculated for the filing and service of claims, complaints, determinations, orders, and any other pleadings filed before the Office of the Labor Commissioner


The regulations also outline when the Labor Commissioner can deviate from the provisions of NAC 607 and the factors for considering when a petition to intervene should be granted.

Finally, the regulations provide general consistency in language for NAC 607.

I, SHANNON M. CHAMBERS, Labor Commissioner for the State of Nevada, hereby certify to the best of my knowledge or belief a concerted effort was made to determine the impact of the proposed Regulations on small businesses and that this statement was prepared properly and the information contained herein is accurate. (NRS 233B.0608(3)).

DATE

9-20-19

  
SHANNON M. CHAMBERS  
Labor Commissioner

**Small Business Impact Statement**  
**NRS 233B.0608(2)-(4) and 233B.0609**

**REGULATIONS relating to the Office of the Labor Commissioner, “A REGULATION relating to the Labor Commissioner; revising provisions relating to administrative proceedings before the Labor Commissioner; and providing other matters properly relating thereto.”**

1. **SUMMARY OF COMMENTS RECEIVED FROM SMALL BUSINESSES.**  
**NRS 233B.0609(1)(a).**

No comments were received from small businesses regarding these proposed Regulations

The Regulations do not place any additional regulatory or fee requirements on small business. The Regulations set up the necessary framework to help ensure that the Office of the Labor Commissioner provides a streamlined and efficient process for proceedings before the Office of the Labor Commissioner. Specifically, the provisions allowing for the electronic filing of claims/complaints and the elimination of filing multiple copies of documents in proceedings before the Office of the Labor Commissioner will eliminate unnecessary time and paperwork for the public and small businesses and employers and employees.

The regulations will also provide how the computation of time is calculated for the filing and service of claims, complaints, determinations, orders, and any other pleadings filed before the Office of the Labor Commissioner

The regulations also outline when the Labor Commissioner can deviate from the provisions of NAC 607 and the factors for considering when a petition to intervene should be granted.

Finally, the regulations provide general consistency in language for NAC 607.

Other interested parties may receive a copy of this summary by contacting Rosiland M. Hooper, Chief Assistant, at (775) 684-1892, or [rhooper@labor.nv.gov](mailto:rhooper@labor.nv.gov) in Carson City, or Ionela Dragomirescu, Administrative Assistant IV, in Las Vegas at (702) 486-2521 or [idragomirescu@labor.nv.gov](mailto:idragomirescu@labor.nv.gov).

2. **HOW WAS THE ANALYSIS CONDUCTED? NRS 233B.0609(1)(b).**

The impact of the Regulations on small businesses was analyzed by the Office of the Labor Commissioner. However, the Office of the Labor Commissioner did request Public Comment on the proposed regulations and incorporated that Public Comment into the NAC 607 Regulations that were drafted by the Legislative Counsel Bureau on May 11, 2018.

The Regulations do not place any additional regulatory or fee requirements on small business. The Regulations set up the necessary framework to help ensure that the Office of the Labor Commissioner provides a streamlined and efficient process for proceedings before the Office of the Labor Commissioner. Specifically, the provisions allowing for the electronic filing of claims/complaints and the elimination of filing multiple copies of

documents in proceedings before the Office of the Labor Commissioner will eliminate unnecessary time and paperwork for the public and small businesses and employers and employees.

3. ESTIMATED ECONOMIC EFFECT ON SMALL BUSINESSES THE REGULATIONS IS TO REGULATE. NRS 233B.0609(1)(c).

The proposed Regulations are not expected to create either an adverse or beneficial effect on any of the small businesses in Nevada, including those regulated by the Office of the Labor Commissioner. These Regulations do not add new costs or expenses for small businesses.

4. METHODS CONSIDERED TO REDUCE IMPACT ON SMALL BUSINESSES. NRS. 233B.0609(1)(d).

No methods were considered, as there no new costs or expenses being added as a result of these Regulations.

5. ESTIMATED COST OF ENFORCEMENT. NRS 233B.0609(1)(e).

None.

6. FEE CHANGES. NRS 233B.0609(1)(f).

No new fees are created as a result of these Regulations.

7. DUPLICATIVE PROVISIONS. NRS 233B.0609(1)(g).

These Regulations do not duplicate any existing provision in federal, state, or local laws.

8. REASONS FOR CONCLUSIONS. NRS 233B.0609(1)(h).

The Regulations do not place any additional regulatory or fee requirements on small business. The Regulations set up the necessary framework to help ensure that the Office of the Labor Commissioner provides a streamlined and efficient process for proceedings before the Office of the Labor Commissioner. Specifically, the provisions allowing for the electronic filing of claims/complaints and the elimination of filing multiple copies of documents in proceedings before the Office of the Labor Commissioner will eliminate unnecessary time and paperwork for the public and small businesses and employers.

I, SHANNON M. CHAMBERS, Labor Commissioner for the State of Nevada, hereby certify to the best of my knowledge or belief a concerted effort was made to determinate the impact of the proposed Regulations on small businesses and that this statement was prepared properly, and that the information contained herein is accurate. (NRS 233B.0609(2)).

9-20-17  
DATE

  
SHANNON M. CHAMBERS  
Labor Commissioner