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February 27, 2024

RECEIVED

FEB 29 2024

LEGAL - DIR - LV

Mr. Christopher Eccles  
Senior Division Counsel  
Division of Industrial Relations  
Department of Business and Industry  
3360 West Sahara Avenue, Suite 250  
Las Vegas, Nevada 89102

Re: LCB File No. R027-23

Dear Mr. Eccles,

A regulation adopted by the Division of Industrial Relations of the Department of Business and Industry has been filed today with the Secretary of State pursuant to NRS 233B.067 or 233B.0675 as appropriate. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Sincerely,

A handwritten signature in black ink, appearing to read "Asher A. Killian".

Asher A. Killian  
Legislative Counsel

Joe F. Steigmeyer  
Senior Deputy Legislative Counsel

Samuel J. Quast  
Senior Principal Deputy Legislative Counsel

AAK/amh  
Enclosure



SECRETARY OF STATE  
FILING DATA

FILED, NV, SOS  
2024 FEB 27 AM 9:08

**Form For Filing  
Administrative Regulations**

**Agency**

**Dept. of Business and Industry**

**Division of Industrial Relations**

*R027-23*

**FOR EMERGENCY  
REGULATIONS ONLY**

Effective date \_\_\_\_\_

Expiration date \_\_\_\_\_

\_\_\_\_\_  
Governor's signature

**Classification:**    PROPOSED    ADOPTED BY AGENCY    EMERGENCY

**Brief description of action**   Amends NAC Chapter 618 relating to occupational safety - removes provisions requiring publication of certain notices in newspapers; revises the form in which recordings of certain hearings are required to be kept

**Authority citation other than 233B**   NRS 618.295

**Notice date**   December 11, 2023

**Date of Adoption by Agency**

**Hearing date**   January 16, 2024

January 30, 2024



**APPROVED REGULATION OF THE  
DIVISION OF INDUSTRIAL RELATIONS OF THE  
DEPARTMENT OF BUSINESS AND INDUSTRY**

**LCB File No. R027-23**

Filed on February 27, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1 and 2, NRS 618.295.

A REGULATION relating to occupational safety; removing provisions requiring the publication of certain notices in newspapers; revising the form in which recordings of certain hearings are required to be kept; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations that are necessary to provide safe and healthful employment in the employments within its jurisdiction. (NRS 618.295) Existing law authorizes an affected employer to apply to the Administrator of the Division for a variance from a standard adopted by the Division relating to occupational safety and health. (NRS 618.415) Existing regulations set forth procedures governing the application for and granting of such a variance. (NAC 618.630-618.6382)

Under existing regulations, if an application for a variance is not denied because it is defective, the Administrator is required to have published in at least two daily newspapers a notice of the filing of the application. Existing regulations additionally require the Administrator, within 10 days after issuing a final decision on the application, to have the decision published in at least two daily newspapers. (NAC 618.6334) **Section 1** of this regulation removes those requirements.

Existing regulations authorize an affected employer or employee to file with the Administrator a request for a hearing on an application for a variance. (NAC 618.6343) Existing regulations require such a hearing to be stenographically reported or captured as an audio recording. (NAC 618.6373) **Section 2** of this regulation instead requires that a stenographic or electronic record be kept of the hearing.

**Section 1.** NAC 618.6334 is hereby amended to read as follows:

618.6334 ~~1.~~ ~~If an application for a variance has not been denied because it is defective, the Administrator will have published in at least two daily newspapers a notice of the filing of the application.~~

~~2. The Administrator will include in the notice:~~

~~(a) The terms or an accurate summary of the application;~~

~~(b) A reference to the statutory section under which the application has been filed;~~

~~(c) An invitation to interested persons to submit, within a stated period, written data, views or arguments regarding the application; and~~

~~(d) A statement of the right of affected employers and employees to request a hearing on the application.~~

~~3.~~ Within 10 days after issuing a final decision on ~~the~~ *an* application ~~for a variance,~~ the Administrator will furnish a copy of his or her decision to the affected employer and employees. ~~[and will have the decision published in at least two daily newspapers.]~~

**Sec. 2.** NAC 618.6373 is hereby amended to read as follows:

618.6373 A ~~[hearing must be stenographically reported]~~ *stenographic* or ~~[captured as an audio recording]~~ *electronic record must be kept of any hearing on an application for a variance.* Copies of the transcript may be obtained by the parties upon the filing of a written application with the reporter and the payment of fees at the rate provided in the agreement with the reporter or the Enforcement Section.

JOE LOMBARDO  
*Governor*



DR. KRISTOPHER SANCHEZ  
*Director*

VICTORIA CARREÓN  
*Administrator*

JODIE TONKIN  
*Deputy Administrator*

**DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS**

**INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS**  
**AS REQUIRED BY NRS 233B.066**

The following informational statement as required by NRS 233B.066 is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 618 as follows:

**1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION**

On January 12, 2023, Nevada Governor Joe Lombardo issued Executive Order 2023-003, requiring every executive branch department, agency, board, and commission to undertake a comprehensive review of the regulations subject to its enforcement and provide details on how the regulation can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. Executive Order 2023-003 further required every executive branch department, agency, board, and commission to provide a list of regulations recommended for removal. The Division of Industrial Relations, Occupational Safety and Health Administration (OSHA) undertook such review and the proposed regulations, and amendments thereto, are in furtherance of the Division's compliance with Executive Order 2023-003. Specifically, R027-23 removes provisions requiring the publication of certain notices in newspapers; revises the form in which recordings of certain hearings are required to be kept; and provides other matters properly relating thereto.

Further, Executive Order 2023-008, issued June 30, 2023, notes that the executive agencies, boards, and commissions subject to Executive Order 2023-003 shall begin the process of repealing, streamlining, clarifying, reducing, or otherwise improving regulations. This proposed regulation seeks to comply with Executive Order 2023-008.

**2. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.**

Copies of the proposed regulation, notices of workshop, and notice of intent to act upon the regulation were sent by e-mail to persons who were known to have an interest as well as any persons who had specifically requested such notice, if any. These documents were also made available at the Division's website, <http://dir.nv.gov/Meetings/Meetings>, with the notices also posted at the following locations:

The State of Nevada Website ([www.notice.nv.gov](http://www.notice.nv.gov))

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**Carson City:** 1866 College Parkway, Suite 110 Carson City, Nevada 89706 - Telephone (775) 684-7286

**Las Vegas:** 3360 W. Sahara Avenue, Suite 250 Las Vegas, Nevada 89102 - Telephone (702) 486-9014

<https://dir.nv.gov/>

The Nevada State Legislature Website (<http://leg.state.nv.us/App/Notice/A/>)  
The Division of Industrial Relations Website (<http://dir.nv.gov/Meetings/Meetings>)

An initial Public Hearing with key industry stakeholders was held pursuant to Executive Order 2023-003 on May 4, 2023 to: (1) vet the recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders felt were worthy of consideration.

On November 15, 2023, the Division emailed a link to the Notice of Public Workshop to Solicit Comments on Proposed Regulations, to interested parties on the Division's Listserv, which includes 3,082 recipients.

Thereafter, a Workshop was held to solicit comments on the proposed regulation on November 29, 2023. At the conclusion of the November 29, 2023 Workshop, the Division invited members of the public wishing to submit written public comment. No written public comments were received.

On December 13, 2023, the Division emailed a link to the Notice of Hearing on Chapter 618 Amendments / Notice of Intent to Act on Proposed Regulations, to interested parties on the Division's Listserv, which includes 3,082 recipients.

The Division then held a Public Adoption Hearing on January 16, 2024. Again, after the conclusion of the Public Hearing, the Division invited members of the public wishing to submit written public comment. No written public comments were received.

A summary may be obtained by contacting Rosalind Jenkins, Legal Secretary II, Division of Industrial Relations, (702) 486-9014, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

**3. THE NUMBER OF PERSONS WHO:**

a.	ATTENDED MAY 4, 2023 PUBLIC HEARING:	46
b.	ATTENDED NOVEMBER 29, 2023 WORKSHOP:	10
c.	ATTENDED JANUARY 16, 2024 PUBLIC HEARING:	7
d.	TESTIFIED AT MAY 4, 2023 PUBLIC HEARING (regarding changes to NAC Chapter 618):	1
e.	TESTIFIED AT NOVEMBER 29, 2023 WORKSHOP:	0
f.	TESTIFIED AT JANUARY 16, 2024 PUBLIC HEARING:	0
g.	SUBMITTED WRITTEN COMMENTS RELATED TO MAY 4, 2023 PUBLIC HEARING:	0
h.	SUBMITTED WRITTEN COMMENTS RELATED TO NOVEMBER 29, 2023, WORKSHOP:	0
i.	SUBMITTED WRITTEN COMMENTS RELATED TO JANUARY 16, 2024 PUBLIC HEARING:	0

**4. FOR EACH PERSON IDENTIFIED IN PARAGRAPHS (d), (e), and (f) OF NUMBER 3 ABOVE, THE FOLLOWING INFORMATION, IF PROVIDED TO THE AGENCY CONDUCTING THE HEARING:**



**May 4, 2023 Public Hearing**

1 **Name:** Dalton Hooks, Esq.  
**Telephone number:** None received  
**Business address:** None received  
**Business telephone number:** None received  
**Electronic mail address:** None received  
**Name or organization represented:** On behalf of himself and his law firm, Hooks, Meng & Clement  
**Summary of comment:** Mr. Hooks expressed his opinions regarding potential repeal of NAC 618.767 and noted that with respect to prehearing conferences, litigants may find it useful to hold such conferences. Workers' Compensation has pre-hearing conference regulations, and they are not used much either, but it is an important tool to have. Consideration should be had whether prehearing conferences should be completely gone or should be within the discretion of the board.

**5. DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.**

To determine whether the proposed regulations were likely to have an impact on small businesses, the Division considered the purpose and scope of the proposed regulations. The proposed regulations revise provisions of NAC 618 by removing provisions requiring the publication of certain notices in newspapers; revising the form in which recordings of certain hearings are required to be kept; and providing other matters properly relating thereto.

In addition, on October 24, 2023, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division's Listserv, which includes 3,082 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The deadline to return the questionnaire was November 6, 2023. The Division did not receive any responses.

Based on this review, the Division determined that this regulation will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial.

A summary may be obtained by contacting Rosalind Jenkins, Legal Secretary II, Division of Industrial Relations, (702) 486-9014, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

**6. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.**

The Division provided several opportunities for members of the public and key industry stakeholders to provide feedback on the proposed regulations, including the May 4, 2023 Public Hearing, November 29, 2023 Workshop, and January 16, 2024 Public Hearing. While Dalton Hooks, Esq., provided his opinions at the May 4, 2023 Public Hearing regarding NAC 618.767, the version of LCB File No. R027-23 that was ultimately adopted by the Division did not repeal

NAC 618.767. No additional public comment was received related to LCB File No. R027-23.

**7. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:**

**A. ADVERSE AND BENEFICIAL EFFECTS**

**i. Effect on Businesses**

The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of these regulations. There will be no direct or indirect cost to regulated or small businesses.

The Division believes that there will be beneficial effects, direct or indirect, on regulated or small businesses as the result of these regulations. The Division proposed the modifications to NAC 618.6334 because notification to the public of a variance request is not as important to the employer making the request. Moreover, the Division proposed modifications to NAC 618.6373 because the language currently in regulation is outdated for modern recording methodology.

**ii. Effect on the Public**

The Division anticipates no adverse effects, either direct or indirect, on the public as the result of these regulations. There will be no direct or indirect cost to the public.

The Division believes that there will be no beneficial effects, either direct or indirect, on the public as the result of these regulations.

**B. IMMEDIATE AND LONG-TERM EFFECTS**

**i. Effect on Businesses**

The Division does not anticipate any immediate effects, either adverse or beneficial, on regulated businesses as a result of these regulations. There will be no direct or indirect costs to regulated businesses.

The Division does not anticipate any long-term effects, either adverse or beneficial, on regulated businesses as a result of these regulations. There will be no direct or indirect costs to the regulated businesses.

**ii. Effect on the Public**

The Division does not anticipate any immediate effects, either immediate or long-term, on the public as a result of these regulations. There will be no direct or indirect costs to the public.

**8. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION**

There will be no additional or special costs incurred by the Division for enforcement of this regulation.

9. **DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATIONS OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.**

The Division is not aware of any similar regulations of other state or government agencies that which the proposed regulations overlap or duplicate.

10. **IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.**

The Division is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

11. **IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.**

The proposed regulation does not include a new fee or an increase of an existing fee.

Dated this 30<sup>th</sup> day of January, 2024.

DIVISION OF INDUSTRIAL RELATIONS

By: Victoria Carreón  
Victoria Carreón  
Administrator, Division of Industrial Relations  
3360 W. Sahara Ave., Ste. 250  
Las Vegas, Nevada 89102

