

**LEGISLATIVE REVIEW OF ADOPTED
PERMANENT REGULATIONS AS REQUIRED BY
NRS 233B.066**

LCB FILE R063-25

The following statement is submitted for adopted amendment to Nevada Administrative code (NAC) Chapter 612.270.

1. A clear and concise explanation of the need for the adopted regulation.

The proposed amendment to the regulation pertaining to NAC 612.270, pursuant to Nevada Revised Statute (NRS) 612.550 relates to Unemployment Insurance Contribution Rate Schedule for Nevada Employers for calendar year 2026 in compliance with NRS 612.550, which requires the Nevada Department of Employment, Training and Rehabilitation's (DETR) Employment Security Division (ESD) Administrator to annually classify employers and determine rates of contributions for employers. Because the existing rates expire at the end of each calendar year, this regulation amendment is needed to establish rates for calendar year 2026.

2. A 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.

On September 10, 2025, the Employment Security Division publicly notified the State that it would be holding a **Small Business Workshop on October 6, 2025** to solicit public comment on proposed regulation **R063-25**. Said notification was provided more than 15 days as required in Nevada's Rulemaking process. Pursuant to NRS 233B.0608, the Small Business Impact Statement on the proposed regulation amendment for **NAC 612.270** was reviewed by DETR ESD staff, were noticed with the Small Business Workshop Agenda, and was reviewed before the public during the Small Business Workshop. Furthermore, DETR staff provided additional information to the public which included: an overview of the regulation amendment, an overview of the Small Business Impact Statement, and an overview of the 2026 UI Contribution Rate Schedule in **NAC 612.270**.

The Division received no written public comment pursuant to its Agenda posting as of October 5, 2025, nor were any public comments made at the **October 6, 2025** Small Business Workshop during the workshop's two public comment periods as published on the Agenda.

Following the Small Business Workshop, the DETR ESD Administrator took into consideration the data made available from DETR's Chief Economist, David Schmidt, and DETR's Research and Analysis Bureau regarding Nevada's employers, Nevada's economic indicators, and the current status of Nevada's Unemployment Insurance Trust Fund, and after careful consideration of all available data and information, made the decision to lower the average UI Contribution rate to **1.45%** for calendar year 2026.

R063-25 was formerly drafted by LCB on October 16, 2025, and on **October 23, 2025** the Employment Security Division publicly notified the State that it would be holding a public meeting on **November 24, 2025, 2:00 PM** via its posting of a **Notice of Intent to Act Upon and Adopt Regulations** to solicit public comments on proposed regulation **R063-25**. Said notification, which

included the meeting Agenda and the proposed regulation **R063-25** as formerly drafted by Nevada's Legislative Counsel Bureau (LCB) was provided and posted both physically at the locations listed below and on DETR's Public Meetings website <https://detr.nv.gov/publicmeetings> and Nevada's Public Notice website at <https://notice.nv.gov/> within 30 days of the public meeting.

The Division received no written public comment as of November 21, 2025, nor were any public comments made at the **November 24, 2025** public meeting during the meeting's two public comment periods as published on the public meeting's Agenda.

In compliance with NRS 233B.0608, the live public meeting on the Intent to Act Upon and Adopt Regulations was held on **November 24, 2025** at **2:00 PM** at DETR's State Administrative Office (SAO) Auditorium, 500 E. Third Street, Carson City, Nevada 89713, and made available in person via live broadcast from DETR's St. Louis Auditorium, 2800 St. Louis Avenue, Las Vegas, Nevada 89104 and via ZOOM meeting to members of the public who wished to participate virtually. The purpose of this hearing was to receive public comments from all interested persons regarding the adoption of this regulation pertaining to Chapter 612, of the Nevada Administrative Code.

The transcript of the Hearing been requested and will post to DETR's Public Meetings page within 30 days of the Hearing at the following link; <https://detr.nv.gov/publicmeetings>.

Posting locations:

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

- Legislative Building, 401 South Carson Street, Carson City, NV 89701
- Legislative Counsel Bureau Web Site
- Department of Employment, Training and Rehabilitation Web Site
- Public Notices website
- Employment Security Division, State Administrative Office, 500 East Third Street, Carson City, NV 89713
- Employment Security Division Southern Administrative Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104
- Constituent Services Office of the Governor
- Employ NV Career Hub, 121 Industrial Way, Fallon, NV 89406
- Employ NV Career Hub, 3405 S. Maryland Parkway., Las Vegas, NV 89169
- Employ NV Career Hub, 2827 Las Vegas Blvd N., North Las Vegas, NV 89030
- Employ NV Career Hub, 4001 South Virginia St. Suite H., Reno, NV 89502
- Employ NV Career Hub, Carson City, 1929 North Carson Street, Carson City, NV 89701
- Employ NV Career Hub, Elko, 172 Sixth Street, Elko, NV 89801
- Nevada EmployNV Hub -Winnemucca, 475 Haskell St., Suite 1, Winnemucca, NV 89445

3. The number of persons who:

a. Attended at each meeting:

Small Business Workshop:

October 6, 2025: Carson City: 12

October 6, 2025: Las Vegas: 1

Hearing:

November 24, 2025: Carson City: 5

November 24, 2025: Las Vegas: 1

b. Testified at each meeting:

Small Business Workshop:

October 6, 2025

- No public comment

Hearing:

November 24, 2025

- No public comment

c. Submitted to the agency written comments:

Small Business Workshop: No written comments were received.

Hearing: No written comments were submitted

4. A description of how comments were solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public via notification and process for submitting written comments included on the agendas for both the Small Business Workshop held on October 6, 2025 and the Notice of Intent to Act Upon and Adopt Regulations public meeting held on November 24, 2025. In addition to the two (2) periods for public comment included on the agendas for both the Small Business Workshop and the Notice of Intent to Act Upon and Adopt Regulations public meeting.

5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The ESD Administrator adopted regulation **R063-25** without change following the engagement with the public and business community based on the validity of the information and data received through DETR's Chief Economist, David Schmidt, and DETR's Research and Analysis Bureau that provided a high confidence level to the validity of the UI Trust Fund status and the minimal impact that a decrease in the average unemployment insurance contribution rate to 1.45% for calendar year 2026 would have on said Fund, as well as the assessment of the minimal impact that said regulation would have on small businesses.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

a. Both adverse and beneficial effects; and

All Nevada employers subject to average Unemployment Insurance (UI) contributions and eligible for experience rating will be affected by the proposed regulations constituting approximately 76,770 employers or 75.2% of all employers registered with the Employment Security Division. The proposed regulations represent a decrease in the average UI Contribution rate from 1.65% in 2025 to 1.45% in 2026.

Beneficial Impacts

By adopting this average UI Contribution rate of 1.45%, the average burden on employers will decrease from calendar year 2025 and will not revert to the standard contribution rate of 2.95% in the absence of this regulation amendment. Furthermore, at this average UI Contribution rate, UI contributions are expected to exceed UI benefit payments which will continue to allow the state to build its Trust Fund reserves.

Adverse Impacts

The only employers who will experience a higher contribution rate are those whose UI experience causes them to receive a rate higher than the standard rate of 2.95%.

b. Both immediate and long-term effects.

All Nevada employers subject to average Unemployment Insurance (UI) Contributions and eligible for experience rating will be affected by the proposed regulation, which will be lowered to 1.45% in calendar year 2026.

Beneficial Impacts

Possible increase in work search activity on the part of UI claimants, to the potential benefit of employers.

Adverse Impacts

This regulatory amendment does not pose any known adverse economic impact on the State and/or the public.

Direct Impacts

The direct impact of this regulation on any particular Nevada business depends on that business' prior experience with respect to unemployment. Because the rates that employers pay are fixed in statute, the average rate is adjusted each year in the regulatory process by adapting a range of reserve ratios which will apply to those rates. Each employer's reserve ratio changes each year as well, rising or falling, depending on the net balance of UI contributions and benefit charges from and to that account.

Indirect Impacts

This regulation complies with the federal compliance regulations governing Unemployment Insurance contribution rates. Therefore, employers maintain eligibility for a full 5.4% credit toward their federal unemployment insurance taxes. In addition, the additional solvency in the UI system will help to pay for unemployment benefits in the future. On average, evidence suggests that for each dollar in UI benefits, \$2 or more in economic activity results. In addition, employers benefit as funds are returned to the economy through UI benefit payments, helping to mitigate the decline in consumption that takes place in a recession. Finally, the UI system helps to maintain the attachment of workers to the local workforce and facilitate a faster return to work.

Immediate Effect:

This regulation will adopt the experience rating schedule that will be in effect for calendar year 2026. The Average UI Contribution Rate of 1.45%, combined with the Career Enhancement Program Assessment (CEP) pursuant to NRS 612.606, will maintain the total

of 1.50% of wages subject to unemployment contributions in calendar year 2026.

Long-Term Effect:

This regulation will continue to build reserves and/or offset costs in the Nevada Unemployment Insurance Trust Fund, earning interest to the credit of that fund and helping to improve the State's ability to pay unemployment benefits.

7. The estimated cost to the agency for enforcement of the adopted regulation.

This regulation will be enforced as a regular part of ongoing DETR Employment Security Division operations and does not represent any additional burden on staff time, as the regulation is used to modify contribution rates each year. Funding for the administration of the unemployment insurance (UI) program is provided to DETR by the U.S. Department of Labor (USDOL).

Anticipated Revenue Increase and Use

This regulation lowers the 2025 average UI contribution rate at 1.65% to 1.45% for calendar year 2026. By Law, money collected from state unemployment insurance contributions can only be used to pay unemployment insurance benefits, so these funds will remain deposited in the Nevada Unemployment Insurance Trust Fund.

8. A description of any regulations of other state or government agencies which the proposed regulation 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.

This regulation represents an annual modification to the Schedule of Contribution Rates for eligible employers for calendar year 2026. Therefore, this regulation does not duplicate or provide a more stringent standard than any other regulation of federal, state, or local governments.

9. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This regulation is not required pursuant to federal law, nor is there a federal regulation that regulates the same activity.

10. If the regulation establishes 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.

This Regulation does not impose any new or increased fees on employers.

Signed by:

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Kristine Nelson, ESD Administrator
DETR

12/8/2025

Date