

**PROPOSED REGULATION OF THE ADMINISTRATOR OF THE
EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT
OF EMPLOYMENT, TRAINING AND REHABILITATION**

LCB File No. R201-05

December 27, 2005

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

AUTHORITY: §§1-4, NRS 612.220.

A REGULATION relating to unemployment compensation; revising provisions governing claims for benefits, elections by employers to cover workers in several states and interstate claimants; and providing other matters properly relating thereto.

Section 1. NAC 612.120 is hereby amended to read as follows:

612.120 1. The last or next to last employing unit that receives a notice of the first claim filed by a claimant following separation from employment must, within ~~[10]~~ *11* days after the date of the notice, submit to the Employment Security Division ~~[any]~~ *all relevant* facts that affect the claimant's rights to benefits, including ~~[any]~~ *all relevant* facts which disclose that the claimant separated from his employment voluntarily and without good cause, or was discharged for misconduct in connection with his employment.

2. The last or next to last employing unit may protest the payment of benefits if the protest is filed within ~~[10]~~ *11* days after the date of the notice of filing the claim. If the employing unit has filed a report of *all relevant* facts in a timely manner that might adversely affect the claimant's rights to benefits, the report is considered as a protest to the payment of benefits.

3. The last or next to last employing unit that has filed a response in a timely manner will be notified in writing of the determination as to the claimant's rights to benefits. If the last or next to

last employing unit has contributed 75 percent of the claimant's base period earnings and has submitted ~~[information]~~ *all relevant facts* in a timely manner indicating that the claimant quit voluntarily without good cause, or was discharged for misconduct in connection with his employment, the employer will be notified in writing of the Division's ruling as to the cause of termination of the claimant's employment and whether the experience rating record of the employer is chargeable with benefits paid the claimant.

4. Any employing unit that paid wages to the claimant in the base period of his claim will be notified of the first claim filed which results in a determination that the claimant is an insured worker. The base period employer so notified must, within ~~[10]~~ *11* days, submit ~~[any]~~ *all relevant* facts disclosing whether the claimant was discharged for a crime committed in connection with his employment. The Division will issue a decision setting forth whether the wages will be denied in the determination of the payment of benefits.

5. Any notice of determination or ruling will contain a statement setting forth the right of appeal.

6. The notice of first claim filed mailed to the last or next to last employing unit must be addressed to:

- (a) The employing unit's place of business where the claimant was most recently employed;
- (b) The business office of the employing unit where the records of the claimant's employment are maintained; or
- (c) The business office of an authorized agent of the employing unit if the employing unit has filed with the Administrator an approved authorization designating the agent to represent the employing unit.

7. Any notice properly addressed to the last known address of the employing unit or its authorized agent constitutes proper notification to the employing unit of the first claim filed.

8. The notice of first claim filed mailed to a base period employer who is not the last or next to last employer of the claimant must be addressed to:

- (a) The employing unit's place of business where the claimant was most recently employed;
- (b) The business office of the employing unit where the records of the claimant's employment are maintained;
- (c) The address or addresses as requested by the employer and agreed to by the Administrator; or
- (d) The business office of an authorized agent of the employing unit if the employing unit has filed with the Administrator an approved authorization designating the agent to represent the employing unit.

↪ Any notice properly addressed to the last known address of the employer or his authorized agent constitutes proper notice to the base period employer.

9. As used in this section, "all relevant facts" includes, without limitation, dates of employment, type of work performed, specific reason given for separation from employment, the final incident to cause the separation from employment and prior disciplinary warnings of a similar nature given, if any.

Sec. 2. NAC 612.232 is hereby amended to read as follows:

612.232 1. The examiner may postpone or continue the hearing on his own motion or when requested by a party showing compelling reasons for the continuance or postponement.

2. If a party fails to appear at the time set for the hearing, the examiner may, on his own motion, or on good cause shown by the party who failed to appear, reschedule the hearing. The

decision to reschedule the hearing must be made within ~~10~~ 11 days after the issuance of the decision on the claim. If a hearing is rescheduled, any prior decision issued by the examiner is vacated.

Sec. 3. NAC 612.460 is hereby amended to read as follows:

612.460 1. Any employing unit may file an election to cover under the law of a single participating jurisdiction, all of the services performed for him by any person who customarily works for him in more than one participating jurisdiction.

2. An election may be filed with respect to a person with any participating jurisdiction in which:

- (a) Any part of the person's services are performed;
- (b) The person has his residence; or
- (c) The employing unit maintains a place of business to which the person's services bear a reasonable relation.

↪ The agency of the elected jurisdiction shall initially approve or disapprove the election.

3. If an agency approves the election, it shall forward a copy of its approval to the agency of each other participating jurisdiction specified under whose law the person in question might, in the absence of the election, be covered. Each interested agency shall approve or disapprove the election as promptly as practicable and notify the agency of the elected jurisdiction accordingly.

4. If its law so requires, any interested agency may, before taking action, require from the electing employing unit satisfactory evidence that the affected employees have been notified of, and have acquiesced in, the election.

5. If the agency of the elected jurisdiction or the agency of any interested jurisdiction disapproves the election, the disapproving agency shall notify the elected jurisdiction and the electing employing unit of its action and of its reasons therefor.

6. An election takes effect as to the elected jurisdiction only if approved by its agency and by one or more interested agencies. An election which is approved takes effect as to any interested agency only if it is approved by the agency.

7. If any election is approved only in part or is disapproved by some of the agencies, the electing employing unit may withdraw its election within ~~10~~ **11** days after being notified of the action.

Sec. 4. NAC 612.580 is hereby amended to read as follows:

612.580 1. An agent state must, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question ~~any~~ **all relevant** facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

2. The agent state's responsibility and authority in connection with the determination of interstate claims is limited to the investigation and reporting of **all** relevant facts. The agent state may not refuse to take an interstate claim.

3. The agent state must afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims when requested by the liable state. With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant is made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.

4. As used in this section, “all relevant facts” includes, without limitation, dates of employment, type of work performed, specific reason given for separation from employment, the final incident to cause the separation from employment and prior disciplinary warnings of a similar nature given, if any.