

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

**LCB FILE R196-18**

The following statement is submitted for adopted amendments to Nevada Administrative code (NAC) Chapter 612.

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

The proposed amendment to the regulation pertaining to NAC 612, pursuant to Nevada Revised Statute (NRS) 612.550, will establish the Unemployment Insurance Tax Rate schedule for Nevada Employers for calendar year 2019.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

In compliance with NRS 233B.0603, an Employment Security Council Meeting was held on Wednesday, October 3, 2018, at 10:00 a.m., the live meeting was held at the Legislative Building, 401 S. Carson Street, Room 3138, Carson City, Nevada 89701 and Video conferenced to the Grant Sawyer Building, 555 E. Washington Ave, Room 4401, Las Vegas, Nevada 89101. A Small Business Workshop was held on Thursday, October 25, 2018 at 10:00 a.m., the live meeting was held at the Legislative Building, 401 S. Carson Street, Room 2134, Carson City, Nevada 89701 and Video conferenced to the Grant Sawyer Building, 555 E. Washington Ave, Room 4406, Las Vegas, Nevada 89101. The purpose of the Employment Security Council Meeting and Workshop was to review, discuss, solicit comment, and recommend a Tax Rate schedule on a proposed amendment to the regulation pertaining to NAC 612, pursuant to Nevada Revised Statute (NRS) 612.550 to establish the Unemployment Insurance Tax Rate schedule for Nevada Employers for calendar year 2019.

Notice of the Employment Security Council meeting was sent on August 24, 2018, requesting comments by September 26, 2018, and the Small Business Workshop notice was sent on October 9, 2018, requesting comments by October 20, 2018, by U.S. mail, to all individuals and employers on the Employment Security Division mailing list. Notices were posted at the principal office of the Employment Security Division in Carson City, as well as numerous offices of the Employment Security Division throughout the state. In addition, the notices were submitted to the Legislative Counsel Bureau, the Nevada State Library, and all main county libraries in the state. The meetings were also noticed in three newspapers, the Reno Gazette Journal, the Nevada Appeal and the Las Vegas Review Journal. These documents were also made available at the website of the Department of Employment, Training and Rehabilitation (DETR):

<http://www.nvdetr.org/publicmeetings.htm> (DETR Public Meetings page),  
[http://www.nvdetr.org/public\\_notices.htm](http://www.nvdetr.org/public_notices.htm) (DETR Public Notices page),  
<https://notice.nv.gov/> and at the Nevada Legislature website at  
<http://www.leg.state.nv.us/App/Notice/A/>.

**Posting locations:**

Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701  
Legislative Building, 401 South Carson Street, Carson City, NV 89701  
Grant Sawyer State Building, 555 E. Washington Ave., Las Vegas, NV 89101  
Legislative Counsel Bureau Web Site  
Department of Employment, Training and Rehabilitation Web Site  
All County Libraries in Nevada  
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  
Unemployment Insurance Contributions, 1320 South Curry Street, Carson City, NV 89703  
Las Vegas Field Audit Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104  
Appeals Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104  
Reno Casual Labor Office, 420 Galletti Way, Sparks, NV 89431  
Las Vegas Casual Labor Office, 1001 North A Street, Las Vegas, NV 89106  
Nevada JobConnect-Carson City, 1929 North Carson Street, Carson City, NV 89701  
Nevada JobConnect-Elko, 172 Sixth Street, Elko, NV 89801  
Nevada JobConnect-Ely, 1500 Avenue F, Suite 1, Ely, NV 89301  
Nevada JobConnect-Fallon, 121 Industrial Way, Fallon, NV 89406  
Nevada JobConnect-Henderson, 4500 E. Sunset Road, Suite 40, Henderson, NV 89014  
Nevada JobConnect-Las Vegas, 3405 South Maryland Parkway, Las Vegas, NV 89169  
Nevada JobConnect-North Las Vegas, 2827 Las Vegas Boulevard North, Las Vegas, NV 89030  
American Job Center of Nevada-Reno Town Mall, 4001 South Virginia Street, Reno, NV 89502  
Nevada JobConnect-Sparks, 2281 Pyramid Way, Sparks, NV 89431  
Nevada JobConnect-Winnemucca, 475 Haskell St., Suite 1, Winnemucca, NV 89445

During the Employment Security Council Meeting and Workshop, DETR staff members reviewed the proposed 2019 Tax Rate regulation. The final draft of the regulation was drafted by LCB on October 31, 2018; the Division posted the revised language to the DETR website and posted the revised language to the Nevada Legislature website. During the Small Business Workshop, DETR staff members reviewed the Amended Regulation to the 2019 Tax Rate, provided an explanation of the Regulation. The Small Business Impact Statement per NRS 233B.0608 pursuant to Subsection 3 was also reviewed by staff at the Small Business Workshop.

On October 3, 2018, the Division held the Employment Security Council Meeting and on October 25, 2018 held the Small Business Workshop, and one verbal comment was received

at the Small Business Workshop from Paul Moradkhan, representing the Las Vegas Metro Chamber of Commerce, who expressed his support of lowering the SUTA rate to 1.85%.

On November 6, 2018, the Division issued a Hearing Agenda and a Notice of Intent to Act upon the 2019 Tax Rate Regulation. The Notice and Agenda was sent by U.S. mail, to all individuals and employers on the Employment Security Division mailing list. The Notice and Agenda was posted at the principal office of the Employment Security Division in Carson City, as well as numerous offices of the Employment Security Division throughout the state. In addition, the notice was submitted to the Legislative Counsel Bureau, the Nevada State Library, and all main county libraries in the state, including all locations in the workshop notification list above. The meeting was also noticed in three newspapers, the Reno Gazette Journal, the Nevada Appeal and the Las Vegas Review Journal. These documents were also made available at the website of the Department of Employment,

Training and Rehabilitation (DETR):

<http://www.nvdetr.org/publicmeetings.htm> (DETR Public Meetings page),

[http://www.nvdetr.org/public\\_notices.htm](http://www.nvdetr.org/public_notices.htm) (DETR Public Notices page),

<https://notice.nv.gov/> and at the Nevada Legislature website at

<http://www.leg.state.nv.us/App/Notice/A/>.

The division posted the regulation drafted by LCB to the DETR website and posted the revised language to the Nevada Legislature website. A copy of the revised regulation was also made available to the public at the Hearing and DETR staff reviewed the Amended Regulation to the 2019 Tax Rate, providing an explanation of the Regulation.

In compliance with NRS 233B, a Hearing for the adoption of the regulation was held on December 7, 2018 at 10:00 a.m., the live meeting was held at the DETR State Administrative Office located at 500 E 3<sup>rd</sup> St, Carson City, Nevada 89713 and Video conferenced to the Stan Jones Building, Conference Room C, located at 2800 E. St. Louis Avenue, Las Vegas, Nevada 89104. The purpose of the hearing was to receive comments from all interested persons regarding the adoption of the regulation pertaining to Chapter 612, of the Nevada Administrative Code.

The transcript of the Hearing is not yet available, but will be posted to DETR's Public Meeting Minutes page at [http://nvdetr.org/PublicMinutes\\_ESD\\_ESC.htm](http://nvdetr.org/PublicMinutes_ESD_ESC.htm) within 30 days of the Hearing.

**3. The number of persons who:**

**a. Attended at each meeting:**

**Employment Security Council:**

October 3, 2018: Carson City: 20; Las Vegas: 3

**Small Business Workshop:**

October 25, 2018: Carson City: 11; Las Vegas: 3

**Hearing:**

December 7, 2018: Carson City: 11 ; Las Vegas: 1

**b. Testified at each meeting:**

**Employment Security Council:**

October 3, 2018

- No Public Testimony

**Small Business Workshop:**

October 25, 2018

- Paul Moradkhan – Las Vegas Metro Chamber of Commerce  
575 Symphony Park Ave  
Las Vegas, NV 89106  
Telephone Number: (702) 810-9124  
Email: pmoradkhan@lvchamber.com

**Hearing:**

December 7, 2018

- No Public Testimony

**c. Submitted to the agency written comments:**

**Employment Security Council:** No written comments were submitted

**Small Business Workshop:** No written comments were submitted

**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.

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.**

No recommended changes submitted in written or public comment.

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**
- b. **Both immediate and long-term effects.**

All Nevada employers subject to Unemployment Insurance (UI) contributions and eligible for Experience Rating will be affected by the proposed regulation, constituting approximately 48,513 employers, or 64.5% of all employers registered with the Employment Security Division. This Regulation represents dropping the average UI contribution rate to 1.85% in 2019, as recommended by the Employment Security Council on October 3, 2018.

#### **Beneficial Impacts**

With the 1.85% average contribution rate, the total costs paid by Nevada employers will fall from 2.00% on average to 1.90% of wages subject to contributions. Even with a statutory increase in the wages subject to unemployment contributions, which rose from \$30,500 in 2018 to \$31,200 in 2019, the average cost per employee at the maximum taxable wage base will fall from \$610.00 to \$592.80 in 2019. This regulation will lead to a continued increase in reserves in the UI Trust Fund, which is projected to grow by \$413.7 million from September 30, 2018 to September 30, 2019, allowing the state to exceed the solvency target specified in NRS 612.550.

#### **Adverse Impacts**

With the overall rate decline employers will experience, there are no adverse impacts to this regulation, as the average contribution rate will fall to 1.85%. This will drop the average cost per employee by \$17.20 to \$592.80.

#### **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 drop 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, both through job search and training services and through mandatory work search requirements.

**Immediate Effect:**

This Regulation will adopt the experience rating schedule that will be in effect for calendar year 2019. The Average Unemployment Contribution Rate of 1.85%, together with the Career Enhancement Program Assessment (CEP), will decrease the total rate from 2.00% in 2018 to 1.90% of wages subject to unemployment contributions in 2019.

**Long-Term Effect:**

This Regulation will continue to build reserves 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 in advance of a future recession.

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

This regulation will be enforced as a regular part of ongoing UI 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 UI program is provided to the Department by the U.S. Department of Labor.

**Anticipated Revenue Increase and Use**

This regulation reduces the 2018 average UI contribution rate at 1.85%. 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 is only an annual modification to the Unemployment Insurance Contribution schedule. 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.**

The proposed 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, as it represents dropping the average UI contribution rate to 1.85% from 2018 to 2019. The overall average rate, which includes the CEP rate of 0.05%, will decrease from 2.00% to 1.90%.