

ACB copy

SECRETARY OF STATE
FILING DATA

FILED.NV.SOS
2021 MAR 3 PM2:11

Form For Filing
Administrative Regulations

Agency

Department of Employment,

Training & Rehabilitation

Employment Security Division

FOR EMERGENCY
REGULATIONS ONLY

Effective Date:

Expiration Date:

Classification: ☐ Proposed ☐ Adopted By Agency ☒ Emergency

Brief description of action The Nevada Department of Employment, Training & Rehabilitation's Employment Security Division (ESD), through ESD's Administrator Lynda Parven, is submitting proposed extension to regulatory changes to Nevada Administrative Code (NAC) Chapter 612, relating to unemployment insurance benefits (hereafter "benefits"). The proposed regulatory changes to Nevada Administrative Code (NAC) Chapter 612 would allow the Department of Employment, Training & Rehabilitation's (DETR) Employment Security Division's (ESD) Administrator to modify provisions regarding extended benefits so that an additional 7 weeks of benefits may be paid out during a high unemployment period before the 14th week. This regulatory change also extends the deadline for payment of employer contributions and waives interest and penalties regarding those contribution payments. These regulations will allow the Employment Security Division to payout extended benefits for a longer period of time and provide employers with temporary relief from charges effecting their businesses.

Authority citation other than 233B NRS 612.220 and Section 3 of Senate Bill No. 3 of the 32nd Special Session of the Nevada Legislature, Chapter 7, Statutes of Nevada 2020, 32nd Special Session at page 81 (NRS 612.242)

Notice Date N/A

Date of Adoption by Agency

Hearing Date N/A

N/A

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

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

Filing of Emergency Administrative Regulations

AUTHORITY: NRS 612.220 and Section 3 of Senate Bill No. 3 of the 32nd Special Session of the Nevada Legislature, chapter 7, Statutes of Nevada 2020, 32nd Special Session, at page 81 (NRS 612.242).

REGULATIONS relating to unemployment compensation; .

Digest:

The proposed regulatory changes to Nevada Administrative Code (NAC) Chapter 612 would modify provisions regarding extended benefits so that an additional 7 weeks of benefits may be paid out during a high unemployment period before the 14th week. This regulatory change also extends the deadline for payment of employer contributions and waives interest and penalties regarding those contribution payments. These regulations will allow the Employment Security Division to payout extended benefits for a longer period of time and provide employers with temporary relief from charges effecting their businesses.

Section 1. Chapter 612 of NAC is hereby amended by adding thereto a new section to read as follows:

Based upon the declaration of emergency by the Governor regarding COVID-19:

1. Notwithstanding the provisions of NRS 612.377 to the contrary, during such periods of time as are authorized by the United States Department of Labor, an extended benefit period may begin before the 14th week following the end of a prior extended benefit period which was in effect for Nevada.

2. Notwithstanding the provisions of NRS 612.553 to the contrary, any amount due as a reimbursement in lieu of contributions pursuant to subsection 6 of NRS 612.553 must be paid not later than 120 days after a bill is mailed to the last known address of the employing unit.

3. Notwithstanding the provisions of NRS 612.620 to the contrary, interest accrued pursuant to NRS 612.620 may be waived by the Administrator.

Sec. 2. This regulation becomes effective upon filing with the Secretary of State pursuant to NRS 612.242.



February 16, 2021

Statement of Emergency pursuant to Section 3 of Senate Bill No. 3 of the 32nd Special Session of the Nevada Legislature, chapter 7, Statutes of Nevada 2020, 32nd Special Session, at page 81 (NRS 612.242) to implement Temporary regulatory changes (120 days)

On behalf of the Nevada Department of Employment, Training and Rehabilitation's (DETR) Employment Security Division (ESD), and as ESD's Administrator, I submit this Statement of Emergency pursuant to Section 3 of Senate Bill No. 3 of the 32nd Special Session of the Nevada Legislature, chapter 7, Statutes of Nevada 2020, 32nd Special Session, at page 81 (NRS 612.242). This pertains to proposed regulatory changes to Nevada Administrative Code (NAC) Chapter 612, relating to unemployment insurance benefits (hereafter "benefits"). The attached proposed changes to NAC Chapter 612 would give the ESD Administrator the ability to pay seven additional weeks of extended benefits to Nevadans more quickly and provide employers with much needed temporary relief from employer charges relating to unemployment claims.

On March 12, 2020, the Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State of Nevada's response to the COVID-19 pandemic. On March 13, 2020, President of the United States Donald J. Trump declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"). A public health emergency exists throughout the State of Nevada as a result of the COVID-19 outbreak. The financial impact on Nevadans has been significant and severe with initial unemployment claims exceeding 1,500,000 as of December of 2020. NRS 414.070(7) provides that, given the COVID-19 emergency, the Governor may exercise powers and duties as are necessary to promote and secure the safety and protection of the civilian population. Pursuant to NRS 233B.0613, I declare that an emergency exists and request the Governor of the State of Nevada to endorse this Statement of Emergency so the amendments to the regulations above may take effect immediately.

Dated this 16th day of February, 2021.

Elisa P. Cafferata, Director
Department of Employment Training and Rehabilitation

Lynda Parven, Administrator
Employment Security Division

I hereby endorse the Statement of Emergency prepared by the Administrator of the Employment Security Division, Department of Employment, Training and Rehabilitation.

Dated this ____ day of _____, 2021.



Steve Sisolak, Governor
State of Nevada

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS
AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO.
February 8, 2021

The following informational statement is submitted for adopted amendments to Chapter 612 of the Nevada Administrative Code (NAC):

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

Due to the Coronavirus 2019 (hereafter "COVID-19" or "pandemic"), there has been a dramatic increase in unemployment in Nevada and related onerous or burdensome financial effects on citizens of the State of Nevada. The proposed regulatory changes to Nevada Administrative Code (NAC) Chapter 612 would modify provisions regarding extended benefits so that an additional 7 weeks of benefits may be paid out during a high unemployment period before the 14th week. This regulatory change also extends the deadline for payment of employer contributions and waives interest and penalties regarding those contribution payments. These regulations will allow the Employment Security Division to payout extended benefits for a longer period of time and provide employers with temporary relief from charges effecting their businesses.

2. The estimated economic effect of the adopted regulatory changes on businesses which are regulated thereby and on the public. These must be stated separately, and each case must include:

Business:

a. Both adverse and beneficial effects; and

Adverse:

#1: Extended Benefits

No known adverse impacts to businesses

#2 and #3: Employer Charging Relief

No known adverse impacts

Beneficial:

#1: Extended Benefits

The proposed regulatory changes allow Nevada citizens financial relief from State Extended Benefits more quickly which will put more money into the economy to be spent at Nevada Businesses for goods and services

#2 and #3: Employer Charging Relief

The proposed regulatory changes will allow Nevada Businesses to delay payments of unemployment taxes and pay no interest or penalties during the period of delay

b. Both immediate and long-term effects.

Same as above.

Public:

a. Both adverse and beneficial effects; and

Adverse:

#1: Extended Benefits

No known adverse impacts to public

#2 and #3: Employer Charging Relief

No known adverse impacts

Beneficial:

#1: Extended Benefits

The proposed regulatory changes allow Nevada citizens financial relief from State Extended Benefits more quickly which will put more money into the economy to be spent at Nevada Businesses for goods and services

#2 and #3: Employer Charging Relief

The proposed regulatory changes will allow Nevada Businesses to delay payments of unemployment taxes and pay no interest or penalties during the period of delay

b. Both immediate and long-term effects.

Same as above.

3. The estimated cost to the agency for enforcement of the proposed regulations as amended.

While this regulation will require additional work to implement, that workload is anticipated to be less than the work required to individually adjudicate all affected claims. Therefore, there is expected to be a net savings in the cost of administration.

4. 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.

There are no other state or federal government agency regulations which are duplicated or overlapped by the proposed regulatory changes.

5. If the regulations include provisions which are more stringent than a federal regulation which regulated the same activity, a summary of such provisions.

The provisions in the regulatory changes are not more stringent than the federal regulations.

6. If the regulations provide 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.

The proposed regulatory changes do not provide new or increases in any existing fees.