

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

**LCB FILE NO. E005-21A**

**The following document is an emergency regulation submitted  
by the agency on 03/30/2021**

**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 define the term education support professionals and modify provisions , consistent with federal law, to allow education support professionals to receive unemployment compensation between academic terms.

**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. Education Support Personnel is defined as follows:*

*Personnel of an educational institution who are not teachers or student teachers and whose position, pursuant to the laws of the State of Nevada as of January 1, 2020, does not require a current license or provisional license issued by the Department of Education, or an endorsement along with a professional license issued by another professional licensing board in Nevada. The fact that a person may hold a license issued by the Department of Education is not a disqualifying factor if that license is not required, pursuant to the laws of the State of Nevada as of January 1, 2020, for the position in which the person is employed prior to the break in two successive academic years or regular terms. The fact that a person holds a license as a substitute teacher and may be compensated as a substitute teacher on certain days is not a disqualifying factor if that person holds a position as education support personnel that otherwise meet the requirements in this section.*

*2. Educational institution is defined as a county school district, a charter school formed pursuant to chapter 388A of NRS, or a private elementary or*

*secondary institution authorized to operate in this State pursuant to chapter 394 of NRS.*

*3. In the best interests of the general health, safety and welfare of the citizens of this State, a person employed as an education support personnel must not be denied benefits pursuant to NRS 612.434 for any week of unemployment which begins during the period between two successive academic years or terms on the basis that the person has a reasonable assurance that he or she will be provided employment as an education support personnel in the next academic year or term if that person otherwise qualifies for benefits pursuant to Chapter 612 of the Nevada Revised Statutes.*

*4. For any claim paid pursuant to this section, the Administrator shall reduce the reimbursements in lieu of contributions that are due by up to 75% of the amount owed.*

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



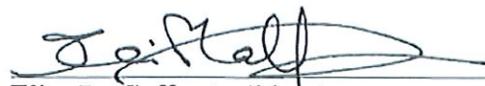
March 23, 2021

**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)**

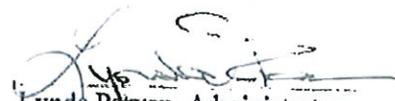
On behalf of the Nevada Department of Employment, Training and Rehabilitation's (DETR) Employment Security Division (ESD), and as ESD's Administrator, I submit this Statement of Emergency pursuant to Section 3 of Senate Bill No. 3 of the 32nd Special Session of the Nevada Legislature, chapter 7, Statutes 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 define the term education support professional and modify provisions regarding education support professionals receiving unemployment compensation between academic terms.

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 23rd day of March, 2021.

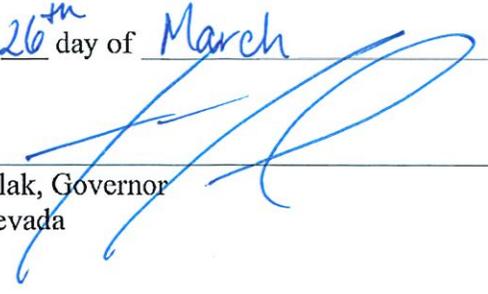
  
Elisa P. Cafferata, Director

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 26<sup>th</sup> day of March, 2021.

  
\_\_\_\_\_  
Steve Sisolak, Governor  
State of Nevada

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS  
AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
LCB FILE NO. \_\_\_\_\_  
March 23, 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 define the term education support professionals and modify provisions regarding education support professionals receiving unemployment compensation between academic terms.

**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: No known

Beneficial: The proposed regulatory changes allow Nevada citizens financial relief which will put more money into the economy to be spent at Nevada Businesses for goods and services

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

Same as above.

**Public:**

**a. Both adverse and beneficial effects; and**

Adverse: The claims for benefits will result in costs to the school districts, which effect the general fund of the state.

Beneficial:

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

**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.