
EMERGENCY REQUEST OF SENATE MINORITY LEADER

SENATE BILL NO. 419—SENATORS SETTELMEYER, PICKARD,
HAMMOND, HARDY, HANSEN; BUCK, GOICOECHEA,
KIECKHEFER AND SEEVERS GANSERT

APRIL 28, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to unemployment
compensation. (BDR 53-1139)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to unemployment compensation; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish and maintain a computerized system for the processing of claims for benefits; revising provisions relating to certain determinations made by the Administrator concerning eligibility for benefits; creating the Office of the Ombudsman for Unemployment Benefits; requiring all benefits to be paid by check; requiring the Administrator to post certain information on an Internet website; revising the base period for determining entitlement to benefits; revising provisions relating to the electronic provision of certain documents and communications; revising provisions relating to the confidentiality of certain information concerning unemployment compensation; revising provisions relating to the overpayment of benefits; authorizing an extended benefit period to begin before the 14th week following the end of a prior extended benefit period under certain circumstances; removing provisions authorizing the Administrator to suspend, modify, amend or waive certain requirements under certain circumstances; revising procedures and requirements concerning certain appeals; modifying certain requirements concerning benefits paid in calendar year 2020; making an appropriation; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 The Unemployment Compensation Law, in general: (1) requires employers to
2 pay contributions into the Unemployment Compensation Fund at a certain rate of
3 the wages paid by the employer for employment; and (2) makes persons who have
4 become unemployed and comply with certain requirements eligible for benefits
5 from the Unemployment Compensation Fund in an amount based on the person's
6 previous wages for employment. (Chapter 612 of NRS)

7 Existing law sets forth procedures for filing a claim for benefits. (NRS
8 612.455-612.530) **Section 2** of this bill requires the Administrator of the
9 Employment Security Division of the Department of Employment, Training and
10 Rehabilitation to establish and maintain a computerized system for the processing
11 of claims for benefits. **Section 2** sets forth certain requirements for the system.
12 **Section 28** of this bill makes an appropriation for the costs of establishing and
13 maintaining the computerized system.

14 Existing law requires the Administrator to make certain determinations with
15 respect to the benefit status and eligibility status of each person who files a claim
16 for benefits. (NRS 612.460-612.470) **Sections 18 and 19** of this bill set forth
17 certain time frames in which the Administrator is required to make such
18 determinations. **Section 3** of this bill prohibits the Administrator from denying
19 benefits as part of a policy of denying all claims for benefits of a particular group or
20 category.

21 **Section 4** of this bill prohibits the Administrator from making a determination
22 denying benefits to an otherwise eligible insured worker on the grounds of
23 nondisclosure or misrepresentation of a material fact unless the Administrator first
24 provides the insured worker notice and a hearing. **Section 4** sets forth certain
25 requirements for the conduct of such a hearing.

26 **Section 5** of this bill creates the Office of the Ombudsman for Unemployment
27 Benefits and prescribes the duties of the Ombudsman, which include, among
28 others, advocating on behalf of persons applying for and receiving benefits and
29 providing assistance to such persons.

30 **Section 6** of this bill requires all benefits to be paid by check, made payable to
31 the person to whom the benefits are payable. **Section 7** of this bill requires the
32 Administrator to post certain information on an Internet website established and
33 maintained by the Administrator.

34 To be eligible for unemployment benefits, a person is required to have been
35 paid a certain amount of wages during a specified period of time referred to as the
36 person's "base period." (NRS 612.375) **Section 8** of this bill revises the definition
37 of the term "base period" to remove provisions providing for the use of an
38 alternative base period for persons who would otherwise be ineligible for
39 unemployment benefits.

40 **Sections 9, 14-16, 24 and 25** of this bill remove certain provisions of existing
41 law authorizing the Administrator to suspend, modify, amend or waive certain
42 provisions of the Unemployment Compensation Law under certain circumstances.

43 Under existing law, the Administrator or Division is authorized to provide
44 documents or communications to a person electronically if the person has requested
45 to receive documents or communications electronically. (NRS 612.253) **Section 10**
46 of this bill provides that the electronic provision of any document or
47 communication to a person who has requested such electronic provision is deemed
48 to satisfy any requirement under existing state law that the Administrator mail a
49 document or communication. However, if the document or communication involves
50 a substantive decision concerning benefits, as determined by regulation of the
51 Administrator, **section 10** requires the document or communication to also be
52 mailed.

53 Existing federal law imposes various requirements on states concerning the
54 confidentiality and disclosure of information related to unemployment



55 compensation. (20 C.F.R. Part 603) **Sections 11 and 27** of this bill revise and
56 remove certain provisions of existing law concerning the confidentiality of such
57 information and the circumstances under which the Administrator is authorized to
58 disclose such information for the purposes of complying with federal law. (NRS
59 6.045, 612.265)

60 Existing law sets forth certain requirements for the collection of overpayments
61 of benefits by the Administrator. (NRS 612.365) **Section 12** of the bill requires the
62 Administrator to collect certain overpayments paid to a person who is eligible for
63 regular benefits but received other benefits by deducting the amount overpaid from
64 the regular benefits payable to the person.

65 Existing law provides for the payment of extended unemployment benefits to a
66 person who exhausted his or her regular unemployment benefits and who meets
67 certain eligibility requirements during an extended benefit period. (NRS 612.377,
68 612.3774) Under existing law, an extended benefit period: (1) begins after the
69 Administrator makes certain determinations relating to the level of unemployment
70 in this State; and (2) is prohibited from lasting more than 13 consecutive weeks.
71 Existing law also prohibits an extended benefit period from beginning before the
72 14th week following the end of a prior extended benefit period which was in effect
73 for Nevada. (NRS 612.377) **Section 13** of this bill authorizes an extended benefit
74 period to begin before the 14th week following the end of a prior extended benefit
75 period if authorized by the United States Department of Labor. **Section 30** of this
76 bill applies this authorization retroactively on and after December 27, 2020.

77 **Sections 20-23** of this bill revise procedures governing the filing and conduct
78 of appeals before an Appeal Tribunal and the Board of Review. **Sections 21 and 23**
79 of the bill require the Administrator to pay to certain persons who prevail in such
80 appeals reasonable attorney's fees and costs.

81 Under existing law, an employer's contribution rate is based on the employer's
82 experience rating, which reflects the amount of unemployment compensation
83 benefits that are paid to former employees and charged to the employer's
84 experience rating record. Existing law requires, in general, that a certain percentage
85 of unemployment benefits paid to a person be charged against the experience rating
86 record of each employer from which the person received wages during his or her
87 base period. (NRS 612.550) **Section 24** of this bill prohibits any amount of benefits
88 paid to a person which constitute overpayments of benefits from being charged to
89 the person's base-period employers. **Section 29** of this bill provides that benefits
90 paid to a person during the second or third calendar quarter of calendar year 2020
91 are prohibited from being charged against the experience rating record of any of the
92 person's base period employers.

93 Existing law authorizes certain employers to reimburse the Unemployment
94 Compensation Fund for benefits paid to their former employees rather than making
95 quarterly contributions to the Fund. Existing law requires the Administrator to, after
96 the end of each calendar quarter or at the end of any other period as determined by
97 the Administrator, determine the amount of reimbursement due from each employer
98 who has elected to make reimbursement in lieu of contributions and bill each
99 employer for that amount. (NRS 612.553) **Section 26** of this bill prohibits that
100 amount from including benefits paid to a person that constitute an overpayment of
101 benefits. **Section 29** requires the Administrator, in determining the amount of
102 reimbursement due from an employer who has elected to make reimbursement in
103 lieu of contributions, to reduce by not more than 50 percent the amount of
104 reimbursement that is attributable to benefits paid to a person during the second or
105 third calendar quarter of calendar year 2020.

106 **Section 17** of this bill makes a conforming change to indicate the proper
107 placement of **sections 3 and 4** in the Nevada Revised Statutes.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 612 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this
3 act.

4 **Sec. 2. 1.** *The Administrator shall establish and maintain a*
5 *computerized system for the processing of claims for benefits.*
6 *Such a system must:*

7 *(a) Allow a person to file a claim through an Internet website*
8 *connected to the system for all benefits to which the person may be*
9 *entitled, including, without limitation, regular benefits, extended*
10 *benefits or benefits payable to a person under any federal program*
11 *administered by the Administrator, including, without limitation,*
12 *benefits payable to a person pursuant to 15 U.S.C. § 9021 or 42*
13 *U.S.C. § 5177;*

14 *(b) Allow a person to file an appeal from a determination of*
15 *the Administrator pursuant to NRS 612.495 or from a decision of*
16 *an Appeal Tribunal pursuant to NRS 612.510 through an Internet*
17 *website connected to the system;*

18 *(c) Provide for the efficient processing of all claims for*
19 *benefits, including, without limitation, regular benefits, extended*
20 *benefits or benefits payable to a person under any federal program*
21 *administered by the Administrator, including, without limitation,*
22 *benefits payable to a person pursuant to 15 U.S.C. § 9021 or 42*
23 *U.S.C. § 5177;*

24 *(d) Allow a person who exhausts his or her regular benefits to*
25 *automatically transition to any other benefits for which the person*
26 *may be eligible, including, without limitation, extended benefits or*
27 *benefits payable to a person under any federal program*
28 *administered by the Administrator, including, without limitation,*
29 *benefits payable to a person pursuant to 15 U.S.C. § 9021 or 42*
30 *U.S.C. § 5177; and*

31 *(e) Allow for data which is submitted into the system in*
32 *connection with a claim for a type of benefits to be shared with*
33 *respect to a claim for other benefits for which a person may be*
34 *eligible, so as to minimize the number of times a person is*
35 *required to submit the same data into the system.*

36 2. As used in this section, “regular benefits” and “extended
37 benefits” have the meanings ascribed to them in NRS 612.377.

38 **Sec. 3. 1.** *Each person who makes a claim for benefits is*
39 *entitled to an individual evaluation of his or her status as an*
40 *insured worker and his or her eligibility for benefits with respect*
41 *to any week of unemployment.*



1 2. *The Administrator shall not deny benefits to any person as*
2 *part of a policy of denying all claims for benefits of a particular*
3 *group or category.*

4 **Sec. 4. 1.** *Before the Administrator may make a*
5 *determination denying benefits to an otherwise eligible insured*
6 *worker with respect to any week occurring in the benefit year of*
7 *the insured worker on the grounds of nondisclosure or*
8 *misrepresentation of a material fact, the Administrator must*
9 *provide the insured worker notice and a hearing.*

10 2. *A hearing conducted pursuant to this section must be*
11 *conducted before an Appeal Tribunal appointed by the*
12 *Administrator pursuant to NRS 612.490. The provisions of this*
13 *chapter governing the conduct of hearings on appealed claims*
14 *before an Appeal Tribunal, to the extent that they are not*
15 *inconsistent with the provisions of this section and the regulations*
16 *adopted pursuant thereto, also apply to a hearing conducted*
17 *pursuant to this section.*

18 3. *At a hearing conducted pursuant to this section, the*
19 *Administrator bears the burden of showing that the insured*
20 *worker has engaged in the nondisclosure or misrepresentation of*
21 *a material fact in connection with the claim for benefits.*

22 4. *After a hearing conducted pursuant to this section, the*
23 *Appeal Tribunal shall make its findings promptly and on the basis*
24 *thereof render a decision as to whether to authorize the*
25 *Administrator to make the determination denying benefits. A party*
26 *may appeal to the Board of Review from the decision of the Appeal*
27 *Tribunal pursuant to this section in the same manner prescribed*
28 *by this chapter for the appeal from a decision of an Appeal*
29 *Tribunal regarding a determination of benefit status.*

30 5. *The Administrator may adopt regulations prescribing*
31 *additional requirements for the conduct of a hearing conducted*
32 *pursuant to this section.*

33 **Sec. 5. 1.** *The Office of the Ombudsman for*
34 *Unemployment Benefits is hereby created within the Division. The*
35 *Ombudsman shall:*

36 (a) *Advocate on behalf of persons applying for or receiving*
37 *benefits;*

38 (b) *Receive, investigate and attempt to solve complaints made*
39 *by or on behalf of persons applying for or receiving benefits;*

40 (c) *Provide any necessary assistance to persons applying or*
41 *receiving benefits;*

42 (d) *Provide education to the public concerning the processes*
43 *for applying for and receiving benefits; and*

44 (e) *Perform such other tasks as are necessary to carry out the*
45 *duties and functions of his or her office.*



1 **2. The Administrator shall appoint the Ombudsman of**
2 **Unemployment Benefits. The Ombudsman is in the unclassified**
3 **service of the State.**

4 **Sec. 6. All benefits paid pursuant to this chapter must be**
5 **paid by check, made payable to the person to whom the benefits**
6 **are payable. The amount of each check must not exceed the total**
7 **amount of benefits payable to the person for any 1 week.**

8 **Sec. 7. The Administrator shall post on an Internet website**
9 **established and maintained by the Administrator:**

10 **1. Instructions describing the manner in which a person may**
11 **file an appeal from a determination of the Administrator pursuant**
12 **to NRS 612.495 or from a decision of an Appeal Tribunal**
13 **pursuant to NRS 612.510.**

14 **2. Information relating to claims for benefits, including,**
15 **without limitation, statistics relating to the number of claims for**
16 **benefits filed in any week, the status of such claims and the results**
17 **of any decision of an Appeal Tribunal or the Board of Review**
18 **relating to such claims. The Administrator shall ensure that**
19 **information posted to the Internet website pursuant to this**
20 **subsection is posted in a manner so that it cannot be used to**
21 **identify and does not provide a reasonable basis upon which to**
22 **identify a person about whom the information relates.**

23 **Sec. 8. NRS 612.025 is hereby amended to read as follows:**

24 612.025 1. Except as otherwise provided in this section and
25 in NRS 612.344, "base period" means the first 4 of the last 5
26 completed calendar quarters immediately preceding the first day of a
27 person's benefit year, except that if one calendar quarter of the base
28 period so established has been used in a previous determination of
29 the person's entitlement to benefits the base period is the first 4
30 completed calendar quarters immediately preceding the first day of
31 the person's benefit year.

32 2. ~~If a person is not entitled to benefits using the base period~~
33 ~~as defined in subsection 1 but would be entitled to benefits if the~~
34 ~~base period were the last 4 completed calendar quarters immediately~~
35 ~~preceding the first day of the person's benefit year, "base period"~~
36 ~~means the last 4 completed calendar quarters immediately preceding~~
37 ~~the first day of the person's benefit year.~~

38 —3. In the case of a combined wage claim pursuant to the
39 reciprocal arrangements provided in NRS 612.295, the base period
40 is that applicable under the unemployment compensation law of the
41 paying state.

42 **Sec. 9. NRS 612.220 is hereby amended to read as follows:**

43 612.220 The Administrator:

44 1. Shall administer this chapter.



1 2. Is responsible for the administration, through the
2 Administrator of the Commission on Postsecondary Education, of
3 the provisions of NRS 394.383 to 394.560, inclusive.

4 3. Has power and authority to adopt, amend or rescind such
5 rules and regulations consistent with the provisions of federal law,
6 to employ, in accordance with the provisions of this chapter, such
7 persons, make such expenditures, require such reports, make such
8 investigations, and take such other action as the Administrator
9 deems necessary or suitable to that end.

10 4. Shall determine his or her own organization and methods of
11 procedure for the Division in accordance with the provisions of this
12 chapter.

13 ~~{5. To the extent allowed by federal law, may, by regulation,~~
14 ~~suspend, modify, amend or waive any requirement of this chapter~~
15 ~~for the duration of a state of emergency or declaration of disaster~~
16 ~~proclaimed pursuant to NRS 414.070 and for any additional period~~
17 ~~of time during which the emergency or disaster directly affects the~~
18 ~~requirement of this chapter if:~~

19 ~~—(a) The Administrator determines the action is:~~

20 ~~—(1) In the best interest of the Division, this State or the~~
21 ~~general health, safety and welfare of the citizens of this State; or~~

22 ~~—(2) Necessary to comply with instructions received from the~~
23 ~~Department of Labor; and~~

24 ~~—(b) The action of the Administrator is approved by the~~
25 ~~Governor.]~~

26 **Sec. 10.** NRS 612.253 is hereby amended to read as follows:

27 612.253 1. Except as otherwise provided *in subsection 2 and*
28 *by federal ~~for state~~ law*, the Administrator or the Division may
29 electronically provide a form, notice, claim, bill or other document
30 or communication to a person if the person has requested to receive
31 communications by electronic transmission, by electronic mail or
32 other electronic communication.

33 ~~{2.}~~ The electronic provision of *such a ~~form, notice, claim, bill~~*
34 *or other* document or communication ~~{pursuant to subsection 1~~
35 ~~does not}~~ *is deemed to* satisfy ~~{or relieve}~~ *any obligation of* the
36 Administrator or Division ~~{of any obligation}~~ under ~~{federal or state~~
37 ~~law}~~ *this chapter* to provide the ~~{form, notice, claim, bill or other}~~
38 document or communication ~~{in the manner required by the~~
39 ~~applicable state or federal law.}~~ *by mail, including, without*
40 *limitation, first-class mail or certified mail.*

41 2. *If the Administrator or Division provides to a person a*
42 *document or communication described in subsection 1*
43 *electronically, the Administrator or Division shall also mail, by*
44 *first-class or certified mail, the document or communication to the*
45 *person if the document or communication involves a substantive*



1 *decision concerning unemployment benefits. The Administrator*
2 *shall adopt regulations specifying documents and communications*
3 *which involve a substantive decision concerning unemployment*
4 *benefits for the purposes of this section.*

5 3. *For any period of time set forth in this chapter that begins*
6 *to run on the date on which a document or communication is*
7 *mailed, the period of time:*

8 (a) *If the document or communication is provided*
9 *electronically pursuant to this section, shall be deemed to begin to*
10 *run on the date on which the document or communication is*
11 *provided electronically; and*

12 (b) *If the document or communication is mailed, rather than*
13 *provided electronically pursuant to this section, shall be deemed to*
14 *be extended by 3 days.*

15 **Sec. 11.** NRS 612.265 is hereby amended to read as follows:

16 612.265 1. Except as otherwise provided in this section and
17 NRS 239.0115, 607.217 and 612.642, information obtained from
18 any employing unit or person pursuant to the administration of this
19 chapter, ~~and~~ any determination as to the benefit rights of any
20 person *and any information relating to the contributions paid by*
21 *an employing unit under this chapter* is confidential and may not
22 be disclosed or be open to public inspection in any manner. ~~[which~~
23 ~~would reveal the person's or employing unit's identity.]~~

24 2. ~~[Any claimant or a legal representative of a claimant is~~
25 ~~entitled to]~~ *The Administrator may disclose any confidential*
26 *information [from the records of the Division, to the extent*
27 *necessary for the proper presentation of the claimant's claim in any*
28 *proceeding pursuant to this chapter. A claimant or an employing*
29 *unit is not entitled to information from the records of the Division*
30 *for any other purpose.] in accordance with the requirements*
31 *enumerated in 20 C.F.R. Part 603 or any successor regulation and*
32 *any written guidance promulgated and issued by the United States*
33 *Department of Labor consistent with 20 C.F.R. Part 603.*

34 3. The Administrator may, in accordance with a cooperative
35 agreement among all participants in the statewide longitudinal data
36 system developed pursuant to NRS 400.037 and administered
37 pursuant to NRS 223.820, make the information obtained by the
38 Division available to:

39 (a) The Board of Regents of the University of Nevada for the
40 purpose of complying with the provisions of subsection 4 of NRS
41 396.531; and

42 (b) The Director of the Department of Employment, Training
43 and Rehabilitation for the purpose of complying with the provisions
44 of paragraph (d) of subsection 1 of NRS 232.920.



1 4. ~~[Subject to such restrictions as the Administrator may by~~
2 ~~regulation prescribe, the information obtained by the Division may~~
3 ~~be made available to:~~

4 ~~—(a) Any agency of this or any other state or any federal agency~~
5 ~~charged with the administration or enforcement of laws relating to~~
6 ~~unemployment— compensation, — public — assistance, — workers’~~
7 ~~compensation or labor and industrial relations, or the maintenance~~
8 ~~of a system of public employment offices;~~

9 ~~—(b) Any state or local agency for the enforcement of child~~
10 ~~support;~~

11 ~~—(c) The Internal Revenue Service of the Department of the~~
12 ~~Treasury;~~

13 ~~—(d) The Department of Taxation;~~

14 ~~—(e) The State Contractors’ Board in the performance of its duties~~
15 ~~to enforce the provisions of chapter 624 of NRS; and~~

16 ~~—(f) The Secretary of State to operate the state business portal~~
17 ~~established pursuant to chapter 75A of NRS for the purposes of~~
18 ~~verifying that data submitted via the portal has satisfied the~~
19 ~~necessary requirements established by the Division, and as~~
20 ~~necessary to maintain the technical integrity and functionality of the~~
21 ~~state business portal established pursuant to chapter 75A of NRS.~~

22 ~~Information obtained in connection with the administration of the~~
23 ~~Division may be made available to persons or agencies for purposes~~
24 ~~appropriate to the operation of a public employment service or a~~
25 ~~public assistance program.~~

26 ~~—5. Upon written request made by the State Controller or a~~
27 ~~public officer of a local government, the Administrator shall furnish~~
28 ~~from the records of the Division the name, address and place of~~
29 ~~employment of any person listed in the records of employment of~~
30 ~~the Division. The request may be made electronically and must set~~
31 ~~forth the social security number of the person about whom the~~
32 ~~request is made and contain a statement signed by the proper~~
33 ~~authority of the State Controller or local government certifying that~~
34 ~~the request is made to allow the proper authority to enforce a law to~~
35 ~~recover a debt or obligation assigned to the State Controller for~~
36 ~~collection or owed to the local government, as applicable. Except as~~
37 ~~otherwise provided in NRS 239.0115, the information obtained by~~
38 ~~the State Controller or local government is confidential and may not~~
39 ~~be used or disclosed for any purpose other than the collection of a~~
40 ~~debt or obligation assigned to the State Controller for collection or~~
41 ~~owed to that local government. The Administrator may charge a~~
42 ~~reasonable fee for the cost of providing the requested information.~~

43 ~~—6.] The Administrator may publish [for otherwise provide]~~
44 ~~*aggregate statistics and* information on [the names of] employers,~~
45 ~~[their addresses,] their type or class of business or industry [.] and~~



1 the approximate number of employees employed by ~~[each]~~ such
2 ~~[employer,]~~ *employers*, if the information released will assist
3 unemployed persons to obtain employment or will be generally
4 useful in developing and diversifying the economic interests of this
5 State. Upon request by a state agency which is able to demonstrate
6 that its intended use of the information will benefit the residents of
7 this State, the Administrator may, in addition to the information
8 listed in this subsection, disclose the number of employees
9 employed by each employer and the total wages paid by each
10 employer. The Administrator may charge a fee to cover the actual
11 costs of any administrative expenses relating to the disclosure of this
12 information . ~~[to a state agency. The Administrator may require the~~
13 ~~state agency to certify in writing that the agency will take all actions~~
14 ~~necessary to maintain the confidentiality of the information and~~
15 ~~prevent its unauthorized disclosure.~~

16 ~~—7.— Upon request therefor, the Administrator shall furnish to any~~
17 ~~agency of the United States charged with the administration of~~
18 ~~public works or assistance through public employment, and may~~
19 ~~furnish to any state agency similarly charged, the name, address,~~
20 ~~ordinary occupation and employment status of each recipient of~~
21 ~~benefits and the recipient's rights to further benefits pursuant to this~~
22 ~~chapter.~~

23 ~~—8.]~~ 5. To further a current criminal investigation, the chief
24 executive officer of any law enforcement agency of this State may
25 submit a written request to the Administrator that the Administrator
26 furnish, from the records of the Division, the name, address and
27 place of employment of any person listed in the records of
28 employment of the Division. The request must set forth the social
29 security number of the person about whom the request is made and
30 contain a statement signed by the chief executive officer certifying
31 that the request is made to further a criminal investigation currently
32 being conducted by the agency. Upon receipt of such a request, the
33 Administrator shall furnish the information requested. The
34 Administrator may charge a fee to cover the actual costs of any
35 related administrative expenses.

36 ~~[9. In addition to the provisions of subsection 6, the~~
37 ~~Administrator shall provide lists containing the names and addresses~~
38 ~~of employers, and information regarding the wages paid by each~~
39 ~~employer to the Department of Taxation, upon request, for use in~~
40 ~~verifying returns for the taxes imposed pursuant to chapters 363A,~~
41 ~~363B and 363C of NRS. The Administrator may charge a fee to~~
42 ~~cover the actual costs of any related administrative expenses.~~

43 ~~—10.— Upon the request of any district judge or jury commissioner~~
44 ~~of the judicial district in which the county is located, the~~
45 ~~Administrator shall, in accordance with other agreements entered~~



~~1 into with other district courts and in compliance with 20 C.F.R. Part
2 603, and any other applicable federal laws and regulations
3 governing the Division, furnish the name, address and date of birth
4 of persons who receive benefits in any county, for use in the
5 selection of trial jurors pursuant to NRS 6.045. The court or jury
6 commissioner who requests the list of such persons shall reimburse
7 the Division for the reasonable cost of providing the requested
8 information.~~

9 ~~11.]~~ 6. The Division of Industrial Relations of the Department
10 of Business and Industry shall periodically submit to the
11 Administrator, from information in the index of claims established
12 pursuant to NRS 616B.018, a list containing the name of each
13 person who received benefits pursuant to chapters 616A to 616D,
14 inclusive, or chapter 617 of NRS. Upon receipt of that information,
15 the Administrator shall compare the information so provided with
16 the records of the Employment Security Division regarding persons
17 claiming benefits pursuant to this chapter for the same period. The
18 information submitted by the Division of Industrial Relations must
19 be in a form determined by the Administrator and must contain the
20 social security number of each such person. If it appears from the
21 information submitted that a person is simultaneously claiming
22 benefits under this chapter and under chapters 616A to 616D,
23 inclusive, or chapter 617 of NRS, the Administrator shall notify the
24 Attorney General or any other appropriate law enforcement agency.

25 ~~12.]~~ 7. The Administrator may request the Comptroller of the
26 Currency of the United States to cause an examination of the
27 correctness of any return or report of any national banking
28 association rendered pursuant to the provisions of this chapter, and
29 may in connection with the request transmit any such report or
30 return to the Comptroller of the Currency of the United States as
31 provided in section 3305(c) of the Internal Revenue Code of 1954.

32 ~~13.]~~ 8. The Administrator, any employee or other person
33 acting on behalf of the Administrator, or any employee or other
34 person acting on behalf of an agency or entity allowed to access
35 information obtained from any employing unit or person in the
36 administration of this chapter, or any person who has obtained a list
37 of applicants for work, or of claimants or recipients of benefits
38 pursuant to this chapter, is guilty of a gross misdemeanor if he or
39 she:

- 40 (a) Uses or permits the use of the list for any political purpose;
- 41 (b) Uses or permits the use of the list for any purpose other than
- 42 one authorized by the Administrator or by law; or
- 43 (c) Fails to protect and prevent the unauthorized use or
- 44 dissemination of information derived from the list.



1 ~~[H4.]~~ 9. All letters, reports or communications of any kind,
2 oral, ~~[or]~~ written ~~[.]~~ *or electronic*, from the employer or employee
3 to each other or to the Division or any of its agents, representatives
4 or employees are ~~[privileged]~~ *confidential* and must not be the
5 subject matter or basis for any lawsuit if the letter, report or
6 communication is written, sent, delivered or prepared pursuant to
7 the requirements of this chapter.

8 **Sec. 12.** NRS 612.365 is hereby amended to read as follows:

9 612.365 1. Any person who is overpaid any amount as
10 benefits under this chapter is liable for the amount overpaid unless:

11 (a) The overpayment was not due to fraud, misrepresentation or
12 willful nondisclosure on the part of the recipient; and

13 (b) The overpayment was received without fault on the part of
14 the recipient, and its recovery would be against equity and good
15 conscience, as determined by the Administrator.

16 2. The amount of the overpayment must be assessed to the
17 liable person, and the person must be notified of the basis of
18 the assessment. The notice must specify the amount for which the
19 person is liable. In the absence of fraud, misrepresentation or willful
20 nondisclosure, notice of the assessment must be mailed or
21 personally served not later than 1 year after the close of the benefit
22 year in which the overpayment was made.

23 3. Except as otherwise provided in ~~[subsection]~~ *subsections* 4
24 ~~[.]~~ *and 5*, at any time within 5 years after the notice of overpayment,
25 the Administrator may recover the amount of the overpayment by
26 using the same methods of collection provided in NRS 612.625 to
27 612.645, inclusive, 612.685 and 612.686 for the collection of past
28 due contributions or by deducting the amount of the overpayment
29 from any benefits payable to the liable person under this chapter.

30 4. *If the overpayment is due to a person who is eligible for*
31 *regular benefits being paid benefits other than regular benefits,*
32 *including, without limitation, extended benefits or benefits payable*
33 *to a person under any federal program administered by the*
34 *Administrator, including, without limitation, benefits payable to a*
35 *person pursuant to 15 U.S.C. § 9021 or 42 U.S.C. § 5177, the*
36 *Administrator shall recover the amount of the overpayment by*
37 *deducting the amount of the overpayment from the amount of*
38 *regular benefits payable to the person.*

39 5. If the overpayment is due to fraud, misrepresentation or
40 willful nondisclosure, the Administrator may, within 10 years after
41 the notice of overpayment, recover any amounts due in accordance
42 with the provisions of NRS 612.7102 to 612.7116, inclusive.

43 ~~[5.]~~ 6. The Administrator may waive recovery or adjustment
44 of all or part of the amount of any such overpayment which the
45 Administrator finds to be uncollectible or the recovery or adjustment



1 of which the Administrator finds to be administratively
2 impracticable.

3 ~~6.7~~ 7. To the extent allowed pursuant to federal law, the
4 Administrator may assess any administrative fee prescribed by an
5 applicable agency of the United States regarding the recovery of
6 such overpayments.

7 ~~7.7~~ 8. Any person against whom liability is determined under
8 this section may appeal therefrom within 11 days after the date the
9 notice provided for in this section was mailed to, or served upon, the
10 person. An appeal must be made and conducted in the manner
11 provided in this chapter for the appeals from determinations of
12 benefit status. The 11-day period provided for in this subsection
13 may be extended for good cause shown.

14 *9. As used in this section, "regular benefits" and "extended*
15 *benefits" have the meanings ascribed to them in NRS 612.377.*

16 **Sec. 13.** NRS 612.377 is hereby amended to read as follows:
17 612.377 As used in NRS 612.377 to 612.3786, inclusive,
18 unless the context clearly requires otherwise:

19 1. "Extended benefit period" means a period which begins with
20 the third week after a week for which there is a Nevada "on"
21 indicator and ends with the third week after the first week for which
22 there is a Nevada "off" indicator or the 13th consecutive week after
23 it began, except that no extended benefit period may begin by
24 reason of a Nevada "on" indicator before the 14th week following
25 the end of a prior extended benefit period which was in effect for
26 Nevada ~~4~~, *unless the United States Department of Labor*
27 *authorizes an extended benefit period to begin before the 14th*
28 *week following the end of a prior extended benefit period.*

29 2. There is a "Nevada 'on' indicator" for a week if the
30 Administrator determines, in accordance with the regulations of the
31 Secretary of Labor, that:

32 (a) For the period consisting of that week and the immediately
33 preceding 12 weeks, the rate of insured unemployment in Nevada
34 (not seasonally adjusted) under NRS 612.377 to 612.3786,
35 inclusive:

36 (1) Equaled or exceeded 120 percent of the average of those
37 rates for the corresponding 13-week period ending in each of the
38 preceding 2 calendar years and equaled or exceeded 5 percent; or

39 (2) Equaled or exceeded 6 percent; or

40 (b) For weeks of unemployment beginning on or after March 18,
41 2020, and ending on or before the week ending 4 weeks before the
42 last week for which full federal sharing is authorized by section
43 4105(a) of Public Law No. 116-127, or which occur during a period
44 of time specified by the Governor in a proclamation issued pursuant
45 to subsection 4 of NRS 612.378, the average rate of total seasonally



1 adjusted unemployment in Nevada, as determined by the Secretary
2 of Labor, for the period consisting of the most recent 3 months for
3 which data for all states are published before the close of such week:

4 (1) Equaled or exceeded 6.5 percent; and

5 (2) Equaled or exceeded 110 percent of the average rate for
6 the corresponding 3-month period ending in either of the 2
7 preceding calendar years.

8 3. There is a "Nevada 'off' indicator" for a week if the
9 Administrator determines, in accordance with the regulations of the
10 Secretary of Labor, that for the period consisting of that week and
11 the immediately preceding 12 weeks, the rate of insured
12 unemployment in Nevada (not seasonally adjusted):

13 (a) Was less than 120 percent of the average of those rates for
14 the corresponding 13-week period ending in each of the preceding 2
15 calendar years; or

16 (b) Was less than 5 percent.

17 4. "Rate of insured unemployment," for purposes of
18 subsections 2 and 3, means the percentage derived by dividing the
19 average weekly number of persons filing claims in this State for the
20 weeks of unemployment for the most recent period of 13
21 consecutive weeks, as determined by the Administrator on the basis
22 of the Administrator's reports to the Secretary of Labor using the
23 average monthly employment covered under this chapter as
24 determined by the Administrator and recorded in the records of the
25 Division for the first four of the most recent six completed calendar
26 quarters ending before the end of the 13-week period.

27 5. "Regular benefits" means benefits payable to a person under
28 this chapter or under any other state law (including benefits payable
29 to federal civilian employees and to ex-servicemen or ex-
30 servicewomen pursuant to 5 U.S.C. §§ 8501 et seq.) other than
31 extended benefits.

32 6. "Extended benefits" means benefits (including benefits
33 payable to federal civilian employees and to ex-servicemen or ex-
34 servicewomen pursuant to 5 U.S.C. §§ 8501 et seq.) payable to a
35 person under the provisions of NRS 612.377 to 612.3786, inclusive,
36 for the weeks of unemployment in the person's eligibility period.

37 7. "Additional benefits" means benefits payable to exhaustees
38 by reason of conditions of high unemployment or by reason of other
39 special factors under the provisions of any state law. Any person
40 who is entitled to both additional and extended benefits for the same
41 week must be given the choice of electing which type of benefit to
42 claim regardless of whether his or her rights to additional and
43 extended benefits arise under the law of the same state or different
44 states.



1 8. "Eligibility period" of a person means the period consisting
2 of the weeks in the person's benefit year under this chapter which
3 begin in an extended benefit period and, if that benefit year ends
4 within the extended benefit period, any weeks thereafter which
5 begin in that period.

6 9. "Exhaustee" means a person who, with respect to any week
7 of unemployment in the person's eligibility period:

8 (a) Has received, before that week, all of the regular, seasonal or
9 nonseasonal benefits that were available to him or her under this
10 chapter or any other state law (including augmented weekly benefits
11 for dependents and benefits payable to federal civilian employees
12 and ex-servicemen or ex-servicewomen under 5 U.S.C. §§ 8501 et
13 seq.) in the person's current benefit year which includes that week,
14 except that, for the purposes of this paragraph, a person shall be
15 deemed to have received all of the regular benefits that were
16 available to him or her, although as a result of a pending appeal with
17 respect to wages that were not considered in the original monetary
18 determination in that benefit year, the person may subsequently be
19 determined to be entitled to added regular benefits; or

20 (b) His or her benefit year having expired before that week, has
21 no, or insufficient, wages on the basis of which the person could
22 establish a new benefit year which would include that week,
23 and has no right to unemployment benefits or allowances, as the
24 case may be, under the Railroad Unemployment Insurance Act, 45
25 U.S.C. §§ 351 et seq., the Trade Expansion Act of 1962, 19 U.S.C.
26 §§ 1801 et seq., the Automotive Products Trade Act of 1965, 19
27 U.S.C. §§ 2001 et seq. and such other federal laws as are specified
28 in regulations issued by the Secretary of Labor, and has not received
29 and is not seeking unemployment benefits under the unemployment
30 compensation law of Canada. If the person is seeking such benefits
31 and the appropriate agency finally determines that the person is not
32 entitled to benefits under that law the person is considered an
33 exhaustee.

34 10. "State law" means the unemployment insurance law of any
35 state, approved by the Secretary of Labor under Section 3304 of the
36 Internal Revenue Code of 1954.

37 **Sec. 14.** NRS 612.420 is hereby amended to read as follows:

38 612.420 ~~[1.—Except as otherwise provided in subsection 2, a]~~
39 A person is disqualified for benefits for any week with respect to
40 which the person receives either wages in lieu of notice or severance
41 pay.

42 ~~[2.—The Administrator may, by regulation, waive or modify the~~
43 ~~period of disqualification set forth in subsection 1:~~

44 ~~—(a) For good cause; or~~



1 ~~—(b) If the Administrator determines such action is necessary to~~
2 ~~expedite benefits and protect the health, safety and well being of~~
3 ~~claimants.]~~

4 **Sec. 15.** NRS 612.425 is hereby amended to read as follows:

5 612.425 ~~[1.—Except as otherwise provided in subsection 2, a]~~

6 A claimant shall be disqualified for benefits for any week with
7 respect to which the claimant is on paid vacation.

8 ~~[2.—The Administrator may, by regulation, waive or modify the~~
9 ~~period of disqualification set forth in subsection 1:~~

10 ~~—(a) For good cause; or~~

11 ~~—(b) If the Administrator determines such action is necessary to~~
12 ~~expedite benefits and protect the health, safety and well being of~~
13 ~~claimants.]~~

14 **Sec. 16.** NRS 612.430 is hereby amended to read as follows:

15 612.430 ~~[1.—Except as otherwise provided in subsection 2, a]~~

16 A claimant shall be disqualified for benefits for any week following
17 termination of work, which could have been compensated by
18 vacation pay had termination not occurred, if the claimant actually
19 receives such compensation at the time of separation or on regular
20 paydays immediately following termination.

21 ~~[2.—The Administrator may, by regulation, waive or modify the~~
22 ~~period of disqualification set forth in subsection 1:~~

23 ~~—(a) For good cause; or~~

24 ~~—(b) If the Administrator determines such action is necessary to~~
25 ~~expedite benefits and protect the health, safety and well being of~~
26 ~~claimants.]~~

27 **Sec. 17.** NRS 612.450 is hereby amended to read as follows:

28 612.450 Claims for benefits shall be made in the manner
29 prescribed by or authorized by NRS 612.455 to 612.530, inclusive,
30 *and sections 3 and 4 of this act* and in no other way.

31 **Sec. 18.** NRS 612.460 is hereby amended to read as follows:

32 612.460 1. An unemployed person may file a request for a
33 determination of the person's benefit status in accordance with
34 regulations prescribed by the Administrator. Upon such request, the
35 Administrator shall furnish the person with a written determination
36 ~~[]~~ *not later than 30 days after the date on which the person filed*
37 *the request for a determination.* If it is determined that the claimant
38 is an insured worker, the determination must include a statement as
39 to the amount of wages for insured work paid to the claimant by
40 each employer in his or her base period, and the employers by
41 whom those wages were paid. It must include also the claimant's
42 benefit year, his or her weekly benefit amount and the maximum
43 amount of benefits that may be paid to the claimant for his or her
44 unemployment during the benefit year. All base-period employers of
45 a claimant must be notified promptly when a claimant files a request



1 for determination of his or her benefit status which results in a
2 determination that the claimant is an insured worker.

3 2. If it is determined that the person is not an insured worker,
4 the determination must include a statement as to the reason therefor,
5 the amount of wages paid to the person by each employer during his
6 or her base period and the employers by whom those wages were
7 paid.

8 **Sec. 19.** NRS 612.470 is hereby amended to read as follows:

9 612.470 1. The Administrator shall ~~also promptly~~, *not*
10 *more than 14 days after a claimant who is an insured worker has*
11 *filed a claim for benefits for a week of unemployment during the*
12 *benefit year of the insured worker*, determine whether ~~an~~ *the*
13 insured worker is ineligible or disqualified with respect to ~~any~~ *that*
14 week. ~~occurring within the benefit year.~~

15 2. The insured worker must be given a written notice of the
16 determination. A benefit payment shall be deemed a determination
17 with respect to the week for which payment is made and notice to
18 the claimant that the claimant is eligible to receive payment for the
19 period covered thereby. If it is determined that the insured worker is
20 not eligible to receive benefits or is disqualified for any week or
21 weeks, the worker must be promptly furnished with a written notice
22 of the determination, which must give the reasons for the
23 determination and the length of the disqualification.

24 **Sec. 20.** NRS 612.495 is hereby amended to read as follows:

25 612.495 1. Any person entitled to a notice of determination
26 or redetermination may file an appeal from the determination with
27 an Appeal Tribunal, and the Administrator shall be a party
28 respondent thereto. The appeal must be filed within 11 days after the
29 date of mailing or personal service of the notice of determination or
30 redetermination. The 11-day period may be extended for good cause
31 shown. Any employing unit whose rights may be adversely affected
32 may be permitted by the Appeal Tribunal to intervene as a party
33 respondent to the appeal.

34 2. An appeal shall be deemed to be filed ~~on the date it~~ :

35 *(a) If the appeal is personally served to the Division, on the*
36 *date the appeal is delivered to the Division. ~~, or, if it~~*

37 *(b) If the appeal is mailed ~~it~~ by certified mail*, on the
38 postmarked date appearing on the envelope in which it was mailed,
39 if postage is prepaid and the envelope is properly addressed to the
40 office of the Division that mailed notice of the person's claim for
41 benefits to each employer entitled to notice under NRS 612.475.

42 *(c) If the appeal is submitted through an Internet website*
43 *connected to the computerized system described in section 2 of this*
44 *act, on the date on which the appeal is submitted.*



1 3. The 11-day period provided for in this section must be
2 computed by excluding the day the determination was mailed or
3 personally served, and including the last day of the 11-day period,
4 unless the last day is a Saturday, Sunday or holiday, in which case
5 that day must also be excluded.

6 4. The Appeal Tribunal may permit the withdrawal of the
7 appeal by the appellant at the appellant's request if there is no
8 coercion or fraud involved in the withdrawal.

9 **Sec. 21.** NRS 612.500 is hereby amended to read as follows:

10 612.500 1. A reasonable opportunity for a fair hearing on
11 appeals must be promptly afforded all parties. *Such a hearing must*
12 *be held not later than 30 days after the date on which the appeal*
13 *was filed, as determined pursuant to NRS 612.495.*

14 2. An Appeal Tribunal shall inquire into and develop all facts
15 bearing on the issues and shall receive and consider evidence
16 without regard to statutory and common-law rules. In addition to the
17 issues raised by the appealed determination, the Appeal Tribunal
18 may consider all issues affecting the claimant's rights to benefits
19 from the beginning of the period covered by the determination to the
20 date of the hearing.

21 3. An Appeal Tribunal shall include in the record and consider
22 as evidence all records of the Administrator that are material to the
23 issues.

24 4. The Administrator shall adopt regulations governing the
25 manner of filing appeals and the conduct of hearings and appeals
26 consistent with the provisions of this chapter.

27 5. A record of all testimony and proceedings on appeal must be
28 kept for 6 months after the date on which a decision of an Appeal
29 Tribunal is mailed, but testimony need not be transcribed unless
30 further review is initiated. If further review is not initiated within
31 that period, the record may be destroyed.

32 6. Witnesses subpoenaed are entitled to fees in the amounts
33 specified in NRS 50.225, and the fees of witnesses so subpoenaed
34 shall be deemed part of the expense of administering this chapter.

35 7. An Appeal Tribunal shall not participate in an appeal
36 hearing in which the Appeal Tribunal has a direct or indirect
37 interest.

38 8. If the records of an appeal have been destroyed pursuant to
39 subsection 5, a person aggrieved by the decision in the appeal may
40 petition a district court for a trial de novo. If the district court finds
41 that good cause exists for the party's failure to pursue the
42 administrative remedies provided in NRS 612.510, it may grant the
43 petitioner's request.

44 *9. If a party to whom the Administrator denied benefits*
45 *prevails in an appeal before an Appeal Tribunal, the*



1 *Administrator shall pay all costs and reasonable attorney's fees*
2 *incurred by the party in connection with the appeal.*

3 **Sec. 22.** NRS 612.510 is hereby amended to read as follows:

4 612.510 1. After a hearing, an Appeal Tribunal shall make its
5 findings promptly and on the basis thereof affirm, modify or reverse
6 the determination. Each party must be promptly furnished a copy of
7 the decision and the supporting findings.

8 2. The decision is final unless an appeal to the Board of
9 Review or a request for review or appeal to the Board of Review is
10 filed, within 11 days after the decision has been mailed to each
11 party's last known address or otherwise delivered to the party. The
12 11-day period may be extended for good cause shown.

13 3. A request for review or appeal to the Board of Review shall
14 be deemed to be filed ~~[on the date it]~~ :

15 (a) *If the request or appeal is personally served to the Division,*
16 *on the date the request or appeal is delivered to the Division . ~~[, or,~~*
17 *if it]*

18 (b) *If the request or appeal is mailed ~~[,]~~ to the Division by*
19 *certified mail,* on the postmarked date appearing on the envelope in
20 which it was mailed, if the postage was prepaid and the envelope
21 was properly addressed to one of the offices of the Division.

22 (c) *If the request or appeal is submitted through an Internet*
23 *website connected to the computerized system described in section*
24 *2 of this act, on the date on which the request or appeal is*
25 *submitted.*

26 4. The time provided for in this section must be computed in
27 the manner provided in NRS 612.495.

28 **Sec. 23.** NRS 612.515 is hereby amended to read as follows:

29 612.515 1. An appeal to the Board of Review by any party
30 must be allowed as a matter of right if the Appeal Tribunal's
31 decision reversed or modified the Administrator's determination. In
32 all other cases, further review must be at the discretion of the Board
33 of Review.

34 2. The Board on its own motion may initiate a review of a
35 decision or determination of an Appeal Tribunal within 11 days
36 after the date of mailing of the decision.

37 3. The Board may affirm, modify or reverse the findings or
38 conclusions of the Appeal Tribunal solely on the basis of evidence
39 previously submitted, or upon the basis of such additional evidence
40 as it may direct to be taken.

41 4. Each party, including the Administrator, must be promptly
42 furnished a copy of the decision and the supporting findings of the
43 Board of Review.

44 5. *If a party to whom the Administrator denied benefits*
45 *prevails in an appeal pursuant to this section, the Administrator*



1 *shall pay all costs and reasonable attorney's fees incurred by the*
2 *party in connection with the appeal.*

3 **Sec. 24.** NRS 612.550 is hereby amended to read as follows:
4 612.550 1. As used in this section:

5 (a) "Average actual duration" means the number of weeks
6 obtained by dividing the number of weeks of benefits paid for weeks
7 of total unemployment in a consecutive 12-month period by the
8 number of first payments made in the same 12-month period.

9 (b) "Average annual payroll" for each calendar year means the
10 annual average of total wages paid by an employer subject to
11 contributions for the 3 consecutive calendar years immediately
12 preceding the computation date. The average annual payroll for
13 employers first qualifying as eligible employers must be computed
14 on the total amount of wages paid, subject to contributions, for not
15 less than 10 consecutive quarters and not more than 12 consecutive
16 quarters ending on December 31, immediately preceding the
17 computation date.

18 (c) "Beneficiary" means a person who has received a first
19 payment.

20 (d) "Computation date" for each calendar year means June 30 of
21 the preceding calendar year.

22 (e) "Covered worker" means a person who has worked in
23 employment subject to this chapter.

24 (f) "First payment" means the first weekly unemployment
25 insurance benefit paid to a person in the person's benefit year.

26 (g) "Reserve balance" means the excess, if any, of total
27 contributions paid by each employer over total benefit charges to
28 that employer's experience rating record.

29 (h) "Reserve ratio" means the percentage ratio that the reserve
30 balance bears to the average annual payroll.

31 (i) "Total contributions paid" means the total amount of
32 contributions, due on wages paid on or before the computation date,
33 paid by an employer not later than the last day of the second month
34 immediately following the computation date.

35 (j) "Unemployment risk ratio" means the ratio obtained by
36 dividing the number of first payments issued in any consecutive 12-
37 month period by the average monthly number of covered workers in
38 employment as shown on the records of the Division for the same
39 12-month period.

40 2. The Administrator shall, as of the computation date for each
41 calendar year, classify employers in accordance with their actual
42 payrolls, contributions and benefit experience, and shall determine
43 for each employer the rate of contribution which applies to that
44 employer for each calendar year in order to reflect his or her
45 experience and classification. The contribution rate of an employer



1 may not be reduced below 2.95 percent, unless there have been 12
2 consecutive calendar quarters immediately preceding the
3 computation date throughout which the employer has been subject
4 to this chapter and his or her account as an employer could have
5 been charged with benefit payments, except that an employer who
6 has not been subject to the law for a sufficient period to meet this
7 requirement may qualify for a rate less than 2.95 percent if his or
8 her account has been chargeable throughout a lesser period not less
9 than the 10-consecutive-calendar-quarter period ending on the
10 computation date.

11 3. Any employer who qualifies under paragraph (b) of
12 subsection 9 and receives the experience record of a predecessor
13 employer must be assigned the contribution rate of the predecessor.

14 4. Benefits paid to a person up to and including the
15 computation date must be charged against the records, for
16 experience rating, of the person's base-period employers in the same
17 percentage relationship that wages reported by individual employers
18 represent to total wages reported by all base period employers,
19 except that:

20 (a) If one of the base period employers has paid 75 percent or
21 more of the wages paid to the person during the person's base
22 period, and except as otherwise provided in NRS 612.551, the
23 benefits, less a proportion equal to the proportion of wages paid
24 during the base period by employers who make reimbursement in
25 lieu of contributions, must be charged to the records for experience
26 rating of that employer. The proportion of benefits paid which is
27 equal to the part of the wages of the claimant for the base period
28 paid by an employer who makes reimbursement must be charged to
29 the record of that employer.

30 (b) No benefits paid to a multistate claimant based upon
31 entitlement to benefits in more than one state may be charged to the
32 experience rating record of any employer when no benefits would
33 have been payable except pursuant to NRS 612.295.

34 (c) Except for employers who have been given the right to make
35 reimbursement in lieu of contributions, extended benefits paid to a
36 person must not be charged against the accounts of the person's
37 base-period employers.

38 *(d) If a person is overpaid any amount as benefits, the amount*
39 *of the overpayment must not be charged against the accounts of*
40 *the person's base-period employers.*

41 5. The Administrator shall, as of the computation date for each
42 calendar year, compute the reserve ratio for each eligible employer
43 and shall classify those employers on the basis of their individual
44 reserve ratios. The contribution rate assigned to each eligible
45 employer for the calendar year must be determined by the range



1 within which the employer's reserve ratio falls. The Administrator
2 shall, by regulation, prescribe the contribution rate schedule to apply
3 for each calendar year by designating the ranges of reserve ratios to
4 which must be assigned the various contribution rates provided in
5 subsection 6. The lowest contribution rate must be assigned to the
6 designated range of highest reserve ratios and each succeeding
7 higher contribution rate must be assigned to each succeeding
8 designated range of lower reserve ratios, except that, within the
9 limits possible, the differences between reserve ratio ranges must be
10 uniform.

11 6. Each employer eligible for a contribution rate based upon
12 experience and classified in accordance with this section must be
13 assigned a contribution rate by the Administrator for each calendar
14 year according to the following classes:

15		
16	Class 1	0.25 percent
17	Class 2	0.55 percent
18	Class 3	0.85 percent
19	Class 4	1.15 percent
20	Class 5	1.45 percent
21	Class 6	1.75 percent
22	Class 7	2.05 percent
23	Class 8	2.35 percent
24	Class 9	2.65 percent
25	Class 10	2.95 percent
26	Class 11	3.25 percent
27	Class 12	3.55 percent
28	Class 13	3.85 percent
29	Class 14	4.15 percent
30	Class 15	4.45 percent
31	Class 16	4.75 percent
32	Class 17	5.05 percent
33	Class 18	5.40 percent
34		

35 7. On September 30 of each year, the Administrator shall
36 determine:

37 (a) The highest of the unemployment risk ratios experienced in
38 the 109 consecutive 12-month periods in the 10 years ending on
39 March 31;

40 (b) The potential annual number of beneficiaries found by
41 multiplying the highest unemployment risk ratio by the average
42 monthly number of covered workers in employment as shown on
43 the records of the Division for the 12 months ending on March 31;

44 (c) The potential annual number of weeks of benefits payable
45 found by multiplying the potential number of beneficiaries by the



1 highest average actual duration experienced in the 109 consecutive
2 12-month periods in the 10 years ending on September 30; and

3 (d) The potential maximum annual benefits payable found by
4 multiplying the potential annual number of weeks of benefits
5 payable by the average payment made to beneficiaries for weeks of
6 total unemployment in the 12 months ending on September 30.

7 8. The Administrator shall issue an individual statement,
8 itemizing benefits charged during the 12-month period ending on
9 the computation date, total benefit charges, total contributions paid,
10 reserve balance and the rate of contributions to apply for that
11 calendar year, for each employer whose account is in active status
12 on the records of the Division on January 1 of each year and whose
13 account is chargeable with benefit payments on the computation
14 date of that year.

15 9. If an employer transfers its trade or business, or a portion
16 thereof, to another employer:

17 (a) And there is substantially common ownership, management
18 or control of the employers, the experience record attributable to the
19 transferred trade or business must be transferred to the employer to
20 whom the trade or business is transferred. The rates of both
21 employers must be recalculated, and the recalculated rates become
22 effective on the date of the transfer of the trade or business. If the
23 Administrator determines, following the transfer of the experience
24 record pursuant to this paragraph, that the sole or primary purpose
25 of the transfer of the trade or business was to obtain a reduced
26 liability for contributions, the Administrator shall combine the
27 experience rating records of the employers involved into a single
28 account and assign a single rate to the account.

29 (b) And there is no substantially common ownership,
30 management or control of the employers, the experience record of
31 an employer may be transferred to a successor employer as of the
32 effective date of the change of ownership if:

33 (1) The successor employer acquires the entire or a severable
34 and distinct portion of the business, or substantially all of the assets,
35 of the employer;

36 (2) The successor employer notifies the Division of the
37 acquisition in writing within 90 days after the date of the
38 acquisition;

39 (3) The employer and successor employer submit a joint
40 application to the Administrator requesting the transfer; and

41 (4) The joint application is approved by the Administrator.

42 ➔ The joint application must be submitted within 1 year after the
43 date of issuance by the Division of official notice of eligibility to
44 transfer.



1 (c) Except as otherwise provided in paragraph (a), a transfer of
2 the experience record must not be completed if the Administrator
3 determines that the acquisition was effected solely or primarily to
4 obtain a more favorable contribution rate.

5 (d) Any liability to the Division for unpaid contributions,
6 interest or forfeit attributable to the transferred trade or business
7 must be transferred to the successor employer. The percentage of
8 liability transferred must be the same as the percentage of the
9 experience record transferred.

10 10. Whenever an employer has paid no wages in employment
11 for 8 consecutive calendar quarters following the last calendar
12 quarter in which the employer paid wages for employment, the
13 Administrator shall terminate the employer's experience rating
14 account, and the account must not thereafter be used in any rate
15 computation.

16 11. The Administrator may adopt reasonable accounting
17 methods to account for those employers which are in a category for
18 providing reimbursement in lieu of contributions.

19 ~~12. To the extent allowed by federal law, the Administrator
20 may, by regulation, suspend, modify, amend or waive any
21 requirement of this section for the duration of a state of emergency
22 or declaration of disaster proclaimed pursuant to NRS 414.070 and
23 for any additional period of time during which the emergency or
24 disaster directly affects the requirement of this section if:~~

25 ~~— (a) The Administrator determines the action is:~~

26 ~~— (1) In the best interest of the Division, this State or the
27 general health, safety and welfare of the citizens of this State; or~~

28 ~~— (2) Necessary to comply with instructions received from the
29 Department of Labor; and~~

30 ~~— (b) The action of the Administrator is approved by the
31 Governor.]~~

32 **Sec. 25.** NRS 612.551 is hereby amended to read as follows:

33 612.551 1. Except as otherwise provided in subsections 2, 3
34 and 7, if the Division determines that a claimant has earned 75
35 percent or more of his or her wages during his or her base period
36 from one employer, it shall notify the employer by mail of its
37 determination and advise him or her that he or she has a right to
38 protest the charging of benefits to his or her account pursuant to
39 subsection 4 of NRS 612.550.

40 2. Benefits paid pursuant to an elected base period in
41 accordance with NRS 612.344 must not be charged against the
42 record for experience rating of the employer.

43 3. Except as otherwise provided in subsection 7, if a claimant
44 leaves his or her last or next to last employer to take other
45 employment and leaves or is discharged by the latter employer,



1 benefits paid to the claimant must not be charged against the record
2 for experience rating of the former employer.

3 4. If the employer provides evidence within 10 working days
4 after the notice required by subsection 1 was mailed which satisfies
5 the Administrator that the claimant:

6 (a) Left his or her employment voluntarily without good cause
7 or was discharged for misconduct connected with the employment;
8 or

9 (b) Was the spouse of an active member of the Armed Forces of
10 the United States and left his or her employment because the spouse
11 was transferred to a different location,

12 ➤ the Administrator shall order that the benefits not be charged
13 against the record for experience rating of the employer.

14 5. The employer may appeal from the ruling of the
15 Administrator relating to the cause of the termination of the
16 employment of the claimant in the same manner as appeals may be
17 taken from determinations relating to claims for benefits.

18 6. A determination made pursuant to this section does not
19 constitute a basis for disqualifying a claimant to receive benefits.

20 7. If an employer who is given notice of a claim for benefits
21 pursuant to subsection 1 fails to submit timely to the Division all
22 known relevant facts which may affect the claimant's rights to
23 benefits as required by NRS 612.475, the employer's record for
24 experience rating is not entitled to be relieved of the amount of any
25 benefits paid to the claimant as a result of such failure that were
26 charged against the employer's record pursuant to NRS 612.550
27 or 612.553.

28 ~~[8. To the extent allowed by federal law, the Administrator~~
29 ~~may, by regulation, suspend, modify, amend or waive any~~
30 ~~requirement of this section for the duration of a state of emergency~~
31 ~~or declaration of disaster proclaimed pursuant to NRS 414.070 and~~
32 ~~for any additional period of time during which the emergency or~~
33 ~~disaster directly affects the requirement of this section if:~~

34 ~~— (a) The Administrator determines the action is:~~

35 ~~— (1) In the best interest of the Division, this State or the~~
36 ~~general health, safety and welfare of the citizens of this State; or~~

37 ~~— (2) Necessary to comply with instructions received from the~~
38 ~~Department of Labor; and~~

39 ~~— (b) The action of the Administrator is approved by the~~
40 ~~Governor.]~~

41 **Sec. 26.** NRS 612.553 is hereby amended to read as follows:

42 612.553 1. For the purposes of this section:

43 (a) "Indian tribe" includes any entity described in subsection 10
44 of NRS 612.055.



1 (b) "Nonprofit organization" means any entity described in
2 subsection 1 of NRS 612.121.

3 (c) "Political subdivision" means any entity described in
4 subsection 9 of NRS 612.055.

5 2. Any nonprofit organization, political subdivision or Indian
6 tribe which is subject to this chapter:

7 (a) Shall pay contributions to the Unemployment Compensation
8 Fund in the manner provided in NRS 612.535 to 612.550, inclusive,
9 unless it elects, in accordance with this section, to pay into the
10 Unemployment Compensation Fund, in lieu of contributions, as
11 reimbursement an amount equivalent to the amount of regular
12 unemployment compensation benefits and one-half of the extended
13 benefits paid to claimants that is attributable to wages paid, *not*
14 *including any amount of benefits overpaid to a claimant*, except
15 that after December 31, 1978, a political subdivision, and after
16 December 21, 2000, an Indian tribe, shall reimburse an amount
17 equal to the regular unemployment compensation benefits and all of
18 the extended benefits ~~+~~, *not including any amount overpaid to*
19 *claimant*. An Indian tribe may elect to become liable for payments
20 by way of reimbursement in lieu of contributions for the tribe as a
21 whole, or for any political subdivision, subsidiary, wholly owned
22 business, or any combination thereof. The amount of benefits
23 payable by each employer who elects to make payments by way of
24 reimbursement in lieu of contributions must be an amount which
25 bears the same ratio to the total benefits paid to a person as the total
26 base-period wages paid to that person by the employer bear to the
27 total base-period wages paid to that person by all of the person's
28 base-period employers. Two or more employers who have become
29 liable for payments by way of reimbursement in lieu of
30 contributions may file a joint application, in accordance with
31 regulations of the Administrator, for the establishment of a group
32 account for the purpose of sharing the cost of benefits paid that are
33 attributable to service in the employ of such employers.

34 (b) May elect to become liable for payments by way of
35 reimbursement in lieu of contributions for a period of not less than 4
36 consecutive calendar quarters beginning with the first day of the
37 calendar quarter on which it became subject to this chapter by filing
38 a written notice with the Administrator not later than 30 days
39 immediately following the date of the determination that it is subject
40 to this chapter. The organization remains liable for payments by way
41 of reimbursement in lieu of contributions until it files with the
42 Administrator a written notice terminating its election not later than
43 30 days before the beginning of the taxable year for which the
44 termination is first effective.



1 3. Any nonprofit organization, political subdivision or Indian
2 tribe which is paying contributions as provided in NRS 612.535 to
3 612.550, inclusive, may change to a reimbursement-in-lieu-of-
4 contributions basis by filing with the Administrator not later than 30
5 days before the beginning of any taxable year a written notice of its
6 election to become liable for payments by way of reimbursements in
7 lieu of contributions. The election is not terminable by the
8 organization for that and the next taxable year.

9 4. The Administrator may for a good cause extend the period in
10 which a notice of election or a notice of termination must be filed
11 and may permit an election to be retroactive, but not any earlier than
12 with respect to benefits paid after December 31, 1970, for a
13 nonprofit organization, December 31, 1976, for a political entity, or
14 December 21, 2000, for an Indian tribe.

15 5. The Administrator shall notify each nonprofit organization,
16 political subdivision and Indian tribe of any determination which the
17 Administrator may make of its status as an employer and of the
18 effective date of any election which it makes and of any termination
19 of such election. The Administrator's determination is subject to
20 reconsideration, petitions for hearing and judicial review in
21 accordance with the provisions of this chapter.

22 6. The amount of reimbursement in lieu of contributions due
23 from each employing unit which elects to make reimbursement in
24 lieu of contributions must be determined by the Administrator as
25 soon as practicable after the end of each calendar quarter or at the
26 end of any other period as determined by the Administrator. The
27 Administrator shall bill each employing unit which makes
28 reimbursement in lieu of contributions for an amount determined
29 pursuant to paragraph (a) of subsection 2. Amounts due under this
30 subsection must be paid not later than 30 days after a bill is mailed
31 to the last known address of the employing unit. If payment is not
32 made on or before the date due and payable, the whole or any part
33 thereafter remaining unpaid bears interest at the rate of one-half
34 percent per month or fraction thereof, from and after the due date
35 until payment is received by the Administrator. The amount of
36 payments due, but not paid, may be collected by the Administrator,
37 together with interest and penalties, if any, in the same manner and
38 subject to the same conditions as contributions due from other
39 employers. The amount due specified in any bill from the
40 Administrator is conclusive and binding on the employing unit,
41 unless not later than 15 days after the bill was mailed to its last
42 known address, the employing unit files an application for
43 redetermination. A redetermination made under this subsection is
44 subject to petition for hearing and judicial review in accordance
45 with the provisions of this chapter. Payments made by any nonprofit



1 organization, political subdivision or Indian tribe under the
2 provisions of this section must not be deducted, in whole or in part,
3 from the wages of any person employed by that organization.

4 7. The Administrator shall:

5 (a) Suspend the election of an Indian tribe to become liable for
6 payments by way of reimbursement in lieu of contributions if the
7 tribe fails to make payment, together with interest and penalties, if
8 any, within 90 days after the tribe receives a bill from the
9 Administrator.

10 (b) Require an Indian tribe whose election to become liable for
11 payments by way of reimbursement in lieu of contributions is
12 suspended pursuant to paragraph (a) to pay contributions as set forth
13 in NRS 612.535 to 612.550, inclusive, for the following taxable year
14 unless the Administrator receives its payment in full before the
15 Administrator computes the contribution rates for that year.

16 (c) Reinstate the election of an Indian tribe to become liable for
17 payments by way of reimbursement in lieu of contributions that is
18 suspended pursuant to paragraph (a) if the tribe:

19 (1) Has paid all contributions pursuant to NRS 612.535 to
20 612.550, inclusive, including interest and penalties, for not less than
21 1 year; and

22 (2) Has no unpaid balance owing to the Administrator for
23 any contribution, payment in lieu of contributions, penalty or
24 interest.

25 8. Benefits are payable on the basis of employment to which
26 this section applies, in the same amount, on the same terms and
27 subject to the same conditions as benefits payable on the basis of
28 other employment subject to this chapter.

29 9. In determining contribution rates assigned to employers
30 under this chapter, the payrolls of employing units liable for
31 payments in lieu of contributions must not be included in computing
32 the contribution rates to be assigned to employers under this chapter.
33 The reimbursement in lieu of contributions paid by or due from such
34 employing units must be included in the total assets of the fund in
35 the same manner as contributions paid by other employers.

36 10. The provisions of NRS 612.550 do not apply to employers
37 who elect reimbursement in lieu of contributions.

38 11. Except as inconsistent with the provisions of this section,
39 the provisions of this chapter and regulations of the Administrator
40 apply to any matter arising pursuant to this section.

41 **Sec. 27.** NRS 6.045 is hereby amended to read as follows:

42 6.045 1. The district court may by rule of court designate the
43 clerk of the court, one of the clerk's deputies or another person as a
44 jury commissioner and may assign to the jury commissioner such



1 administrative duties in connection with trial juries and jurors as the
2 court finds desirable for efficient administration.

3 2. If a jury commissioner is so selected, the jury commissioner
4 shall from time to time estimate the number of trial jurors which
5 will be required for attendance on the district court and shall select
6 that number from the qualified electors of the county not exempt by
7 law from jury duty, whether registered as voters or not. The jurors
8 may be selected by computer whenever procedures to assure random
9 selection from computerized lists are established by the jury
10 commissioner.

11 3. The jury commissioner shall, for the purpose of selecting
12 trial jurors, compile and maintain a list of qualified electors from
13 information provided by:

14 (a) A list of persons who are registered to vote in the county;

15 (b) The Department of Motor Vehicles pursuant to NRS 482.171
16 and 483.225; *and*

17 (c) ~~The Employment Security Division of the Department of~~
18 ~~Employment, Training and Rehabilitation pursuant to NRS 612.265;~~
19 *and*

20 ~~—(d)—~~ A public utility pursuant to NRS 704.206.

21 4. In compiling and maintaining the list of qualified electors,
22 the jury commissioner shall avoid duplication of names.

23 5. The jury commissioner shall:

24 (a) Keep a record of the name, occupation, address and race of
25 each trial juror selected pursuant to subsection 2;

26 (b) Keep a record of the name, occupation, address and race of
27 each trial juror who appears for jury service; and

28 (c) Prepare and submit a report to the Court Administrator
29 which must:

30 (1) Include statistics from the records required to be
31 maintained by the jury commissioner pursuant to this subsection,
32 including, without limitation, the name, occupation, address and
33 race of each trial juror who is selected and of each trial juror who
34 appears for jury service;

35 (2) Be submitted at least once a year; and

36 (3) Be submitted in the time and manner prescribed by the
37 Court Administrator.

38 6. The jury commissioner shall not select the name of any
39 person whose name was selected the previous year, and who
40 actually served on the jury by attending in court in response to the
41 venire from day to day until excused from further attendance by
42 order of the court, unless there are not enough other suitable jurors
43 in the county to do the required jury duty.

44 **Sec. 28.** 1. There is hereby appropriated from the State
45 General Fund to the Employment Security Division of the



1 Department of Employment, Training and Rehabilitation the sum of
2 \$40,000,000 for the purpose of establishing and maintaining a
3 computerized system pursuant to section 2 of this act.

4 2. Any remaining balance of the appropriation made by
5 subsection 1 must not be committed for expenditure after June 30,
6 2023, by the entity to which the appropriation is made or any entity
7 to which money from the appropriation is granted or otherwise
8 transferred in any manner, and any portion of the appropriated
9 money remaining must not be spent for any purpose after
10 September 15, 2023, by either the entity to which the money was
11 appropriated or the entity to which the money was subsequently
12 granted or transferred, and must be reverted to the State General
13 Fund on or before September 15, 2023.

14 **Sec. 29.** 1. Notwithstanding the provisions of NRS 612.550,
15 as amended by section 24 of this act, benefits paid to a person
16 during the second or third calendar quarter of calendar year 2020
17 must not be charged against the experience rating record of any of
18 the person's base period employers.

19 2. Notwithstanding the provisions of NRS 612.553, as
20 amended by section 26 of this act, in determining the amount of
21 reimbursement in lieu of contributions due from an employer who
22 elects to make payments by way of reimbursement in lieu of
23 contributions pursuant to NRS 612.553, as amended by section 26
24 of this act, the Administrator of the Employment Security Division
25 of the Department of Employment, Training and Rehabilitation shall
26 reduce by not more than 50 percent the amount of payment by way
27 of reimbursement due that is attributable to benefits paid to a person
28 during the second or third calendar quarter of calendar year 2020.

29 3. As used in this section:

30 (a) "Base period" has the meaning ascribed to it in NRS
31 612.025, as amended by section 8 of this act.

32 (b) "Benefits" has the meaning ascribed to it in NRS 612.035.

33 (c) "Calendar quarter" has the meaning ascribed to it in
34 NRS 612.040.

35 **Sec. 30.** 1. This act becomes effective upon passage and
36 approval.

37 2. Section 13 of this act applies retroactively on and after
38 December 27, 2020.

