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FIRST REPRINT

S.B. 75

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SENATE BILL NO. 75—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE EMPLOYMENT SECURITY  
DIVISION OF THE DEPARTMENT OF  
EMPLOYMENT, TRAINING AND REHABILITATION)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to unemployment compensation. (BDR 53-349)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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.

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AN ACT relating to unemployment compensation; revising provisions relating to personnel of the Employment Security Division of the Department of Employment, Training and Rehabilitation; revising requirements relating to the confidentiality of information concerning unemployment compensation; authorizing an extended benefit period to begin before the 14th week following the end of a prior extended benefit period under certain circumstances; revising provisions governing the electronic transmission of certain communications related to unemployment compensation; revising provisions relating to eligibility for unemployment benefits under certain circumstances; revising provisions relating to the judicial review of a decision of the Board of Review; revising requirements for the payment of certain refunds and adjustments; modifying certain requirements concerning unemployment benefits paid in calendar year 2020; and providing other matters properly relating thereto.



\* S B 7 5 R 1 \*

**Legislative Counsel's Digest:**

1 The Unemployment Compensation Law generally: (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 requires the Administrator of the Employment Security Division  
8 of the Department of Employment, Training and Rehabilitation to fill all positions  
9 in the Division, except the post of Administrator and Senior Attorney, from  
10 registers prepared by the Division of Human Resource Management of the  
11 Department of Administration. (NRS 612.230) **Section 2.5** of this bill exempts  
12 from this requirement any positions for attorneys.

13 Existing federal law imposes various requirements on states concerning the  
14 confidentiality and disclosure of information related to unemployment  
15 compensation. (20 C.F.R. Part 603) **Sections 3 and 19** of this bill revise and  
16 remove certain provisions of existing law concerning the confidentiality of such  
17 information and the circumstances under which the Administrator is authorized to  
18 disclose such information for the purposes of complying with federal law.  
19 (NRS 612.265)

20 Existing law requires an eligible person who is unemployed in any week to be  
21 paid a benefit for that week in the amount of the person's weekly benefit amount,  
22 less 75 percent of the remuneration payable to the person for that week. (NRS  
23 612.350) **Section 4** of this bill reduces this percentage to 66 2/3 percent of the  
24 remuneration payable to the person beginning January 1, 2022.

25 Existing law provides for the payment of extended unemployment benefits to a  
26 person who has exhausted his or her regular unemployment benefits and who meets  
27 certain eligibility requirements during an extended benefit period. (NRS 612.377,  
28 612.3774) Under existing law, an extended benefit period: (1) begins after the  
29 Administrator makes certain determinations relating to the level of unemployment  
30 in this State; and (2) is prohibited from lasting more than 13 consecutive weeks.  
31 Existing law also prohibits an extended benefit period from beginning before the  
32 14th week following the end of a prior extended benefit period which was in effect  
33 for Nevada. (NRS 612.377) **Section 5.5** of this bill authorizes an extended benefit  
34 period to begin before the 14th week following the end of a prior extended benefit  
35 period if authorized by the United States Department of Labor. **Section 20** of this  
36 bill applies this authorization retroactively on and after December 27, 2020.

37 Existing federal law requires that unemployment benefits be denied to certain  
38 employees of educational institutions for any period between successive academic  
39 years or terms, a vacation or a recess for a holiday, if there is reasonable assurance  
40 that the employee will return to service in the ensuing academic year for any  
41 educational institution. (26 U.S.C. § 3304(a)(6)) The United States Department of  
42 Labor has issued guidance setting forth certain procedures concerning the  
43 application of this requirement to employees of multiple educational institutions.  
44 (U.S. Dept. of Labor UIPL 5-17 (2016)) **Sections 6 and 7** of this bill set forth  
45 requirements for determining the eligibility for unemployment benefits of persons  
46 who provide services in multiple capacities for educational institutions in  
47 accordance with federal guidance.

48 Under existing law, the Administrator or Division is authorized to provide  
49 documents or communications to a person electronically if the person has requested  
50 to receive documents or communications electronically. (NRS 612.253) **Sections 5,**  
51 **8-13 and 15-17 and 18** of this bill revise provisions of existing law requiring  
52 certain notices, bills and other communications relating to unemployment  
53 compensation to be mailed or personally served for the purposes of allowing such  
54 notices, bills and communications to be provided electronically.



55 **Section 13.5** of this bill specifies that a petition for judicial review of a decision  
56 of the Board of Review that is required to be served upon the Administrator under  
57 existing law is required to be served upon the Administrator at a designated office  
58 of the Administrator in Carson City. (NRS 612.530)

59 Existing law requires an employer who wishes to make an application for a  
60 refund or adjustment relating to a payment of contributions, forfeit or interest which  
61 has been erroneously collected to make such an application not later than 3 years  
62 after the date on which such payments become due. (NRS 612.655) **Section 17.5** of  
63 this bill removes the 3-year limitation with respect to applications for refunds.  
64 Under existing law, an adjustment or refund will not be made with respect to  
65 contributions on wages which have been included in the determination of an  
66 eligible claim for benefits unless it is shown to the satisfaction of the Administrator  
67 that the determination was due entirely to the fault or mistake of the Division. (NRS  
68 612.655) **Section 17.5** removes these limitations with respect to the making of  
69 refunds.

70 **Section 18.5** of this bill prohibits the State of Nevada from being charged fees  
71 of any kind in any proceeding under the Unemployment Compensation Law.

72 Under existing law, an employer's contribution rate is based on the employer's  
73 experience rating, which reflects the amount of unemployment compensation  
74 benefits that are paid to former employees and charged to the employer's  
75 experience rating record. Existing law requires, in general, that a certain percentage  
76 of unemployment benefits paid to a person be charged against the experience rating  
77 record of each employer from which the person received wages during his or her  
78 base period. (NRS 612.550) **Section 19.5** of this bill provides that benefits paid to a  
79 person during the second or third calendar quarter of calendar year 2020 are  
80 prohibited from being charged against the experience rating record of any of the  
81 person's base period employers.

82 Existing law authorizes certain employers to reimburse the Unemployment  
83 Compensation Fund for benefits paid to their former employees rather than making  
84 quarterly contributions to the Fund. Existing law requires the Administrator to, after  
85 the end of each calendar quarter or at the end of any other period as determined by  
86 the Administrator, determine the amount of reimbursement due from each employer  
87 who has elected to make reimbursement in lieu of contributions and bill each such  
88 employer for that amount. (NRS 612.553) **Section 19.5** of this bill requires the  
89 Administrator, in determining the amount of reimbursement due from an employer  
90 who has elected to make reimbursement in lieu of contributions, to reduce by the  
91 maximum amount authorized by federal law the amount of reimbursement that is  
92 attributable to benefits paid to a person during the second, third or fourth calendar  
93 quarter of calendar year 2020.


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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 2.5.** NRS 612.230 is hereby amended to read as follows:

4 612.230 1. For the purpose of ensuring the impartial selection  
5 of personnel on the basis of merit, the Administrator shall fill all  
6 positions in the Division, except the post of Administrator and  
7 Senior Attorney  *and any positions for attorneys*, from registers  
8 prepared by the Division of Human Resource Management of the



1 Department of Administration, in conformity with such rules,  
2 regulations and classification and compensation plans relating to the  
3 selection of personnel as may be adopted or prescribed by the  
4 Administrator.

5 2. The Administrator shall select all personnel either from the  
6 first five candidates on the eligible lists as provided in this chapter,  
7 or from the highest rating candidate within a radius of 60 miles of  
8 the place in which the duties of the position will be performed. The  
9 Administrator may fix the compensation and prescribe the duties  
10 and powers of such personnel, including such officers, accountants,  
11 attorneys, experts, and other persons as may be necessary in the  
12 performance of the duties under this chapter, and may delegate to  
13 any such person such power and authority as the Administrator  
14 deems reasonable and proper for its effective administration.

15 3. The Administrator shall classify positions under this chapter  
16 and shall establish salary schedules and minimum personnel  
17 standards for the positions so classified. The Administrator shall  
18 devise and establish fair and reasonable regulations governing  
19 promotions, demotions and terminations for cause in accordance  
20 with such established personnel practices as will tend to promote the  
21 morale and welfare of the organization.

22 4. The Administrator may grant educational leave stipends to  
23 officers and employees of the Division if all of the cost of the  
24 educational leave stipends may be paid from money of the Federal  
25 Government.

26 **Sec. 3.** NRS 612.265 is hereby amended to read as follows:

27 612.265 1. Except as otherwise provided in this section and  
28 NRS 239.0115, 607.217 and 612.642, information obtained from  
29 any employing unit or person pursuant to the administration of this  
30 chapter, ~~[and]~~ any determination as to the benefit rights of any  
31 person *and any information relating to the contributions paid by*  
32 *an employing unit under this chapter* is confidential and may not  
33 be disclosed or be open to public inspection in any manner. ~~[which~~  
34 ~~would reveal the person's or employing unit's identity.]~~

35 2. ~~[Any claimant or a legal representative of a claimant is~~  
36 ~~entitled to]~~ *The Administrator may disclose any confidential*  
37 *information [from the records of the Division, to the extent*  
38 *necessary for the proper presentation of the claimant's claim in any*  
39 *proceeding pursuant to this chapter. A claimant or an employing*  
40 *unit is not entitled to information from the records of the Division*  
41 *for any other purpose.] in accordance with the requirements*  
42 *enumerated in 20 C.F.R. Part 603 or any successor regulation and*  
43 *any written guidance promulgated and issued by the United States*  
44 *Department of Labor consistent with 20 C.F.R. Part 603.*



1 3. The Administrator may, in accordance with a cooperative  
2 agreement among all participants in the statewide longitudinal data  
3 system developed pursuant to NRS 400.037 and administered  
4 pursuant to NRS 223.820, make the information obtained by the  
5 Division available to:

6 (a) The Board of Regents of the University of Nevada for the  
7 purpose of complying with the provisions of subsection 4 of NRS  
8 396.531; and

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

12 4. ~~Subject to such restrictions as the Administrator may by~~  
13 ~~regulation prescribe, the information obtained by the Division may~~  
14 ~~be made available to:~~

15 ~~—(a) Any agency of this or any other state or any federal agency~~  
16 ~~charged with the administration or enforcement of laws relating to~~  
17 ~~unemployment — compensation, — public — assistance, — workers’~~  
18 ~~compensation or labor and industrial relations, or the maintenance~~  
19 ~~of a system of public employment offices;~~

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

22 ~~—(c) The Internal Revenue Service of the Department of the~~  
23 ~~Treasury;~~

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

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

27 ~~—(f) The Secretary of State to operate the state business portal~~  
28 ~~established pursuant to chapter 75A of NRS for the purposes of~~  
29 ~~verifying that data submitted via the portal has satisfied the~~  
30 ~~necessary requirements established by the Division, and as~~  
31 ~~necessary to maintain the technical integrity and functionality of the~~  
32 ~~state business portal established pursuant to chapter 75A of NRS.~~

33 ~~➔ Information obtained in connection with the administration of the~~  
34 ~~Division may be made available to persons or agencies for purposes~~  
35 ~~appropriate to the operation of a public employment service or a~~  
36 ~~public assistance program.~~

37 ~~—5.— Upon written request made by the State Controller or a~~  
38 ~~public officer of a local government, the Administrator shall furnish~~  
39 ~~from the records of the Division the name, address and place of~~  
40 ~~employment of any person listed in the records of employment of~~  
41 ~~the Division. The request may be made electronically and must set~~  
42 ~~forth the social security number of the person about whom the~~  
43 ~~request is made and contain a statement signed by the proper~~  
44 ~~authority of the State Controller or local government certifying that~~  
45 ~~the request is made to allow the proper authority to enforce a law to~~



1 ~~recover a debt or obligation assigned to the State Controller for~~  
2 ~~collection or owed to the local government, as applicable. Except as~~  
3 ~~otherwise provided in NRS 239.0115, the information obtained by~~  
4 ~~the State Controller or local government is confidential and may not~~  
5 ~~be used or disclosed for any purpose other than the collection of a~~  
6 ~~debt or obligation assigned to the State Controller for collection or~~  
7 ~~owed to that local government. The Administrator may charge a~~  
8 ~~reasonable fee for the cost of providing the requested information.~~

9 ~~—6.] The Administrator may publish ~~for otherwise provide~~~~  
10 ~~*aggregate statistics and* information on ~~the names of~~ employers,~~  
11 ~~~~their addresses,~~ their type or class of business or industry ~~and~~~~  
12 ~~and the approximate number of employees employed by ~~each~~ such~~  
13 ~~~~employer,~~ *employers*, if the information released will assist~~  
14 ~~unemployed persons to obtain employment or will be generally~~  
15 ~~useful in developing and diversifying the economic interests of this~~  
16 ~~State. Upon request by a state agency which is able to demonstrate~~  
17 ~~that its intended use of the information will benefit the residents of~~  
18 ~~this State, the Administrator may, in addition to the information~~  
19 ~~listed in this subsection, disclose the number of employees~~  
20 ~~employed by each employer and the total wages paid by each~~  
21 ~~employer. The Administrator may charge a fee to cover the actual~~  
22 ~~costs of any administrative expenses relating to the disclosure of this~~  
23 ~~information . ~~to a state agency. The Administrator may require the~~~~  
24 ~~~~state agency to certify in writing that the agency will take all actions~~~~  
25 ~~~~necessary to maintain the confidentiality of the information and~~~~  
26 ~~~~prevent its unauthorized disclosure.~~~~

27 ~~—7.— Upon request therefor, the Administrator shall furnish to any~~  
28 ~~agency of the United States charged with the administration of~~  
29 ~~public works or assistance through public employment, and may~~  
30 ~~furnish to any state agency similarly charged, the name, address,~~  
31 ~~ordinary occupation and employment status of each recipient of~~  
32 ~~benefits and the recipient's rights to further benefits pursuant to this~~  
33 ~~chapter.~~

34 ~~—8.] 5. To further a current criminal investigation, the chief~~  
35 ~~executive officer of any law enforcement agency of this State ,~~  
36 ~~*another state or the Federal Government* may submit a written~~  
37 ~~request to the Administrator that the Administrator furnish, from the~~  
38 ~~records of the Division, the name, address and place of employment~~  
39 ~~of any person listed in the records of employment of the Division.~~  
40 ~~The request must set forth the social security number of the person~~  
41 ~~about whom the request is made and contain a statement signed by~~  
42 ~~the chief executive officer certifying that the request is made to~~  
43 ~~further a criminal investigation currently being conducted by the~~  
44 ~~agency. Upon receipt of such a request, the Administrator shall~~



1 furnish the information requested. The Administrator may charge a  
2 fee to cover the actual costs of any related administrative expenses.

3 ~~[9. In addition to the provisions of subsection 6, the~~  
4 ~~Administrator shall provide lists containing the names and addresses of~~  
5 ~~employers, and information regarding the wages paid by each~~  
6 ~~employer to the Department of Taxation, upon request, for use in~~  
7 ~~verifying returns for the taxes imposed pursuant to chapters 363A,~~  
8 ~~363B and 363C of NRS. The Administrator may charge a fee to~~  
9 ~~cover the actual costs of any related administrative expenses.~~

10 ~~—10. Upon the request of any district judge or jury commissioner~~  
11 ~~of the judicial district in which the county is located, the~~  
12 ~~Administrator shall, in accordance with other agreements entered~~  
13 ~~into with other district courts and in compliance with 20 C.F.R. Part~~  
14 ~~603, and any other applicable federal laws and regulations~~  
15 ~~governing the Division, furnish the name, address and date of birth~~  
16 ~~of persons who receive benefits in any county, for use in the~~  
17 ~~selection of trial jurors pursuant to NRS 6.045. The court or jury~~  
18 ~~commissioner who requests the list of such persons shall reimburse~~  
19 ~~the Division for the reasonable cost of providing the requested~~  
20 ~~information.~~

21 ~~—11.]~~ 6. The Division of Industrial Relations of the Department  
22 of Business and Industry shall periodically submit to the  
23 Administrator, from information in the index of claims established  
24 pursuant to NRS 616B.018, a list containing the name of each  
25 person who received benefits pursuant to chapters 616A to 616D,  
26 inclusive, or chapter 617 of NRS. Upon receipt of that information,  
27 the Administrator shall compare the information so provided with  
28 the records of the Employment Security Division regarding persons  
29 claiming benefits pursuant to this chapter for the same period. The  
30 information submitted by the Division of Industrial Relations must  
31 be in a form determined by the Administrator and must contain the  
32 social security number of each such person. If it appears from the  
33 information submitted that a person is simultaneously claiming  
34 benefits under this chapter and under chapters 616A to 616D,  
35 inclusive, or chapter 617 of NRS, the Administrator shall notify the  
36 Attorney General or any other appropriate law enforcement agency.

37 ~~[12.]~~ 7. The Administrator may request the Comptroller of the  
38 Currency of the United States to cause an examination of the  
39 correctness of any return or report of any national banking  
40 association rendered pursuant to the provisions of this chapter, and  
41 may in connection with the request transmit any such report or  
42 return to the Comptroller of the Currency of the United States as  
43 provided in section 3305(c) of the Internal Revenue Code of 1954.

44 ~~[13.]~~ 8. The Administrator, any employee or other person  
45 acting on behalf of the Administrator, or any employee or other



1 person acting on behalf of an agency or entity allowed to access  
2 information obtained from any employing unit or person in the  
3 administration of this chapter, or any person who has obtained a list  
4 of applicants for work, or of claimants or recipients of benefits  
5 pursuant to this chapter, is guilty of a gross misdemeanor if he or  
6 she:

7 (a) Uses or permits the use of the list for any political purpose;

8 (b) Uses or permits the use of the list for any purpose other than  
9 one authorized by the Administrator or by law; or

10 (c) Fails to protect and prevent the unauthorized use or  
11 dissemination of information derived from the list.

12 ~~§4.~~ **9.** All letters, reports or communications of any kind,  
13 oral, ~~or~~ written ~~or~~ *or electronic*, from the employer or employee  
14 to each other or to the Division or any of its agents, representatives  
15 or employees are ~~privileged~~ *confidential* and must not be the  
16 subject matter or basis for any lawsuit if the letter, report or  
17 communication is written, sent, delivered or prepared pursuant to  
18 the requirements of this chapter.

19 **Sec. 4.** NRS 612.350 is hereby amended to read as follows:

20 612.350 1. An eligible person who is unemployed and  
21 otherwise entitled to receive benefits in any week must be paid for  
22 that week a benefit in an amount equal to the person's weekly  
23 benefit amount, less ~~75~~ *66 2/3* percent of the remuneration payable  
24 to him or her for that week.

25 2. The benefit, if not a multiple of \$1, must be computed to the  
26 next lower multiple of \$1.

27 **Sec. 5.** NRS 612.365 is hereby amended to read as follows:

28 612.365 1. Any person who is overpaid any amount as  
29 benefits under this chapter is liable for the amount overpaid unless:

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

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

35 2. The amount of the overpayment must be assessed to the  
36 liable person, and the person must be notified of the basis of  
37 the assessment. The notice must specify the amount for which the  
38 person is liable. In the absence of fraud, misrepresentation or willful  
39 nondisclosure, notice of the assessment must be mailed, *or*  
40 *electronically transmitted* or personally served not later than 1 year  
41 after the close of the benefit year in which the overpayment was  
42 made.

43 3. Except as otherwise provided in subsection 4, at any time  
44 within 5 years after the notice of overpayment, the Administrator  
45 may recover the amount of the overpayment by using the same





1 methods of collection provided in NRS 612.625 to 612.645,  
2 inclusive, 612.685 and 612.686 for the collection of past due  
3 contributions or by deducting the amount of the overpayment from  
4 any benefits payable to the liable person under this chapter.

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

9 5. The Administrator may waive recovery or adjustment of all  
10 or part of the amount of any such overpayment which the  
11 Administrator finds to be uncollectible or the recovery or adjustment  
12 of which the Administrator finds to be administratively  
13 impracticable.

14 6. To the extent allowed pursuant to federal law, the  
15 Administrator may assess any administrative fee prescribed by an  
16 applicable agency of the United States regarding the recovery of  
17 such overpayments.

18 7. Any person against whom liability is determined under this  
19 section may appeal therefrom within 11 days after the date the  
20 notice provided for in this section was mailed to, *electronically*  
21 *transmitted to* or served upon, the person. An appeal must be made  
22 and conducted in the manner provided in this chapter for the appeals  
23 from determinations of benefit status. The 11-day period provided  
24 for in this subsection may be extended for good cause shown.

25 **Sec. 5.5.** NRS 612.377 is hereby amended to read as follows:

26 612.377 As used in NRS 612.377 to 612.3786, inclusive,  
27 unless the context clearly requires otherwise:

28 1. "Extended benefit period" means a period which begins with  
29 the third week after a week for which there is a Nevada "on"  
30 indicator and ends with the third week after the first week for which  
31 there is a Nevada "off" indicator or the 13th consecutive week after  
32 it began, except that no extended benefit period may begin by  
33 reason of a Nevada "on" indicator before the 14th week following  
34 the end of a prior extended benefit period which was in effect for  
35 Nevada ~~§~~, *unless the United States Department of Labor*  
36 *authorizes an extended benefit period to begin before the 14th*  
37 *week following the end of a prior extended benefit period.*

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

41 (a) For the period consisting of that week and the immediately  
42 preceding 12 weeks, the rate of insured unemployment in Nevada  
43 (not seasonally adjusted) under NRS 612.377 to 612.3786,  
44 inclusive:



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

4 (2) Equaled or exceeded 6 percent; or

5 (b) For weeks of unemployment beginning on or after March 18,  
6 2020, and ending on or before the week ending 4 weeks before the  
7 last week for which full federal sharing is authorized by section  
8 4105(a) of Public Law No. 116-127, or which occur during a period  
9 of time specified by the Governor in a proclamation issued pursuant  
10 to subsection 4 of NRS 612.378, the average rate of total seasonally  
11 adjusted unemployment in Nevada, as determined by the Secretary  
12 of Labor, for the period consisting of the most recent 3 months for  
13 which data for all states are published before the close of such week:

14 (1) Equaled or exceeded 6.5 percent; and

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

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

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

26 (b) Was less than 5 percent.

27 4. "Rate of insured unemployment," for purposes of  
28 subsections 2 and 3, means the percentage derived by dividing the  
29 average weekly number of persons filing claims in this State for the  
30 weeks of unemployment for the most recent period of 13  
31 consecutive weeks, as determined by the Administrator on the basis  
32 of the Administrator's reports to the Secretary of Labor using the  
33 average monthly employment covered under this chapter as  
34 determined by the Administrator and recorded in the records of the  
35 Division for the first four of the most recent six completed calendar  
36 quarters ending before the end of the 13-week period.

37 5. "Regular benefits" means benefits payable to a person under  
38 this chapter or under any other state law (including benefits payable  
39 to federal civilian employees and to ex-servicemen or ex-  
40 servicewomen pursuant to 5 U.S.C. §§ 8501 et seq.) other than  
41 extended benefits.

42 6. "Extended benefits" means benefits (including benefits  
43 payable to federal civilian employees and to ex-servicemen or ex-  
44 servicewomen pursuant to 5 U.S.C. §§ 8501 et seq.) payable to a



1 person under the provisions of NRS 612.377 to 612.3786, inclusive,  
2 for the weeks of unemployment in the person's eligibility period.

3 7. "Additional benefits" means benefits payable to exhaustees  
4 by reason of conditions of high unemployment or by reason of other  
5 special factors under the provisions of any state law. Any person  
6 who is entitled to both additional and extended benefits for the same  
7 week must be given the choice of electing which type of benefit to  
8 claim regardless of whether his or her rights to additional and  
9 extended benefits arise under the law of the same state or different  
10 states.

11 8. "Eligibility period" of a person means the period consisting  
12 of the weeks in the person's benefit year under this chapter which  
13 begin in an extended benefit period and, if that benefit year ends  
14 within the extended benefit period, any weeks thereafter which  
15 begin in that period.

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

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

30 (b) His or her benefit year having expired before that week, has  
31 no, or insufficient, wages on the basis of which the person could  
32 establish a new benefit year which would include that week,

33 ↪ and has no right to unemployment benefits or allowances, as the  
34 case may be, under the Railroad Unemployment Insurance Act, 45  
35 U.S.C. §§ 351 et seq., the Trade Expansion Act of 1962, 19 U.S.C.  
36 §§ 1801 et seq., the Automotive Products Trade Act of 1965, 19  
37 U.S.C. §§ 2001 et seq. and such other federal laws as are specified  
38 in regulations issued by the Secretary of Labor, and has not received  
39 and is not seeking unemployment benefits under the unemployment  
40 compensation law of Canada. If the person is seeking such benefits  
41 and the appropriate agency finally determines that the person is not  
42 entitled to benefits under that law the person is considered an  
43 exhaustee.



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

4 **Sec. 6.** NRS 612.432 is hereby amended to read as follows:

5 612.432 1. ~~[Benefits]~~ *Except as otherwise provided in this*  
6 *section, benefits* based on service in an instructional, research or  
7 principal administrative capacity in any educational institution or  
8 based on other service in any educational institution must be denied  
9 to any person for any week of unemployment which begins during  
10 an established and customary vacation or recess for a holiday if the  
11 person performs service in the period immediately preceding the  
12 vacation or recess and there is reasonable assurance that the person  
13 will be provided employment immediately succeeding the vacation  
14 or recess.

15 2. *If a person performs services in more than one capacity for*  
16 *any educational institution, benefits must be denied to the person*  
17 *for any week of unemployment which begins during an*  
18 *established and customary vacation or recess for a holiday if:*

19 (a) *The person performs services in any of his or her*  
20 *capacities in the period immediately preceding the vacation or*  
21 *recess;*

22 (b) *There is reasonable assurance that the person will be*  
23 *provided employment immediately succeeding the vacation or*  
24 *recess in any of his or her capacities with any educational*  
25 *institution; and*

26 (c) *The wages for the employment provided pursuant to*  
27 *paragraph (b) will not be less than 90 percent of the aggregate*  
28 *amount of wages paid to the person for all services performed in*  
29 *all capacities for any educational institution in the period*  
30 *immediately preceding the vacation or recess.*

31 3. *If a person performs services in more than one capacity for*  
32 *any educational institution and benefits are not denied to the*  
33 *person pursuant to subsection 2, all of the services performed in*  
34 *all capacities for any educational institution in the period*  
35 *immediately preceding an established and customary vacation or*  
36 *recess for a holiday must be included to determine the person's*  
37 *eligibility for benefits for any week of unemployment which begins*  
38 *during the vacation or recess.*

39 4. *If a person is paid benefits for a week of unemployment*  
40 *based on the services described in subsection 3, the amount of the*  
41 *benefits paid that is based on services performed for which an*  
42 *educational institution provided the person reasonable assurance*  
43 *of employment immediately succeeding the vacation or recess:*

44 (a) *If the educational institution has not been given the right*  
45 *to make reimbursements in lieu of contributions pursuant to*



1 *NRS 612.553, must be charged against the records for experience*  
2 *rating of that educational institution.*

3 *(b) If the educational institution has been given the right to*  
4 *make reimbursements in lieu of contributions pursuant to NRS*  
5 *612.553, is required to be reimbursed into the Unemployment*  
6 *Compensation Fund by that educational institution.*

7 5. The provisions of this section apply also to services  
8 performed while employed by a governmental agency which is  
9 established and operated to provide services to educational  
10 institutions and which may make reimbursements in lieu of  
11 contributions pursuant to NRS 612.553.

12 **Sec. 7.** NRS 612.434 is hereby amended to read as follows:

13 612.434 1. ~~Benefits~~ *Except as otherwise provided in*  
14 *subsections 4 and 5, benefits* based on service in an instructional,  
15 research or principal administrative capacity for any educational  
16 institution must be denied to any person for any week of  
17 unemployment which begins during the period between two  
18 successive academic years, or during a similar period between two  
19 regular terms, whether or not successive, or during a period of paid  
20 sabbatical leave provided for in the person's contract, if that person  
21 performs the service in the first of the academic years or terms and  
22 there is a contract or reasonable assurance that the person will be  
23 provided employment in any such capacity for an educational  
24 institution in the next academic year or term.

25 2. Except as provided in subsection 3, benefits based on service  
26 in any other capacity for any educational institution must be denied  
27 to any person for any week of unemployment which begins during  
28 the period between two successive academic years or terms if the  
29 person performed the service in the first of the academic years or  
30 terms and there is reasonable assurance that the person will be  
31 provided employment to perform that service in the next academic  
32 year or term.

33 3. A person who is denied benefits pursuant to subsection 2  
34 and not offered an opportunity to perform the service for the  
35 educational institution for the second academic year or term is  
36 entitled to retroactive payment of his or her benefits for each week  
37 for which the person filed a timely claim that was denied pursuant to  
38 subsection 2.

39 4. *If a person performs services in more than one capacity for*  
40 *any educational institution, benefits must be denied to the person*  
41 *for any week of unemployment which begins during the period*  
42 *between two successive academic years, or during a similar period*  
43 *between two regular terms, whether or not successive, or during a*  
44 *period of paid sabbatical leave provided for in the person's*  
45 *contract if:*



1 (a) *The person performs services in any of his or her*  
2 *capacities in the first of the academic years or terms;*

3 (b) *There is a contract or reasonable assurance that the person*  
4 *will be provided employment in any of his or her capacities with*  
5 *any educational institution in the next academic year or term; and*

6 (c) *The wages for the employment provided pursuant to*  
7 *paragraph (b) will not be less than 90 percent of the aggregate*  
8 *amount of wages paid for all services performed in all capacities*  
9 *for any educational institution in the first of the academic years or*  
10 *terms.*

11 5. *If a person performs services in more than one capacity for*  
12 *any educational institution and benefits are not denied to the*  
13 *person pursuant to subsection 4, all of the services performed in*  
14 *all capacities for any educational institution during the first of the*  
15 *academic years or terms must be included to determine the*  
16 *person's eligibility for benefits for any week of unemployment*  
17 *which begins during the period between two successive academic*  
18 *years, or during a similar period between two regular terms,*  
19 *whether or not successive, or during a period of paid sabbatical*  
20 *leave provided for in the person's contract.*

21 6. *If a person is paid benefits for a week of unemployment*  
22 *based on the services described in subsection 5, the amount of*  
23 *such benefits paid that is based on services performed for which*  
24 *an educational institution provided a contract or reasonable*  
25 *assurance of employment for the academic year or term:*

26 (a) *If the educational institution has not been given the right*  
27 *to make reimbursements in lieu of contributions pursuant to NRS*  
28 *612.553, must be charged against the records for experience*  
29 *rating of that educational institution.*

30 (b) *If the educational institution has been given the right to*  
31 *make reimbursements in lieu of contributions pursuant to NRS*  
32 *612.553, is required to be reimbursed into the Unemployment*  
33 *Compensation Fund by the educational institution.*

34 7. The provisions of this section apply also to services  
35 performed while employed by a governmental agency which is  
36 established and operated to provide services to educational  
37 institutions and which may make reimbursements in lieu of  
38 contributions pursuant to NRS 612.553.

39 **Sec. 8.** NRS 612.485 is hereby amended to read as follows:

40 612.485 1. Any determination or redetermination is final 11  
41 days after the date of notification *by electronic transmission* or  
42 mailing of the notice of determination or redetermination unless a  
43 request for reconsideration or an appeal is filed within the 11-day  
44 period.



1 2. Nothing in this section limits or abridges the authority of the  
2 Administrator to make a redetermination as provided in  
3 NRS 612.480.

4 3. Any notice of a determination or redetermination must  
5 clearly indicate the interested persons' right to appeal.

6 **Sec. 9.** NRS 612.495 is hereby amended to read as follows:

7 612.495 1. Any person entitled to a notice of determination  
8 or redetermination may file an appeal from the determination with  
9 an Appeal Tribunal, and the Administrator shall be a party  
10 respondent thereto. The appeal must be filed within 11 days after the  
11 date of mailing, *electronic transmission* or personal service of the  
12 notice of determination or redetermination. The 11-day period may  
13 be extended for good cause shown. Any employing unit whose  
14 rights may be adversely affected may be permitted by the Appeal  
15 Tribunal to intervene as a party respondent to the appeal.

16 2. An appeal shall be deemed to be filed on the date it is  
17 delivered to the Division, or, if it is mailed, on the postmarked date  
18 appearing on the envelope in which it was mailed, if postage is  
19 prepaid and the envelope is properly addressed to the office of the  
20 Division that mailed notice of the person's claim for benefits to each  
21 employer entitled to notice under NRS 612.475.

22 3. The 11-day period provided for in this section must be  
23 computed by excluding the day the determination was mailed,  
24 *electronically transmitted* or personally served, and including the  
25 last day of the 11-day period, unless the last day is a Saturday,  
26 Sunday or holiday, in which case that day must also be excluded.

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

30 **Sec. 10.** NRS 612.500 is hereby amended to read as follows:

31 612.500 1. A reasonable opportunity for a fair hearing on  
32 appeals must be promptly afforded all parties.

33 2. An Appeal Tribunal shall inquire into and develop all facts  
34 bearing on the issues and shall receive and consider evidence  
35 without regard to statutory and common-law rules. In addition to the  
36 issues raised by the appealed determination, the Appeal Tribunal  
37 may consider all issues affecting the claimant's rights to benefits  
38 from the beginning of the period covered by the determination to the  
39 date of the hearing.

40 3. An Appeal Tribunal shall include in the record and consider  
41 as evidence all records of the Administrator that are material to the  
42 issues.

43 4. The Administrator shall adopt regulations governing the  
44 manner of filing appeals and the conduct of hearings and appeals  
45 consistent with the provisions of this chapter.



1 5. A record of all testimony and proceedings on appeal must be  
2 kept for 6 months after the date on which a decision of an Appeal  
3 Tribunal is mailed ~~{ }~~ *or electronically transmitted*, but testimony  
4 need not be transcribed unless further review is initiated. If further  
5 review is not initiated within that period, the record may be  
6 destroyed.

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

10 7. An Appeal Tribunal shall not participate in an appeal  
11 hearing in which the Appeal Tribunal has a direct or indirect  
12 interest.

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

19 **Sec. 11.** NRS 612.510 is hereby amended to read as follows:

20 612.510 1. After a hearing, an Appeal Tribunal shall make its  
21 findings promptly and on the basis thereof affirm, modify or reverse  
22 the determination. Each party must be promptly furnished a copy of  
23 the decision and the supporting findings ~~{ }~~ *by mail or electronic*  
24 *transmission*.

25 2. The decision is final unless an appeal to the Board of  
26 Review or a request for review or appeal to the Board of Review is  
27 filed, within 11 days after the decision has been mailed to each  
28 party's last known address or ~~{ otherwise delivered }~~ *electronically*  
29 *transmitted* to the party. The 11-day period may be extended for  
30 good cause shown.

31 3. A request for review or appeal to the Board of Review shall  
32 be deemed to be filed on the date it is delivered to the Division, or,  
33 if it is mailed, on the postmarked date appearing on the envelope in  
34 which it was mailed, if the postage was prepaid and the envelope  
35 was properly addressed to one of the offices of the Division.

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

38 **Sec. 12.** NRS 612.515 is hereby amended to read as follows:

39 612.515 1. An appeal to the Board of Review by any party  
40 must be allowed as a matter of right if the Appeal Tribunal's  
41 decision reversed or modified the Administrator's determination. In  
42 all other cases, further review must be at the discretion of the Board  
43 of Review.

44 2. The Board *of Review* on its own motion may initiate a  
45 review of a decision or determination of an Appeal Tribunal within





1 11 days after the date of mailing *or electronic transmission* of the  
2 decision.

3 3. The Board *of Review* may affirm, modify or reverse the  
4 findings or conclusions of the Appeal Tribunal solely on the basis of  
5 evidence previously submitted, or upon the basis of such additional  
6 evidence as it may direct to be taken.

7 4. Each party, including the Administrator, must be promptly  
8 furnished a copy of the decision and the supporting findings of the  
9 Board of Review.

10 **Sec. 13.** NRS 612.525 is hereby amended to read as follows:

11 612.525 1. Any decision of the Board of Review in the  
12 absence of an appeal therefrom as herein provided becomes final 11  
13 days after the date of notification *by electronic transmission* or  
14 mailing thereof, and judicial review thereof is permitted only after  
15 any party claiming to be aggrieved thereby has exhausted  
16 administrative remedies as provided by this chapter.

17 2. The Administrator shall be deemed to be a party to any  
18 judicial action involving any such decision, and may be represented  
19 in any such judicial action by:

20 (a) Any qualified attorney employed by the Administrator and  
21 designated by the Administrator for that purpose; or

22 (b) The Attorney General, at the Administrator's request.

23 3. The Administrator may appeal from any decision of the  
24 Board of Review to the courts as may any other party to that  
25 decision.

26 **Sec. 13.5.** NRS 612.530 is hereby amended to read as follows:

27 612.530 1. Within 11 days after the decision of the Board of  
28 Review has become final, any party aggrieved thereby or the  
29 Administrator may secure judicial review thereof by commencing  
30 an action in the district court of the county where the employment  
31 which is the basis of the claim was performed for the review of the  
32 decision, in which action any other party to the proceedings before  
33 the Board of Review must be made a defendant.

34 2. In such action, a petition which need not be verified, but  
35 which must state the grounds upon which a review is sought, must,  
36 within 45 days after the commencement of the action, be served  
37 upon the Administrator **Ⓜ** *at a designated office of the*  
38 *Administrator in Carson City*, unless the Administrator is the  
39 appellant, or upon such person as the Administrator may designate,  
40 and such service shall be deemed completed service on all parties,  
41 but there must be left with the party so served as many copies of the  
42 petition as there are defendants, and the Administrator shall  
43 forthwith mail one such copy to each defendant.



1 3. The Administrator shall file with the court an answer within  
2 45 days after being served with a petition pursuant to subsection 2  
3 or, if the Administrator is the appellant, the Administrator shall  
4 serve the petition upon each other party within 45 days after  
5 commencement of the action. With the Administrator's answer or  
6 petition, the Administrator shall certify and file with the court  
7 originals or true copies of all documents and papers and a transcript  
8 of all testimony taken in the matter, together with the Board of  
9 Review's findings of fact and decision therein. The Administrator  
10 may certify to the court questions of law involved in any decision.

11 4. In any judicial proceedings under this section, the finding of  
12 the Board of Review as to the facts, if supported by evidence and in  
13 the absence of fraud, is conclusive, and the jurisdiction of the court  
14 is confined to questions of law.

15 5. Such actions, and the questions so certified, must be heard in  
16 a summary manner and must be given precedence over all other  
17 civil cases except cases arising under chapters 616A to 616D,  
18 inclusive, or chapter 617 of NRS.

19 6. An appeal may be taken from the decision of the district  
20 court to the appellate court of competent jurisdiction pursuant to the  
21 rules fixed by the Supreme Court of Nevada pursuant to Section 4 of  
22 Article 6 of the Nevada Constitution in the same manner, but not  
23 inconsistent with the provisions of this chapter, as is provided in  
24 civil cases.

25 7. It is not necessary, in any judicial proceeding under this  
26 section, to enter exceptions to the rulings of the Board of Review,  
27 and no bond may be required for entering the appeal.

28 8. Upon the final determination of the judicial proceeding, the  
29 Board of Review shall enter an order in accordance with the  
30 determination.

31 9. A petition for judicial review does not act as a supersedeas  
32 or stay unless the Board of Review so orders.

33 **Sec. 14.** (Deleted by amendment.)

34 **Sec. 15.** NRS 612.551 is hereby amended to read as follows:

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

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



1 3. Except as otherwise provided in subsection 7, if a claimant  
2 leaves his or her last or next to last employer to take other  
3 employment and leaves or is discharged by the latter employer,  
4 benefits paid to the claimant must not be charged against the record  
5 for experience rating of the former employer.

6 4. If the employer provides evidence within 10 working days  
7 after the notice required by subsection 1 was mailed *or*  
8 *electronically transmitted* which satisfies the Administrator that the  
9 claimant:

10 (a) Left his or her employment voluntarily without good cause  
11 or was discharged for misconduct connected with the employment;  
12 or

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

16 ↪ the Administrator shall order that the benefits not be charged  
17 against the record for experience rating of the employer.

18 5. The employer may appeal from the ruling of the  
19 Administrator relating to the cause of the termination of the  
20 employment of the claimant in the same manner as appeals may be  
21 taken from determinations relating to claims for benefits.

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

24 7. If an employer who is given notice of a claim for benefits  
25 pursuant to subsection 1 fails to submit timely to the Division all  
26 known relevant facts which may affect the claimant's rights to  
27 benefits as required by NRS 612.475, the employer's record for  
28 experience rating is not entitled to be relieved of the amount of any  
29 benefits paid to the claimant as a result of such failure that were  
30 charged against the employer's record pursuant to NRS 612.550 or  
31 612.553.

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

38 (a) The Administrator determines the action is:

39 (1) In the best interest of the Division, this State or the  
40 general health, safety and welfare of the citizens of this State; or

41 (2) Necessary to comply with instructions received from the  
42 Department of Labor; and

43 (b) The action of the Administrator is approved by the  
44 Governor.



1       **Sec. 16.** NRS 612.553 is hereby amended to read as follows:

2       612.553 1. For the purposes of this section:

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

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

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

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

11       (a) Shall pay contributions to the Unemployment Compensation  
12 Fund in the manner provided in NRS 612.535 to 612.550, inclusive,  
13 unless it elects, in accordance with this section, to pay into the  
14 Unemployment Compensation Fund, in lieu of contributions, as  
15 reimbursement an amount equivalent to the amount of regular  
16 unemployment compensation benefits and one-half of the extended  
17 benefits paid to claimants that is attributable to wages paid, except  
18 that after December 31, 1978, a political subdivision, and after  
19 December 21, 2000, an Indian tribe, shall reimburse an amount  
20 equal to the regular unemployment compensation benefits and all of  
21 the extended benefits. An Indian tribe may elect to become liable for  
22 payments by way of reimbursement in lieu of contributions for the  
23 tribe as a whole, or for any political subdivision, subsidiary, wholly  
24 owned business, or any combination thereof. The amount of benefits  
25 payable by each employer who elects to make payments by way of  
26 reimbursement in lieu of contributions must be an amount which  
27 bears the same ratio to the total benefits paid to a person as the total  
28 base-period wages paid to that person by the employer bear to the  
29 total base-period wages paid to that person by all of the person's  
30 base-period employers. Two or more employers who have become  
31 liable for payments by way of reimbursement in lieu of  
32 contributions may file a joint application, in accordance with  
33 regulations of the Administrator, for the establishment of a group  
34 account for the purpose of sharing the cost of benefits paid that are  
35 attributable to service in the employ of such employers.

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



1 30 days before the beginning of the taxable year for which the  
2 termination is first effective.

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

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

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

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



1 redetermination made under this subsection is subject to petition for  
2 hearing and judicial review in accordance with the provisions of this  
3 chapter. Payments made by any nonprofit organization, political  
4 subdivision or Indian tribe under the provisions of this section must  
5 not be deducted, in whole or in part, from the wages of any person  
6 employed by that organization.

7 7. The Administrator shall:

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

13 (b) Require an Indian tribe whose election to become liable for  
14 payments by way of reimbursement in lieu of contributions is  
15 suspended pursuant to subsection 1 to pay contributions as set forth  
16 in NRS 612.535 to 612.550, inclusive, for the following taxable year  
17 unless the Administrator receives its payment in full before the  
18 Administrator computes the contribution rates for that year.

19 (c) Reinstated the election of an Indian tribe to become liable for  
20 payments by way of reimbursement in lieu of contributions that is  
21 suspended pursuant to subsection 1 if the tribe:

22 (1) Has paid all contributions pursuant to NRS 612.535 to  
23 612.550, inclusive, including interest and penalties, for not less than  
24 1 year; and

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

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

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

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

41 11. Except as inconsistent with the provisions of this section,  
42 the provisions of this chapter and regulations of the Administrator  
43 apply to any matter arising pursuant to this section.



1       **Sec. 17.** NRS 612.630 is hereby amended to read as follows:

2       612.630 1. In addition to or independently of the remedy by  
3 civil action provided in NRS 612.625, the Administrator, or the  
4 Administrator's authorized representative, after giving to any  
5 employer who defaults in any payment of contributions, interest or  
6 forfeit provided by this chapter 15 days' notice by registered or  
7 certified mail, addressed to the employer's last known place of  
8 business or address, *or notice by electronic transmission*, may file  
9 in the office of the clerk of the district court in the county in which  
10 the employer has his or her principal place of business, or if there is  
11 no such principal place of business, then in Carson City, a  
12 certificate, which need not be verified, but which must specify the  
13 amount of contribution, interest and forfeit due, the name and last  
14 known place of business of the employer liable for the same, and  
15 which must contain a statement that the Division has complied with  
16 all the provisions of this chapter in relation to the computation and  
17 levy of the contribution, together with the request that judgment be  
18 entered for the State of Nevada, and against the employer named, in  
19 the amount of the contribution, interest and forfeit set forth in the  
20 certificate.

21       2. Within the 15-day period, the employer may pay the amount  
22 specified in such notice, under protest, to the Administrator, and  
23 thereupon has the right to initiate, within 60 days following such  
24 payment, and to maintain his or her action against the Division for a  
25 refund of all or any part of any such amount and to recover so much  
26 thereof as may have been erroneously assessed or paid. Such an  
27 action by the employer must be commenced and maintained in the  
28 district court in the county wherein is located the principal place of  
29 business of the employer. In the event of entry of judgment for the  
30 employer, the Division shall promptly refund such sum without  
31 interest as may be determined by the court.

32       3. If no such payment under protest is made as provided in  
33 subsection 2, upon filing the certificate as provided in subsection 1,  
34 the clerk of the district court shall immediately enter a judgment in  
35 favor of the Division and against the employer in the amount of the  
36 contributions, interest and forfeit set forth in the certificate.

37       **Sec. 17.5.** NRS 612.655 is hereby amended to read as follows:

38       612.655 1. Where a payment of contributions, forfeit or  
39 interest has been erroneously collected, an employer may ~~[, not later~~  
40 ~~than 3 years after the date on which such payments became due,]~~  
41 make application for ~~[an adjustment thereof in connection with~~  
42 ~~subsequent contributions, forfeit or interest payments or for]~~ a  
43 refund. All such ~~[adjustments or]~~ refunds will be made without  
44 interest. ~~[An]~~



1       2. *Where a payment of contributions, forfeit or interest has*  
2 *been erroneously collected, an employer may, not later than 3*  
3 *years after the date on which such payments became due, make*  
4 *application for an adjustment ~~for refund~~ thereof in connection*  
5 *with subsequent contributions, forfeit or interest payments. An*  
6 *adjustment* will not be made in any case with respect to  
7 contributions on wages which have been included in the  
8 determination of an eligible claim for benefits, unless it is shown to  
9 the satisfaction of the Administrator that such determination was  
10 due entirely to the fault or mistake of the Division.

11       ~~[2.]~~ 3. Refunds of interest and forfeit collected under NRS  
12 612.618 to 612.675, inclusive, 612.7102 to 612.7116, inclusive, and  
13 612.740 and paid into the Employment Security Fund established by  
14 NRS 612.615 must be made only from the Employment Security  
15 Fund.

16       **Sec. 18.** NRS 612.686 is hereby amended to read as follows:

17       612.686 1. If a person is notified of a delinquency pursuant to  
18 NRS 612.685, the person shall neither transfer, pay over nor make  
19 any other disposition of money or property belonging to the  
20 delinquent employing unit, or any portion thereof, until the  
21 Administrator consents thereto in writing.

22       2. A person so notified shall, within 11 days after receipt of the  
23 notice, advise the Administrator of all credits, debts or other  
24 personal property of the delinquent employing unit in the person's  
25 possession, under the person's control or owing by the person, as  
26 the case may be.

27       3. The Administrator may, ~~personally or~~ by registered or  
28 certified mail ~~[ ]~~ *or electronic transmission*, give the person so  
29 notified a demand to transmit. Upon receipt of the demand, that  
30 person shall transmit to the Division, within the time and in the  
31 manner stated in the demand, the lesser of:

32       (a) All the credits, debts or other personal property of the  
33 delinquent employing unit in the person's possession, under the  
34 person's control or owing by the person; or

35       (b) The amount specified in the demand.

36       ↪ Except as otherwise provided in subsection 4, no further notice is  
37 required.

38       4. If the property of the delinquent employing unit consists of a  
39 series of payments owed to it, the person who owes or controls the  
40 payments shall transmit them to the Division until otherwise  
41 notified by the Administrator. If the debt is not paid within 1 year  
42 after the demand to transmit was given, the Administrator shall give  
43 another demand to the person who owes or controls the payments,  
44 instructing the person to continue to transmit the payments or





1 informing the person that the person's duty to transmit them has  
2 ceased.

3 5. A person notified of a delinquency who makes any transfer  
4 or other disposition of property required to be withheld or  
5 transmitted to the Division is liable for the amount of the  
6 delinquency to the extent of the value of the property or the amount  
7 of the debt so transferred or paid.

8 6. The Division shall determine as promptly as practicable  
9 whether sufficient liquid assets have been withheld or transmitted to  
10 satisfy its claim. As soon as the Division determines that the assets  
11 are sufficient, it shall consent in writing to a transfer or other  
12 disposition of assets in excess of the amount needed.

13 **Sec. 18.5.** NRS 612.705 is hereby amended to read as follows:

14 612.705 1. ~~No~~ *Neither the State of Nevada nor any* person  
15 claiming benefits may be charged fees of any kind in any  
16 proceeding under this chapter by the Board of Review, the  
17 Administrator, or representatives of the Board of Review or the  
18 Administrator, or by any court or officer thereof.

19 2. Any person claiming benefits in any proceeding before the  
20 Administrator or the Board of Review, or representatives of the  
21 Board of Review or the Administrator, or a court, may be  
22 represented by counsel or other duly authorized agent, but no such  
23 counsel or agents may either charge or receive for such services  
24 more than an amount approved by the Board of Review.

25 3. Any person, firm or corporation who exacts or receives any  
26 remuneration or gratuity for any services rendered on behalf of a  
27 claimant except as allowed by this section and in an amount  
28 approved by the Board of Review is guilty of a misdemeanor.

29 4. Any person, firm or corporation who solicits the business of  
30 appearing on behalf of a claimant or who makes it a business to  
31 solicit employment for another in connection with any claim for  
32 benefits under this chapter is guilty of a misdemeanor.

33 **Sec. 19.** NRS 6.045 is hereby amended to read as follows:

34 6.045 1. The district court may by rule of court designate the  
35 clerk of the court, one of the clerk's deputies or another person as a  
36 jury commissioner, and may assign to the jury commissioner such  
37 administrative duties in connection with trial juries and jurors as the  
38 court finds desirable for efficient administration.

39 2. If a jury commissioner is so selected, the jury commissioner  
40 shall from time to time estimate the number of trial jurors which  
41 will be required for attendance on the district court and shall select  
42 that number from the qualified electors of the county not exempt by  
43 law from jury duty, whether registered as voters or not. The jurors  
44 may be selected by computer whenever procedures to assure random



1 selection from computerized lists are established by the jury  
2 commissioner.

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

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

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

9 (c) ~~The Employment Security Division of the Department of~~  
10 ~~Employment, Training and Rehabilitation pursuant to NRS 612.265;~~  
11 ~~and~~

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

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

15 5. The jury commissioner shall:

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

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

20 (c) Prepare and submit a report to the Court Administrator  
21 which must:

22 (1) Include statistics from the records required to be  
23 maintained by the jury commissioner pursuant to this subsection,  
24 including, without limitation, the name, occupation, address and  
25 race of each trial juror who is selected and of each trial juror who  
26 appears for jury service;

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

28 (3) Be submitted in the time and manner prescribed by the  
29 Court Administrator.

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

36 **Sec. 19.5.** 1. Notwithstanding the provisions of NRS  
37 612.550, benefits paid to a person during the second or third  
38 calendar quarter of calendar year 2020 must not be charged against  
39 the experience rating record of any of the person's base period  
40 employers.

41 2. Notwithstanding the provisions of NRS 612.553, as  
42 amended by section 16 of this act, in determining the amount of  
43 payment by way of reimbursement in lieu of contributions due from  
44 an employer who elects to make payments by way of reimbursement  
45 in lieu of contributions pursuant to NRS 612.553, as amended by



1 section 16 of this act, the Administrator of the Employment Security  
2 Division of the Department of Employment, Training and  
3 Rehabilitation shall reduce by the maximum amount authorized by  
4 federal law the amount of payment by way of reimbursement due  
5 that is attributable to benefits paid to a person during the second,  
6 third or fourth calendar quarter of calendar year 2020.

7 3. As used in this section:

8 (a) "Base period" has the meaning ascribed to it in  
9 NRS 612.025.

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

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

13 (d) "Employer" has the meaning ascribed to it in NRS 612.055.

14 **Sec. 20.** 1. This section becomes effective upon passage and  
15 approval.

16 2. Section 4 of this act becomes effective:

17 (a) Upon passage and approval for the purposes of adopting  
18 regulations and performing preparatory administrative tasks; and

19 (b) On January 1, 2022, for all other purposes.

20 3. Section 5.5 of this act becomes effective upon passage and  
21 approval and applies retroactively on and after December 27, 2020.

22 **4.** Sections 1, ~~2~~ to 3 , *inclusive*, 5 *and* 6 to ~~19~~ 19.5,  
23 *inclusive*, become effective on July 1, 2021.

