

STATE OF NEVADA

Joe Lombardo
Governor



Chris Sewell
Director

Kristine Nelson
Administrator

Department of Employment, Training and Rehabilitation
EMPLOYMENT SECURITY DIVISION
500 E. Third Street
Carson City, Nevada 89713-0001

MEETING NOTICE AND AGENDA

Post Date: 12/04/2023
Revised (12/05/2023)

**WORKSHOP TO ADDRESS THE IMPACT OF PROPOSED REGULATION ON SMALL BUSINESS
Pursuant to Nevada Revised Statute NRS 233B.0608**

The Employment Security Division of the Department of Employment, Training and Rehabilitation will hold a Small Business Workshop to solicit public comment on a proposed regulation regarding Work Search Waivers, amending Nevada Administrative Code (NAC) 612.170 and adding NAC 612.170A and NAC 612.095. This notice is provided in compliance with NRS 241.020 and 233B.061.

Name of Organization: Nevada Employment Security Division (ESD)

Date and Time of Meeting: Thursday, **December 21st, 2023; 1:00 P.M.**

Place of Meeting: Live Meeting:

URL: <https://nvdetr-org.zoom.us/j/81028004950>
Telephone: 1 253 205 0468
Webinar/Meeting ID: 881 5063 6811

Broadcast From:

DETR SAO Auditorium
500 E. 3rd St
Carson City, NV 89713

DETR St. Louis Auditorium
2800 St. Louis Ave
Las Vegas, NV 89104

Note: This meeting will take place via the **Zoom Webinar**, and virtual public comment will be made available at (253) 205-0468, meeting ID 881 5063 6811. A free copy of all materials will be made available before the meeting at: https://detr.nv.gov/Page/Public_Meetings

AGENDA

- I. Call to order and welcome - ESD
- II. Public Comment - *Chair may limit public comment to 3 minutes per speaker but may not restrict comment based upon viewpoint. No action may be taken upon a matter raised under the public comment period, unless the matter itself has been specifically included on this agenda as an action item. This round of public comment will last no longer than thirty minutes.*
- III. Confirmation of Posting - ESD
- IV. Review Written Comments - ESD
- V. Workshop to consider proposed regulation amendments regarding **Work Search Waiver** amending NAC 612.170, adding NACs 612.170A and NAC 612.095.
 - A. Overview of regulation amendments and additions.
- VI. Closing Public Comment - *Chair may limit public comment to 3 minutes per speaker but may not restrict comment based upon viewpoint. No action may be taken upon a matter raised under the public comment period unless the matter itself has been specifically included on this agenda as an action item. This round of public comment will last no longer than thirty minutes.*
- VII. * **For possible action:** Adjournment

NOTE: Agenda items may be taken out of order. Two or more agenda items may be combined for consideration. An item may be removed or discussion on an item may be delayed at any time.

A copy of the meeting Notice and Agenda can be requested either in person or by written request to the Department of Employment, Training and Rehabilitation; Employment Security Division, 500 E. Third Street, Carson City, Nevada 89713 or telephone Lindsay Thompson at (775) 684-3967. Copies of pertinent documents will also be made available on the DETR website at: <http://detr.nv.gov>

*Written comments must be received by the Employment Security Division on or before **December 15, 2023**, at the following address:*

*Attn: Lindsay Thompson/ **MASS**
Department of Employment, Training and Rehabilitation
Employment Security Division
500 E. Third Street, Carson City, NV 89713*

NOTE: Persons with disabilities who require reasonable accommodations or assistance at the meeting should notify the Employment Security Division in writing at 500 E. Third Street, Carson City, Nevada 89713, or call Lindsay Thompson at (775) 684-3967 (for individuals who are deaf or have hearing disabilities, dial TTY (800) 326-6868 or 711 for Relay Nevada) within 72 hours of meeting date and time. Supporting materials as provided for in NRS 241.020(5) may be obtained by contacting Lindsay Thompson at the above-noted contact information.

Notice of this meeting was posted at the following locations on or before the 15th day prior to the scheduled meeting date.

Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701
Legislative Building, 401 South Carson Street, Carson City, NV 89701
Grant Sawyer State Building, 555 E. Washington Ave., Las Vegas, NV 89101
Legislative Counsel Bureau Web Site
Department of Employment, Training and Rehabilitation Web Site
Employment Security Division, State Administrative Office, 500 East Third Street, Carson City, NV 89713
Employment Security Division Southern Administrative Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104
Unemployment Insurance Contributions, 1320 South Curry Street, Carson City, NV 89703
American Job Center of Nevada, 4001 South Virginia Street, Reno, NV 89502
Nevada Career/Business Hub-Carson City, 1929 North Carson Street, Carson City, NV 89701 Nevada
Career/Business Hub-Elko, 172 Sixth Street, Elko, NV 89801

Nevada Career/Business Hub-Ely, 1500 Avenue F, Suite 1, Ely, NV 89301
Nevada Career/Business Hub-Fallon, 121 Industrial Way, Fallon, NV 89406
Nevada Career/Business Hub-Henderson, 4500 E. Sunset Road, Suite 40, Henderson, NV 89014
Nevada Career/Business Hub-Las Vegas, 3405 South Maryland Parkway, Las Vegas, NV 89169
Nevada Career/Business Hub-North Las Vegas, 2827 Las Vegas Boulevard North, Las Vegas, NV 89030
Nevada Career/Business Hub-Sparks, 2281 Pyramid Way, Sparks, NV 89431
Nevada Career/Business Hub-Winnemucca, 475 Haskell St., Suite 1, Winnemucca, NV 89445

Notice of this meeting was posted on the Internet on the following websites: DETR's Public Notices website at: https://detr.nv.gov/Page/PUBLIC_NOTICES, the State of Nevada's Public Notices website at: <https://notice.nv.gov/>, and the Administrative Regulation Notices website at: <http://www.leg.state.nv.us/Apo/Notice/A/>.

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

ESD Agency Draft of Proposed Regulation

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

AUTHORITY: §§ NRS 612.094, NRS 612.170

NAC 612.094 Eligibility of certain persons without registering for work. (NRS 612.220, 612.375) An unemployed person may receive benefits without complying with the requirement of NRS 612.375 to register for work if the person is:

1. Partially unemployed as defined by NAC 612.090; or
2. Temporarily laid off from his or her regular employment but is guaranteed reemployment, or has secured full-time employment that will begin, within:
 - (a) Four weeks; or
 - (b) A longer period if the Administrator extends the 4-week period upon a showing of good cause.

(Added to NAC by Employem't Security Div. by R094-00, eff. 10-18-2000; A by R199-05, 2-23-2006)

NAC 612.095 Eligibility of certain persons with registering for work. (NRS 612.375, 612.390).

1. *An unemployed person who has made a claim for unemployment insurance benefits is expected to register and apply for suitable work; failure to comply must result in disqualification for benefits for the week in which failure occurred.*
2. *Suitable work is deemed by the degree of risk involved to a person's health, safety, ability, skills, and customary occupation.*
3. *Registering and applying for suitable work and maintaining an acceptable work search record through but not limited by the following:*
 - a. *Registration with the State's labor exchange system; create a personal user profile on a professional networking site;*
 - b. *Usage of the State's online matching system, labor exchange management information system;*
 - c. *Using American Job Centers or affiliate sites for reemployment services;*
 - d. *Completing job applications for open positions with business or employers as directed by workforce or UI staff;*

- e. *Participate in employment or training services through partner programs in the American Job Centers or affiliate sites;*
- f. *Participate in workforce networking events;*
- g. *Attending in-person or virtual interviews with businesses or employers;*
- h. *Other additional work search activities as defined by the State Workforce Agency.*

NAC 612.170 Registration and application for work. (NRS 612.220, 612.375, 612.455)

1. A person shall be deemed registered for work at the Division *via online or in person at the State's labor exchange system:*

(a) At the time an application for work is completed or renewed and for as long thereafter as the Division is advised of the claimant's availability for work; or

(b) For any period in which he or she is unable to work due to illness or disability but is entitled to unemployment benefits in accordance with the provisions of NRS 612.375. The person's application will be retained in the active applicants' file of the Division, and the claimant must be offered employment which would have been offered had he or she not become sick or disabled.

2. An application for work is effective:

(a) On the date the application is completed; or

(b) On the effective date of an initial claim for unemployment compensation if the filing is in accordance with NAC 612.110.

3. A claimant's application for work remains active as long as he or she remains in active claim status.

[Employment Security Dep't, No. 21 § 4, eff. 4-1-57; A 4-15-72; § 5, eff. 4-1-57]

NAC 612.170A Failure to register and apply for suitable work (NRS 612.735, 612.390)

1. *An unemployed person who has made a claim for unemployment insurance benefits is expected to register and apply for suitable work; failure to comply must result in disqualification for benefits for the week in which failure occurred.*

2. *Suitable work is deemed by the degree of risk involved to a person's health, safety, ability, skills, and customary occupation.*

3. *Registering and applying for suitable work and maintaining an acceptable work search record through but not limited by the following:*

a. *Registration with the State's labor exchange system; create a personal user profile on a professional networking site;*

b. *Usage of the State's online matching system, labor exchange management information system;*

c. *Using American Job Centers or affiliate sites for reemployment services;*

d. *Completing job applications for open positions with business or employers as directed by workforce or UI staff;*

e. *Participate in employment or training services through partner programs in the American Job Centers or affiliate sites;*

f. *Participate in workforce networking events;*

g. *Attending in-person or virtual interviews with businesses or employers;*

h. *Other additional work search activities as defined by the State Workforce Agency.*

SMALL BUSINESS IMPACT STATEMENT

Nevada Department of Employment, Training and Rehabilitation (DETR)
Employment Security Division (ESD)
December 20, 2023, 10 A.M.

NRS 233B.0608 Proposed permanent or temporary regulation: Determination of impact on small businesses; consultation with owners and officers of small businesses; analysis of likely impact on small business; consideration of methods to reduce impact on small businesses; preparation of small business impact statement; requirement to include impact statement in submission to Legislative Counsel Bureau.

1. Before conducting a workshop for a proposed regulation pursuant to [NRS 233B.061](#), an agency shall make a concerted effort to determine whether the proposed regulation is likely to:

- (a) Impose a direct and significant economic burden upon a small business; or
- (b) Directly restrict the formation, operation or expansion of a small business.

2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business, the agency shall:

(a) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(b) Conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses. Insofar as practicable, the analysis must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely impact on small businesses or by a consultant or other independent contractor who has such knowledge and is retained by the agency.

(c) Consider methods to reduce the impact of the proposed regulation on small businesses, including, without limitation:

- (1) Simplifying the proposed regulation;
- (2) Establishing different standards of compliance for a small business; and
- (3) Modifying a fee or fine set forth in the regulation so that a small business is authorized to pay a lower fee or fine.

(d) Prepare a small business impact statement and make copies of the statement available to the public not less than 15 days before the workshop conducted and the public hearing held pursuant to [NRS 233B.061](#). A copy of the statement must accompany the notice required by subsection 2 of [NRS 233B.061](#) and the agenda for the public hearing held pursuant to that section.

3. The agency shall prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business and the reasons for the conclusions of the agency. The director, executive head or other person who is responsible for the agency shall sign the statement certifying that, to the best of his or her knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to [NRS 233B.067](#) must be accompanied by a copy of the small business impact statement and the statement made pursuant to subsection 3. If the agency revises a regulation after preparing the small business impact statement and the statement made pursuant to subsection 3, the agency must include an explanation of the revision and the effect of the change on small businesses.

Work Search Waiver (Agenda Item V)

Determination of potential impact:

The proposed regulation implements statutory authority that defines the eligibility of certain persons with registering for work (NAC 612.094-612.095), clarifies the mechanisms for persons to be deemed registered for work at the Division (NAC 612.170), and defines what it means when a person fails to register and apply for suitable work (NAC 612.170A) for unemployment insurance (UI) claimants in Nevada.

These regulations impact individuals filing for unemployment benefits, and do not directly affect businesses. Businesses could indirectly experience increased work search activity on the part of UI claimants, to the potential benefit of employers. These regulation amendments provide clarity and define specifics to how Nevadans register for work and the mechanisms to do such in Nevada to ensure they take the proper steps necessary for UI benefits eligibility.

SMALL BUSINESS IMPACT STATEMENT

Nevada Department of Employment, Training and Rehabilitation (DETR)

Employment Security Division (ESD)

December 20, 2023, 10 A.M.

Therefore, these amendments are not expected to impose any burden on any large or small business in Nevada, nor would they directly restrict the formation, operation, or expansion of any business in the state.