

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

LCB File No. R160-20

November 2, 2020

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

AUTHORITY: §§1 and 2, NRS 612.220, as amended by section 5 of Senate Bill No. 3, chapter 7, Statutes of Nevada 2020, 32nd Special Session, at page 83.

A REGULATION relating to unemployment compensation; modifying certain requirements of the Unemployment Compensation Law concerning benefits paid in the second or third calendar quarters of calendar year 2020; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Unemployment Compensation Law generally: (1) requires employers to pay contributions into the Unemployment Compensation Fund at a certain rate of the wages paid by the employer for employment; and (2) makes persons who have become unemployed and comply with certain requirements eligible for benefits from the Unemployment Compensation Fund in an amount based on the person's previous wages for employment. (Chapter 612 of NRS) Under existing law, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation is authorized to suspend, modify, amend or waive any requirement of the Unemployment Compensation Law for the duration of a state of emergency of declaration of disaster if the Administrator makes certain determinations and the action is approved by the Governor. (NRS 612.220, as amended by section 5 of Senate Bill No. 3, chapter 7, Statutes of Nevada 2020, 32nd Special Session, at page 83.) On March 12, 2020 Governor Steve Sisolak issued a declaration of emergency related to the outbreak of the disease identified by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services as COVID-19 (Declaration of Emergency for COVID-19 (March 12, 2020)) This regulation modifies certain requirements of the Unemployment Compensation Law concerning benefits paid in the second or third calendar quarters of calendar year 2020.

Under existing law, an employer's contribution rate is based on the employer's experience rating, which reflects the amount of unemployment compensation benefits that are paid to former employees and charged to the employer's experience rating record. Existing law

generally requires a certain percentage of unemployment benefits paid to a person to be charged against the experience rating record of each employer from which the person received wages during his or her base period. (NRS 612.550) **Section 1** of this regulation provides that benefits paid to a person during the second or third calendar quarters of calendar year 2020 are prohibited from being charged against the experience rating record of any of the person's base period employers.

Existing law authorizes certain employers to reimburse the Unemployment Compensation Fund for benefits paid to their former employees rather than making quarterly contributions to the Fund. Existing law requires the Administrator to, after the end of each calendar quarter or at the end of any other period as determined by the Administrator, determine the amount of reimbursement due from each employer who has elected to make reimbursement in lieu of contributions and bill each such employer for that amount. (NRS 612.553) **Section 2** of this regulation requires the Administrator, in determining the amount of reimbursement due from an employer who has elected to make reimbursement in lieu of contributions, to reduce by one-half the amount of reimbursement that is attributable to benefits paid to a person during the second or third calendar quarters of calendar year 2020.

Section 1. This regulation, LCB File No. R160-20, is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. Notwithstanding the provisions of NRS 612.550, benefits paid to a person during the second or third calendar quarters of calendar year 2020 must not be charged against the experience rating record of any of the person's base period employers.

2. As used in this section:

- (a) "Base period" has the meaning ascribed to it in NRS 612.025.
- (b) "Benefits" has the meaning ascribed to it in NRS 612.035.
- (c) "Calendar quarter" has the meaning ascribed to it in NRS 612.040.
- (d) "Employer" has the meaning ascribed to it in NRS 612.055.

Sec. 2. This regulation, LCB File No. R160-20, is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. Notwithstanding the provisions of NRS 612.553 and NAC 612.265, in determining the amount of payment by way of reimbursement in lieu of contributions due from an employer who elects to make payments by way of reimbursement in lieu of contributions pursuant to NRS 612.553, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall reduce by one-half the amount of payment by way of reimbursement due that is attributable to benefits paid to a person during the second or third calendar quarters of calendar year 2020.

2. As used in this section,

(a) “Benefits” has the meaning ascribed to it in NRS 612.035.

(b) “Calendar quarter” has the meaning ascribed to it in NRS 612.040.

(c) “Employer” has the meaning ascribed to it in NRS 612.055.