

# STATE OF NEVADA

Brian Sandoval  
Governor



Don Soderberg  
Director

Renee Olson  
Administrator

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

**NOTICE OF INTENT TO ACT UPON A TEMPORARY REGULATION**

**Notice of Hearing to adopt a temporary regulation relating to unemployment compensation; clarifying the definition of employment for full-time active duty Nevada National Guard or Nevada Air National Guard members, pursuant to Nevada Revised Statute (NRS) 233B.0608.**

*The purpose of the hearing is to receive comments from all interested persons regarding the proposed temporary regulation pertaining to Chapter 612 of the Nevada Administrative Code (NAC), to clarify NRS 612.115 1(c), to address full-time active duty Nevada National Guard or Nevada Air National Guard members with ninety (90) days or more of continuous service as "employed". This notice is provided in compliance with NRS 241.020 and 233B.061.*

**Name of Division:** Nevada Employment Security Division

**Date and Time of Hearing:** Tuesday, April 28, 2015; 10:00 A.M.

<b>Place of Meeting:</b>	<b><u>Live Meeting:</u></b>	<b><u>Video Conference To:</u></b>
	DETR – SAO Auditorium 500 East Third Street Carson City, Nevada 89713	DETR - Stan Jones Building, Conf. Rm. C 2800 E. St. Louis Avenue Las Vegas, Nevada 89104

**AGENDA**

- I. Call to order and welcome – Renee Olson, Administrator, Employment Security Division (ESD)
- II. Public Comment – *Chair may limit public comment to 5 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*
- III. Confirmation of Posting – Renee Olson, Administrator, Employment Security Division (ESD)
- IV. Review Written Comments – Renee Olson, Administrator, Employment Security Division (ESD)
- V. \* **For Possible Action:**
  - A. Review of Regulation - Renee Olson, Administrator, Employment Security Division
  - B. Public comment on regulation
  - C. Administrator adoption of regulation clarifying the definition of employment for full-time active duty Nevada National Guard or Nevada Air National Guard members

VI. Closing Public Comment - *Chair may limit public comment to 5 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*

VII. Adjournment

**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.**

### **NOTICE AND EXPLANATION**

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of a regulation that pertains to Chapter 612 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

**1. Statement of the need and purpose of the proposed regulation or amendment**

Amend the "Claims for Benefits" section of NAC to consider members of the Nevada National Guard or Nevada Air National Guard as "employed" if the following conditions are met.

- a. Member is ordered to full-time active duty for at least 90 continuous days.
- b. Member is paid under Title 32.
- c. Member is released from military service under unemployment compensation for Ex-servicemembers (UCX) eligibility separation reasons.
- d. Member is otherwise entitled to receive unemployment benefits per UI regulations.

At the time of the regulation, the Division had identified 24 individuals discharged by the Nevada National Guard and Nevada Air National Guard.

**2. Description of the proposed temporary regulation**

A regulation relating to unemployment compensation; clarifying the definition of employment for full-time active duty Nevada National Guard or Nevada Air National Guard members.

**Section 1.** Chapter 612 of the Nevada Administrative Code (NAC), Unemployment Compensation, Claims for Benefits section is hereby amended to add NAC 612.115 to read as follows:

**NAC 612.115: Full-time active duty Nevada National Guard or Nevada Air National Guard members with 90 days or more of continuous service will be considered as "employment". (NRS 612.220, 612.115)**

**1. Members of the National Guard may receive benefits if the following apply**

- a. Member is ordered to full-time active duty for at least 90 continuous days.
- b. Member is paid under Title 32.
- c. Member is released from military service under unemployment compensation for Ex-servicemembers (UCX) eligibility separation reasons.
- d. Member is otherwise entitled to receive unemployment benefits per UI regulations.

**3. The estimated economic effect:**

**Estimated Economic Impact**

Unemployment Insurance (UI) benefits provide assistance to individuals who lose their jobs through no fault of their own, providing temporary & limited income replacement during a transition between jobs. Estimates of the economic impact of UI payments suggest that between \$2 and \$2.15 in economic activity is produced for each \$1 of benefits paid. Looking only at the federally funded military benefits impacted by this regulation, total benefits payable are estimated between \$25,000 and \$169,000, with a positive economic impact of \$50,000 to \$361,000.

**Beneficial Impacts**

The primary beneficial impact of this regulation is for the Nevada National Guard and Nevada Air National Guard members who are directly affected by it until a permanent regulation is in place or a legislative change is made.

**Adverse Impacts**

The individuals that did file for Unemployment Compensation for Ex-servicemembers (UCX), only have military wages in their base period and the federal government will be billed for any benefits paid. At this time, there would be no adverse impact on private Nevada employers. However, it is possible that this regulation will cause some individuals with wages from private Nevada employers to become eligible for benefits when they would otherwise be ineligible for any benefits. If this is the case, and the Nevada employer is chargeable for their share of the claimant's benefits, then these employers' UI reserve ratios would be negatively impacted. Such effects would be small, and unlikely to affect the UI contribution rates paid by such employers, but it is remotely possible.

**Immediate Impacts**

The direct, immediate impact of the regulation would be the UI benefit eligibility of, at the time of the regulation, 24 individuals discharged by the Nevada National Guard and Nevada Air National Guard. This would provide those individuals with continued payment of Unemployment Compensation for Ex-servicemembers (UCX).

**Long Term Impacts**

Absent any permanent changes to Nevada's laws and regulations, no long-term impact is expected due to this regulation.

**4. What methods were used by the agency to determine the impact of the proposed regulation on small businesses**

An analysis of the text of the regulation.

**5. The estimated cost to the Agency for enforcement of the proposed regulation**

This regulation will be enforced as a regular part of ongoing UI operations and does not represent a significant burden on staff time. Funding for the administration of the UI program is provided to the Department by the U.S. Department of Labor.

**6. Overlap or duplication of regulations**

This regulation does not overlap or duplicate any regulation of other state or government agencies.

**7. Required pursuant to federal law**

The proposed regulation is not required by federal law.

**8. More stringent than federal regulations**

This regulation does not provide a more stringent standard than any other regulation of federal, state, or local governments.

## **9. Public Comments**

Persons wishing to comment upon the proposed action of the Department of Employment, Training and Rehabilitation (DETR), Employment Security Division, may appear at the scheduled public hearing Tuesday, April 28, 2015; 10:00 A.M. in person at DETR – SAO Auditorium, 500 E. Third Street, Carson City, Nevada 89713 or DETR – Stan Jones Building, Conf. Rm. C, 2800 E. St. Louis Avenue, Las Vegas, Nevada 89104. Persons not able to attend in person may address their comments, data, views or arguments in written form to the Employment Security Division, 500 E. Third Street, Carson City, Nevada 89713 – Attention Joyce Golden. The Employment Security Division must receive all written submissions on or before April 21, 2015. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Employment Security Division may proceed immediately to action upon any written submissions.

## **10. Locations where the text of the rule may be inspected and copied**

A copy of this notice and the proposed temporary regulation will be on file at the Nevada State Library and Archives, 100 N. Stewart Street, Carson City, Nevada 89701, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Department of Employment, Training and Rehabilitation, Employment Security Division, 500 E. Third Street, Carson City, Nevada 89713; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. To obtain a copy of the proposed regulation and Determination of Impact to Small Business, write to the Department of Employment, Training and Rehabilitation, Employment Security Division, 500 E. Third Street, Carson City, Nevada 89713, or telephone Joyce Golden at (775) 684-3909. Copies of pertinent documents will also be made available on the DETR web site at: <http://nvdetr.org>. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This proposed regulation has been publicly noticed in accordance with Nevada's open meeting law, public comment has been solicited, and the regulation has been submitted to the Legislative Counsel Bureau for review, as outlined in NRS 233B.064 cited below.

## **11. Subsection 2 of NRS 233B.064**

**Permanent regulation not to be adopted until text approved or revised by Legislative Counsel; agency's reasons for adoption**

"1. An agency shall not adopt, amend or repeal a permanent regulation until it has received from the Legislative Counsel the approved or revised text of the regulation in the form to be adopted. The agency shall immediately notify the Legislative Counsel in writing of the date of adoption of each regulation adopted.

2. Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption."

## **12. New or increased fee**

The regulation does not provide or involve a new fee.

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**NOTE:** Persons with disabilities who require reasonable accommodations or assistance at the meeting should notify the Employment Security Division in writing at 500 East Third Street, Carson City, Nevada 89713, or call Joyce Golden at (775) 684-3909 (*for individuals who are deaf or have hearing disabilities, dial 711 for Relay Nevada*), or send a fax to (775) 684-3910, within 72 hours of meeting date and time. Supporting materials as provided for in NRS 241.020(5) may be obtained by contacting Joyce Golden at the above-noted contact information.

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Notice of this meeting was posted at the following locations on or before 9 a.m. on the 30<sup>th</sup> 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  
All County Libraries in Nevada  
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 89710  
Reno Field Audit Office, 1325 Corporate Blvd., Suite B, Reno, NV 89502  
Las Vegas Field Audit Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104  
Reno Appeals Office, 1325 Corporate Blvd., Suite C, Reno, NV 89502  
Las Vegas Appeals Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104  
Reno Casual Labor Office, 420 Galletti Way, Sparks, NV 89431  
Las Vegas Casual Labor Office, 1001 North A Street, Las Vegas, NV 89106  
Nevada JobConnect-Carson City, 1929 North Carson Street, Carson City, NV 89701  
Nevada JobConnect-Elko, 172 Sixth Street, Elko, NV 89801  
Nevada JobConnect-Ely, 1500 Avenue F, Suite 1, Ely, NV 89301  
Nevada JobConnect-Fallon, 121 Industrial Way, Fallon, NV 89406  
Nevada JobConnect-Henderson, 119 Water Street, Henderson, NV 89015  
Nevada JobConnect-Las Vegas, 3405 South Maryland Parkway, Las Vegas, NV 89169  
Nevada JobConnect-North Las Vegas, 2827 Las Vegas Boulevard North, Las Vegas, NV 89030  
Nevada JobConnect-Reno Town Mall, 4001 South Virginia Street, Suite H-1, Reno, NV 89502  
Nevada JobConnect-Sparks, 1675 E. Prater Way, Suite 103 Sparks, NV 89434  
Nevada JobConnect-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: [http://nvdetr.org/public\\_notices.htm](http://nvdetr.org/public_notices.htm), 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/App/Notice/A/>.

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

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

**AUTHORITY citation other than 233B; NRS 612.220; 612.115**

*A REGULATION relating to unemployment compensation; clarifying the definition of employment for full-time active duty Nevada National Guard or Nevada Air National Guard members.*

*Section 1. Chapter 612 of the Nevada Administrative Code (NAC), Unemployment Compensation, Claims for Benefits section is hereby amended to add NAC 612.115 to read as follows:*

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- (a) Member is ordered to full-time active duty for at least 90 continuous days.**
- (b) Member is paid under Title 32.**
- (c) Member is released from military service under unemployment compensation for Ex-servicemembers (UCX) eligibility separation reasons.**
- (d) Member is otherwise entitled to receive unemployment benefits per UI regulations.**

*Sec 2. This regulation becomes effective when the final version and a copy of the informational statement required by NRS 233B.066 is filed with the Secretary of State and expires November 1, 2015.*