

**LEGISLATIVE REVIEW OF ADOPTED
PERMANENT REGULATIONS AS REQUIRED BY
NRS 233B.066**

LCB FILE R130-23

The following statement is submitted for adopted amendments to Nevada Administrative code (NAC) Chapter 612.

1. A clear and concise explanation of the need for the adopted regulation.

The proposed amendment to the regulation pertaining to NAC 612, pursuant to Nevada Revised Statute (NRS) 612.550 will establish the circumstances under which a person will be deemed to comply with the requirement to actively seeking work and revising unemployment compensation provisions relating to certain notices; repealing provisions relating to the release of certain information; repealing provisions relating to the Unemployment Compensation Bond Fund; and providing other matters properly relating thereto. The need for each regulatory amendment and/or repeal as stated in R130-23 is stated as follows:

- Amendment of NACs 612.120, 612.290, 612.470, and 612.660, respectively adding an *electronically transmitted* notification mechanism to said regulations to conform with current Statute/Law, respectively NRS 612.253.
- Repeal of NACs 612.590 through 612.625, respectively removing the relic and unnecessary UI Special Bond regulations pursuant to the recommendation of DETR's Chief Economist, David Schmidt. Said regulations have not been used in almost a decade, would not be used in the future, and are no longer valid.
- Repeal of NAC 612.056, respectively removing the release of information regulation to conform with current Statute/Law, respectively NRS 612.265.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

On September 4, 2023, the Division publicly notified the Employment Security Council meeting in accordance with Nevada Revised Statute NRS 241.020. In the meeting notice, written comment was requested on or before September 28, 2022. On October 4, 2023, the Employment Security Division held the Employment Security Council's public meeting wherein regulatory amendments and repeals to NAC Chapter 612 regulations as stated in the posted agenda were presented and wherein public comment was solicited on said amendments and repeals. For the record, no public comments were made during the meeting, nor were any written public comments received by the Division.

On October 12, 2023, the Division publicly noticed a Small Business Workshop on regulatory amendments and repeals as outlined in R130-23 and stated on the posted agenda. On October 30, 2023, the Employment Security Division conducted the Small Business Workshop on R130-23 pertaining to regulatory amendments and repeals to NAC Chapter 612 as stated and publicly posted

in the Small Business Workshop Agenda. For the record, no public comments were made during the meeting, nor were any written public comments received by the Division.

On December 4, 2023, the Division publicly noticed a *second* Small Business Workshop on regulatory amendments and repeals as outlined in R130-23 and stated on the posted agenda. On December 21, 2023, the Employment Security Division conducted its second Small Business Workshop on R130-23 pertaining to regulatory amendments and repeals to NAC Chapter 612 as stated and publicly posted in the Small Business Workshop Agenda. For the record, no public comments were made during the meeting, nor were any written public comments received by the Division.

On January 4, 2024, the Division publicly noticed a Hearing to Adopt Regulations on regulatory amendments and repeals as outlined in R130-23 and stated on the posted agenda. On February 5, 2024, the Employment Security Division conducted its Hearing to Adopt Regulations on R130-23 pertaining to regulatory amendments and repeals to NAC Chapter 612 as stated and publicly posted in the Hearing's Agenda. Pursuant to NRS 612.220, the Administrator of the Employment Security Division adopted regulatory amendments and appeals in NAC Chapter 612 as outlined in R130-23 and as stated and posted in the Hearing's agenda.

On February 16, 2024, the Division publicly noticed a *second* Hearing to Adopt Regulations on regulatory amendments and repeals as outlined in R130-23 and stated on the posted agenda. On March 18, 2024, the Employment Security Division conducted its Hearing to Adopt Regulations on R130-23 pertaining to regulatory amendments and repeals to NAC Chapter 612 as stated and publicly posted in the Hearing's Agenda. Pursuant to NRS 612.220, the Administrator of the Employment Security Division adopted regulatory amendments and appeals in NAC Chapter 612 as outlined in R130-23 and as stated and posted in the Hearing's agenda.

Posting locations:

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
- Reno Casual Labor Office, 420 Galletti Way, Sparks, NV 89431
- American Job Center of Nevada, 4001 South Virginia Street, Reno, NV 89502
- Las Vegas Casual Labor Office, 1001 North A Street, Las Vegas, NV 89106
- Nevada EmployNV Hub-Carson City, 1929 North Carson Street, Carson City, NV 89701
- Nevada EmployNV Hub -Elko, 172 Sixth Street, Elko, NV 89801
- Nevada EmployNV Hub -Ely, 1500 Avenue F, Suite 1, Ely, NV 89301
- Nevada EmployNV Hub -Fallon, 121 Industrial Way, Fallon, NV 89406
- Nevada EmployNV Hub -Henderson, 4500 E. Sunset Road, Suite 40, Henderson, NV 89014

- Nevada EmployNV Hub -Las Vegas, 3405 South Maryland Parkway, Las Vegas, NV 89169
- Nevada EmployNV Hub -North Las Vegas, 2827 Las Vegas Boulevard North, Las Vegas, NV 89030
- Nevada EmployNV Hub -Sparks, 2281 Pyramid Way, Sparks, NV 89431
- Nevada EmployNV Hub -Winnemucca, 475 Haskell St., Suite 1, Winnemucca, NV 89445
- All county libraries

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.

The division posted the regulation drafted by LCB to the DETR website and posted the revised language to the Nevada Legislature website. A copy of the revised regulation was also made available to the public at the Hearing and DETR staff reviewed the changes to the Regulations, providing an explanation of the Regulation.

In compliance with NRS 233B, a Hearing for the adoption of the regulation was held on March 18, 2024, at 1p.m. through Zoom. The purpose of the hearing was to receive comments from all interested persons regarding the adoption of the regulation pertaining to Chapter 612, of the Nevada Administrative Code.

The transcript of the Hearing is not yet available, but will be posted to DETR’s Public Meeting Minutes page within 30 days of the Hearing at the following link; https://detr.nv.gov/Page/Minutes_of_Employment_Security_Division_Employment_Security_Council

The number of persons who:

a. Attended at each meeting:

Employment Security Division Meeting:

October 4, 2023: Carson City: 14

October 4, 2023: Las Vegas: 1

Small Business Workshop:

October 30, 2023: Carson City: 14

October 30, 2023: Las Vegas: 1

December 21, 2023: Carson City: 5

December 21, 2023: Las Vegas: 1

Hearing:

February 5, 2024: Carson City: 8

March 18, 2024: Carson City: 3

March 18, 2024: Las Vegas: 3

b. Testified at each meeting:

Employment Security Division Meeting:

October 4, 2023

- No public comment

Small Business Workshop:

October 30, 2023

- No public comment

Hearing:

February 5, 2024

- No public comment

March 18, 2024

- No public comment

c. Submitted to the agency written comments:

Employment Security Council Meeting: No written comments were received.

Small Business Workshop: No written comments were received.

Hearing: No written comments were submitted

4. A description of how comments were solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public through public postings and notices disseminated by the Division to the public for multiple instances of public small business workshops and hearings to adopt regulations. Said dissemination methods include physical postings in multiple (more than three) public places/buildings, and electronic dissemination via email. The public were provided multiple instances of notifications that provided specific instruction of methods for the public to submit public comment including methods of personal presence at public meetings, public comments made via telephone and/or electronically, all which would be read into the record during said public meetings.

For the record, no public comments were made during the multiple public workshops and/or hearings held by the Division on R130-23 regarding the Division's proposed regulatory amendments and repeals in NAC Chapter 612. Nor were any written public comments received by the Division via USPS nor electronic or telephonic methods.

5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Administrator, following the engagement with the business community and the latest economic data, chose to change the proposed regulation amendments.

- 6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
- a. Both adverse and beneficial effects; and**
 - b. Both immediate and long-term effects.**

These regulations impact individuals filing for unemployment benefits and do not directly affect businesses. Said regulations have not been used in almost a decade, would not be used in the future, and are no longer valid.

Beneficial Impacts

Possible increase in work search activity on the part of UI claimants, to the potential benefit of employers.

Adverse Impacts

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

Direct Impacts

These amendments have no direct impact to employers.

Indirect Impacts

Business could indirectly experience increased work search activity on the part of UI claimants.

Immediate Effect:

Long-Term Effect:

- 7. The estimated cost to the agency for enforcement of the adopted regulation.**

This regulation will be enforced as a regular part of ongoing UI operations, and does not represent any additional burden on staff time, as the regulation is used to modify contribution rates each year. Funding for the administration of the UI program is provided to the Department by the U.S. Department of Labor.

Anticipated Revenue Increase and Use

This regulation does not anticipate any increase and/or use to Nevadans.

- 8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This regulation is only a modification to certain Unemployment Insurance NAC's. Therefore, this regulation does not duplicate or provide a more stringent standard than any other regulation of federal, state, or local governments.

9. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulation is not required pursuant to federal law, nor is there a federal regulation that regulates the same activity.

10. If the regulation establishes a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This Regulation does not impose any new or increased fees on employers.

Kristine Nelson _____

03.29.2024

Kristine Nelson, ESD Administrator

Nevada Department of Employment, Training and Rehabilitation