

PRESENT: Poggione, Capurro, Hafen, Branch, Bryan and Mello

ABSENT: McKissick

OTHERS: Lee Burnham; G.A. Fletcher, Department of Employment Security and Howard Gray, Attorney and Lobbyist

Chairman Poggione called the meeting to order at 11:45 A.M. for the purpose of discussing several Senate bills.

S.B. 442 "Amends Unemployment Compensation Law to require repayment of benefits paid when based on false statements or representations; disqualifies such recipients from receiving further benefits for a certain period thereafter."

Chairman Poggione commented that testimony on this has already been heard from Mr. Fletcher. Mr. Mello moved "do pass". Mr. Bryan seconded. Motion carried.

S.B. 440 "Makes permissive the filing of claims of lien in certain cases by executive director of Employment Security Department."

Chairman Poggione commented that the only change was changing the word "must" to "may". Mr. Mello moved "do pass". Mr. Bryan seconded. Motion carried.

S.B. 439 "Makes appeal to board of review a matter of right under Unemployment Compensation Law."

Mr. Fletcher commented that presently, the board can use its discretion to refuse hearing certain cases. This bill would make it mandatory to hear all cases. Mr. Mello wondered if a statement was required from the employer before a person could receive unemployment payments. Mr. Fletcher said it was not. The word of the person applying for unemployment payment was often enough. Mr. Poggione added that this works both ways. Even though the employer may complain, the applicant still may receive unemployment and he has no right to it. Mr. Bryan moved "do pass". Mr. Branch seconded. Motion carried.

S.B. 419 "Offers various amendments to Unemployment Compensation Law."

Mr. Fletcher commented that a large part of this is really housekeeping and word changes. It does allow for the destruction of material in four years rather than five years. It allows for the disclosure of information. It spells out that information received is confidential except in matters of unemployment compensation. This would allow them to get more accurate information for their records upon obtaining a claim. If information requested is to be used for any other purpose, it must be subpoenaed. The point here is to try to spell it out so if someone comes to them for information, they can say it cannot be obtained without a subpoena. Mr. Capurro moved "do pass". Mr. Mello seconded. Motion carried with Mr. Poggione in opposition.

S.B. 418 "Revises Unemployment Compensation Law."

Mr. Fletcher commented that this was the bill the State has to enact to comply with Federal law. Mr. Branch moved "do pass". Mr. Mello seconded. Motion carried.

S.B. 458 "Adjusts weekly unemployment compensation benefit amounts."

Mr. Capurro questioned the word "increase" and what affect this would have on the fund. Mr. Fletcher said the increase was from \$47 to 50% of the average wage in covered employment. The affect on the fund will be about \$2 million a year and if conditions improve, it will become less. Howard Gray said he was in agreement with this. Mr. Mello moved "do pass". Mr. Bryan seconded. Motion carried.

Meeting adjourned at 12:00 noon.

~~SB 419~~ - (BDR 53-523) AMENDMENTS TO
UNEMPLOYMENT COMPENSATION LAW
ANALYSES PREPARED BY EMPLOYMENT SECURITY DEPARTMENT

Sec. 1 NRS 612.170 INSURED WORKER Amended

The amendment defines an "insured worker" as one who has been paid wages rather than one who earned wages in his base period.

Reason for Change The amendment is merely to bring this section into conformity with actual practice as prescribed in other sections of the law - NRS 612.190 defines wages as "all remuneration paid for personal services." NRS 612.375 4(a) and 4(b) prescribe that to qualify for benefits an individual must have been paid wages in the base period. Also employers report and pay contributions on a wage paid basis rather than on an accrual basis.

Sec. 2 NRS 612.260 DESTRUCTION OF RECORDS Amended

Sub-Sec. 3 The amendment defines records which may be destroyed and provides that those records need only be retained for four years rather than five years.

Reason for Change The named records serve no purpose in department files after four years have passed; retaining the records for only four years instead of five will save space and result in substantial savings to the department.

Sec. 3 NRS 612.265 DISCLOSURE OF INFORMATION BY EMPLOYMENT SECURITY DEPARTMENT Amended

Sub-Sec. 3 The amendment found in sub-section 3 will allow the department to furnish state and federal agencies charged with the enforcement, as well as the administration of certain laws, information from the department records.

Reason for Change To allow the Employment Security Department to give information to the Nevada Industrial Commission, and to other federal and state agencies charged with enforcement of fair employment practices and having anti-

Sec. 3 (Contd.)
Reason for Change

discrimination responsibilities. This brings state law into conformity with provisions of federal law.

Sub-Sec. 7

This amendment to Section 3, Sub-section 7 provides that information given to the department by an employer or an employee is privileged and can be used only in matters arising under the Unemployment Compensation Law.

Reason for Change

The department presently treats information received from employers and claimants as confidential and only to be disclosed for the purposes of Chapter 612; however frequently requests are made for information to be used in legal actions for some purpose not related to Chapter 612; having the amendments in the law will make it clear that the department is not supposed to disclose such information. This also will encourage employers and claimants to give full and complete facts to the department.

Sec. 4 NRS 612.330 ACCEPTANCE OF WAGNER-PEYSER ACT Amended

Presently the Executive Director is designated as the agency of this State for the purposes of the Wagner-Peyser Act. The amendment changes this to make the Employment Security Department the agency for the Wagner-Peyser Act.

Sec. 5 NRS 612.335 PAYMENT OF BENEFITS

The amendment provides that unemployment compensation benefits should be paid through Employment Security Department offices rather than through "employment offices."

Reason for Change

Make it clear that unemployment compensation benefits can be paid through any office of the Nevada Employment Security Department.

Sec. 6 NRS 612.375 CONDITIONS OF BENEFIT ELIGIBILITY Amended

Sub-Sec. 1 Amended to permit claimants to report to an Employment Security Department office instead of to an employment office.

Sub-Sec. 3 Sub-section 3 is amended to permit payment, under proper conditions, to ill or disabled persons who are not residing in the State of Nevada. Presently a person who becomes ill or disabled while in a continuous period of claim filing can continue to receive benefits until a job is offered him if he is residing in the State of Nevada.

Reason for change To comply with recently enacted federal statutes (P. L. 91-373) which says that benefits may not be denied or reduced because a person is filing claims from another state or Canada.

Sub-Sec. 4 This sub-section is amended to delete old transitional language no longer needed and to substitute the word "wages" for the word "earnings" wherever found. This is because benefits are computed on wages paid rather than on earnings.

Sec. 7 NRS 612.425, 612.430, 612.435, 612.440 and 612.447

Sec. 8

Sec. 9 These sections are amended merely to delete unnecessary language and to clarify the

Sec. 10

Sec. 11 wording used - the changes have no substantive effect.

Sec. 12 NRS 612.500 APPEAL WITNESSES

Sub-Sec. 6 Provides that fees paid to witnesses subpoenaed to appear at appeal hearings shall be in the amounts prescribed in NRS rather than at a rate fixed by the Executive Director.

Sec. 13 NRS 612.530 JUDICIAL REVIEW OF DECISIONS

Sub-Sec. 3 Sub-section 3 is amended to allow the Executive Director to file true copies of documents (as well as originals) with the District Court.

Reason for Change True copies of a record will serve the same purpose as would filing the original document and would eliminate difficulties encountered in having the originals returned for department files after the case is settled.