



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

*****REVISED WORKSHOP NOTICE AND AGENDA**

Post Date: 07/01/2019

Revised Post Date: 07/10/2019

WORKSHOP TO ADDRESS THE IMPACT OF PROPOSED REGULATIONS ON
SMALL BUSINESSES

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 proposed regulations to clarify language in NAC 612.056 and NAC 612.030, increase the allowable percentage of reimbursement for administrative costs pursuant to NAC 612.685, increase the time period for which a waiver for electronic filing of forms is effective from 12 to 24 months, and establish regulation related to the release of information to district court, district court jury commissioner, and the Administrative Office of the Courts. This notice is provided in compliance with NRS 241.020 and 233B.061.

Name of Division: Nevada Employment Security Division (ESD)

Date and Time of Meeting: Friday, July 19th, 2019; 10:00 A.M.

Place of Meeting: Live Meeting:
Legislative Building
401 S. Carson Street, Room 3137
Carson City, Nevada 89701

Video Conference To:
Grant Sawyer Building
555 E. Washington Ave., Room 4412E
Las Vegas, Nevada 89101

AGENDA

- I. Call to order and welcome – ESD
- II. Public Comment – *Administrator 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 – ESD
- IV. Review Written Comments – ESD

*****Revised to include ESD Draft of Proposed Regulation for agenda item V, B.**

- V. Workshop to consider proposed regulations by the Employment Security Division – ESD
 - A. Language clean up to reference section 4 of NRS 612.265 in NAC 612.056 and addition of new language to establish Nevada Local Workforce Development Boards in the definition of “agencies” under NRS 612.265(4) to allow data sharing between DETR-ESD and the boards.
 - B. Modification of NAC 612.685 to increase the allowable percentage of reimbursement for administrative costs pursuant to NRS 612.607 from 10% to 20%.
 - C. Language clean up to remove words referencing forms in NAC 612.030 which are now obsolete due to mandatory electronic filing.
 - D. Addition of language to NAC 612 to increase the length of a waiver issued by ESD permitting physical filing of forms from 12 months to 24 months, in conformity with Senate Bill 302.
 - E. Addition of language in NAC 612.057 to authorize the release of information to district courts, district court jury commissioners, and the Administrative Office of the Courts.

- VI. Closing Public Comment - *Administrator 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. ***For possible action:** 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.

A copy of the meeting Notice and Agenda and supporting materials can be requested as per NRS 241.020, 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 Joyce Golden at (775) 684-3909, or fax request to (775) 684-3910.

NOTE: Written comments must be received by the Employment Security Division on or before July 12th, 2019, at the following address:

Department of Employment, Training and Rehabilitation
Employment Security Division
500 E. Third Street, Carson City, NV 89713
Attn: Joyce Golden

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 TTY (800) 326-6868 or 711 for Relay Nevada*), or send a fax to (775) 684-3910, within 72 hours of meeting date and time.

Notice of this meeting was posted at the following locations on or before 9 a.m. on the 15th working 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 89703
Las Vegas Field Audit Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104
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
American Job Center of Nevada, 4001 South Virginia Street, Reno, NV 89502
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, 4500 E. Sunset Road, Suite 40, Henderson, NV 89014
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-Sparks, 2281 Pyramid Way, Sparks, NV 89431
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, 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 REGULATION OF THE EMPLOYMENT SECURITY DIVISION OF THE
DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION**

EXPLANATION – Matter in *italics* is new; matter in *green bold underlining* is language proposed to be added in this amendment; matter in brackets ~~omitted material~~ is material to be omitted; matter in ~~purple double strikethrough~~ is language proposed to be deleted in this amendment.

AUTHORITY citation other than 233B; NRS 612.535 - 612.580

A REGULATION relating to the Release of Information; clarifying that the Nevada Local Workforce Development Boards shall be included within the definition of “agencies”.

Section 1. NAC 612.056 is hereby amended to read as follows:

NAC 612.056 Release of information; fee. (NRS 612.220, 612.265)

1. The Administrator will provide information pursuant to subsection ~~3~~ 4 of NRS 612.265 if:
 - (a) An appropriate agency submits a request ~~on a form prescribed by the Administrator; in the format specified by the Administrator~~ and;
 - (b) The Administrator approves the release of the requested information.
2. The Administrator may charge a reasonable fee to cover any administrative costs incurred in providing information pursuant to subsection ~~3~~ 4, 5, ~~or~~ 6, *8, 9, or 10* of NRS 612.265. The fee will not exceed the actual cost of providing the information, as determined from the records of the Division.
3. *Nevada Local Workforce Development Boards shall be included within the definition of “agencies”.*

Section 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.

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AUTHORITY citation other than 233B; NRS 612.535 - 612.580

A REGULATION relating to the Reimbursement of administrative costs; increasing the maximum allowable percentage of reimbursement pursuant to NAC 612.685 from 10% to 20%

Section 1. NAC 612.056 is hereby amended to read as follows:

NAC 612.685 Reimbursement of administrative costs. (NRS 612.607)

1. If the amount of interest collected by a nonprofit private entity is insufficient for the purpose of administering loans pursuant to subsection 2 of [NAC 612.683](#), the nonprofit private entity may be entitled to reimbursement for administrative costs incurred as a result of administering a loan under the program, but any such reimbursement must not exceed ~~10~~ **20** percent of the total amount of all grants awarded to the nonprofit private entity for the purposes of making loans under the program.
2. A claim for reimbursement pursuant to subsection 1 must be made:
 - (a) In accordance with generally accepted accounting principles; and
 - (b) On a form prescribed by the Administrator.

Section 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.

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AUTHORITY citation other than 233B; NRS 612.535 - 612.580

A REGULATION relating to filing of forms; clarifying that reports are required in the format specified by the Administrator to align with mandated electronic filing

Section 1. NAC 612.030 is hereby amended to read as follows:

NAC 612.030 Reports. (NRS 612.220, 612.260)

1. Each employing unit and employer shall make any reports prescribed by the Administrator ~~on forms issued by~~ *in the format specified by the Administrator* and required to be returned to the Division.
2. Lack of employment for any period of time does not excuse any employing unit or employer from making any report.

Section 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.

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AUTHORITY citation other than 233B; NRS 612.535 - 612.580

A REGULATION relating to the waiver which an employer or employing unit may obtain to not comply with the requirement to submit forms electronically

Section 1. NAC 612 is hereby amended to add regulation which reads as follows:

Waiver of requirement to file reports electronically.

1. Except as otherwise provided in subsection 2, each employing unit and employer that is subject to the provisions of chapter 612 of NRS shall file by electronic means all quarterly contribution and wage reports pursuant to that chapter.

2. An employing unit or employer may request a waiver of the requirement of electronic filing set forth in subsection 1. The Division may grant a waiver of not more than ~~1~~ *year* *24 months* if the employing unit or employer establishes to the satisfaction of the Administrator that:

- (a) The employing unit or employer lacks the facilities to file by electronic means;
- (b) Filing by electronic means would impose a severe economic hardship on the employing unit or employer; or
- (c) Other good cause shown excuses compliance with the requirement of electronic filing.

Section 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.

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AUTHORITY citation other than 233B; NRS 612.535 - 612.580

A REGULATION relating the release of information to district courts, district court jury commissioners, or the Administrative Office of the Courts, specifying the manner in which the Employment Security Division may be reimbursed for reasonable costs incurred.

Section 1. Chapter 612 of the Nevada Administrative Code (NAC), Unemployment Compensation, Collection of Contributions section is hereby amended to add NAC 612.057 to read as follows:

NAC 612.057 Release of information to district court, district court jury commissioner or Administrative Office of the Courts.

- 1. Upon request of any district judge or jury commissioner of the judicial district, the Administrator may comply with the requirement to furnish information pursuant to NRS 612.265(10) by providing such data to the Administrative Office of the Courts, unless otherwise determined by the Administrator.*
- 2. The Administrator may charge a reasonable fee to reimburse the Division for reasonable costs incurred in providing information pursuant to subsection 10 of NRS 612.265. The fee will not exceed the actual cost of providing the information, as determined by the Administrator.*
- 3. Upon a district judge or jury commissioner submitting a written request to the Administrator pursuant to NRS 612.265(10), the district judge or jury commissioner agrees to have the Administrator furnish appropriate information to the Administrative Office of the Courts for processing and dissemination to the requestor.*
- 4. A request for information pursuant to NRS 612.265(10) may only be submitted to the Administrator once a year after February 1st. The Administrator shall inform the requesting district judge and jury commissioner of the cost of providing such data, prior to taking steps toward complying with such request. The cost of such data shall be an amount equal to the cost imposed by the Department of Motor Vehicles for data provided pursuant to NRS 6.045(b) or a different amount as determined by the administrator based on need.*
- 5. The district judge or jury commissioner shall pay the costs of providing the information requested pursuant to NRS 612.265(10), before such data is furnished.*
- 6. The district judges, jury commissioners, and the Administrative Office of the Courts are on notice of the confidential and privileged nature of information addressed by NRS 612.265 and, by requesting, processing, and disseminating such data or information, they agree to the confidentiality requirements of this statute and 20 C.F.R. part 603.*

Section 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.