

STATE OF NEVADA

Steve Sisolak  
Governor



Elisa P. Cafferata  
Director

Lynda Parven  
Administrator

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

**MEETING NOTICE AND AGENDA**

Post Date: 10/06/2021

**WORKSHOP TO ADDRESS THE IMPACT OF PROPOSED REGULATION ON SMALL BUSINESS**  
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 a proposed regulation to establish the Unemployment Insurance (UI) Tax Rate Schedule for Nevada employers for calendar year 2022. This notice is provided in compliance with NRS 241.020 and 233B.061.*

**Name of Organization:** Nevada Employment Security Division (ESD)

**Date and Time of Meeting:** Friday, October 22nd, 2021; 9:00 A.M.

**Place of Meeting:** **Live Meeting:**  
Telephone: 1 669 900 6833  
Webinar/Meeting ID: 872 8126 4302  
Passcode: 353225

**Broadcast From:**  
ESD SAO Auditorium  
500 E. 3<sup>rd</sup> St  
Carson City, NV 89713

URL: <https://us06web.zoom.us/j/87281264302?pwd=cHpuQWdKZTcrYzRpcyszbE5YcmQzQT09>

**Note:** This meeting will take place via the Zoom Webinar, and virtual public comment will be made available at (669) 900-6833, meeting ID 872 8126 4302. A free copy of all materials will be made available before the meeting at: [https://detr.nv.gov/Page/Public\\_Meetings](https://detr.nv.gov/Page/Public_Meetings)

**AGENDA**

- I. Call to order and welcome – ESD
  - II. Public Comment – *Chair may limit public comment to 3 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. This round of public comment will last no longer than thirty minutes.*
  - III. Confirmation of Posting - ESD
  - IV. Review Written Comments – ESD
  - V. Workshop to consider proposed regulation to establish the Unemployment Insurance (UI) Tax Rate Schedule for Nevada Employers for calendar year 2022
    - A. Review of Trust Fund and Economic Analysis – R&A / DETR
    - B. Unemployment Insurance Tax Schedule and Small Business Impact Statement – ESD/DETR
  - VI. Closing Public Comment - *Chair may limit public comment to 3 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. This round of public comment will last no longer than thirty minutes.*
  - 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 can be requested 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 Stewart Terry at (775) 684-3902. Copies of pertinent documents will also be made available on the DETR website at: <http://detr.nv.gov>

**NOTE:** Written comments must be received by the Employment Security Division on or before October 19, 2021, at the following address:

Attn: Stewart Terry / MASS  
Department of Employment, Training and Rehabilitation  
Employment Security Division  
500 E. Third Street, Carson City, NV 89713

Employment Security Division  
Meeting Notice and Agenda  
October 22, 2021

**NOTE:** Persons with disabilities who require reasonable accommodations or assistance at the meeting should notify the Employment Security Division in writing at 500 E. Third Street, Carson City, Nevada 89713, or call Stewart Terry at (775) 684-3902 *(for individuals who are deaf or have hearing disabilities, dial TTY (800) 326-6868 or 711 for Relay Nevada)* within 72 hours of meeting date and time. Supporting materials as provided for in NRS 241.020(5) may be obtained by contacting Stewart Terry at the above-noted contact information.

**Notice of this meeting was posted at the following locations on or before 9 a.m. of the 3<sup>rd</sup> 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  
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 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: [https://detr.nv.gov/Page/PUBLIC\\_NOTICES](https://detr.nv.gov/Page/PUBLIC_NOTICES), 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 ADMINISTRATOR OF THE  
EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT  
OF EMPLOYMENT, TRAINING AND REHABILITATION**

**LCB File N0. R**

October 4, 2021

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

AUTHORITY: §§1 and 2, NRS 612.220 and 612.550.

A REGULATION relating to unemployment compensation; prescribing the contribution rate schedule for calendar year 2022 and providing other matters properly relating thereto.

**Section 1.** NAC 612.270 is hereby amended to read as follows:

612.270 The Administrator establishes the following schedule of contribution rates for eligible employers for calendar year ~~2021:~~ *2022:*

1. Class 1: A rate of 0.25 percent is assigned to each employer whose reserve ratio is ~~14.6~~ *17.95* percent or more;
2. Class 2: A rate of 0.55 percent is assigned to each employer whose reserve ratio is at least ~~13.0~~ *16.35* percent but less than ~~14.6~~ *17.95* percent;
3. Class 3: A rate of 0.85 percent is assigned to each employer whose reserve ratio is at least ~~11.4~~ *14.75* percent but less than ~~13.0~~ *16.35* percent;
4. Class 4: A rate of 1.15 percent is assigned to each employer whose reserve ratio is at least ~~9.8~~ *13.15* percent but less than ~~11.4~~ *14.75* percent;
5. Class 5: A rate of 1.45 percent is assigned to each employer whose reserve ratio is at least ~~8.2~~ *11.55* percent but less than ~~9.8~~ *13.15* percent;

6. Class 6: A rate of 1.75 percent is assigned to each employer whose reserve ratio is at least ~~[6.6]~~ 9.95 percent but less than ~~[8.2]~~ 11.55 percent;

7. Class 7: A rate of 2.05 percent is assigned to each employer whose reserve ratio is at least ~~[5.0]~~ 8.35 percent but less than ~~[6.6]~~ 9.95 percent;

8. Class 8: A rate of 2.35 percent is assigned to each employer whose reserve ratio is at least ~~[3.4]~~ 6.75 percent but less than ~~[5.0]~~ 8.35 percent;

9. Class 9: A rate of 2.65 percent is assigned to each employer whose reserve ratio is at least ~~[1.8]~~ 5.15 percent but less than ~~[3.4]~~ 6.75 percent;

10. Class 10: A rate of 2.95 percent is assigned to each employer whose reserve ratio is at least ~~[0.2]~~ 3.55 percent but less than ~~[1.8]~~ 5.15 percent;

11. Class 11: A rate of 3.25 percent is assigned to each employer whose reserve ratio is at least ~~[-1.4]~~ 1.95 percent but less than ~~[0.2]~~ 3.55 percent;

12. Class 12: A rate of 3.55 percent is assigned to each employer whose reserve ratio is at least ~~[-3.0]~~ 0.35 percent but less than ~~[-1.4]~~ 1.95 percent;

13. Class 13: A rate of 3.85 percent is assigned to each employer whose reserve ratio is at least ~~[-4.6]~~ -1.25 percent but less than ~~[-3.0]~~ 0.35 percent;

14. Class 14: A rate of 4.15 percent is assigned to each employer whose reserve ratio is at least ~~[-6.2]~~ -2.85 percent but less than ~~[-4.6]~~ -1.25 percent;

15. Class 15: A rate of 4.45 percent is assigned to each employer whose reserve ratio is at least ~~[-7.8]~~ -4.45 percent but less than ~~[-6.2]~~ -2.85 percent;

16. Class 16: A rate of 4.75 percent is assigned to each employer whose reserve ratio is at least ~~[-9.4]~~ -6.05 percent but less than ~~[-7.8]~~ -4.45 percent;

17. Class 17: A rate of 5.05 percent is assigned to each employer whose reserve ratio is at least ~~[-11.0]~~ -7.65 percent but less than ~~[-9.4]~~ -6.05 percent; and

18. Class 18: A rate of 5.4 percent is assigned to each employer whose reserve ratio is less than ~~[-11.0]~~ -7.65 percent.

**Sec. 2.** This regulation becomes effective on January 1, 2022.

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Lynda Parven, Administrator  
Employment Security Division

**Small Business Impact Statement**  
**Department of Employment, Training, and Rehabilitation**  
**2022 Unemployment Insurance Contribution Schedule**  
**Pursuant to NRS 233B.0608**

**1. Description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

On October 4, 2021, the Employment Security Division Administrator and the Employment Security Council held a meeting to review, discuss, and solicit comment on the proposed amendment of a regulation pertaining to Chapter 612 of Nevada Administrative Code. On September 3<sup>rd</sup> 2021, the Division publicly noticed 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 27, 2021. As of October 4, 2021, no written comments were received. On October 4, 2021, the Employment Security Council met to discuss the 2022 Unemployment Insurance Contribution Tax Rate Schedule. Ray Bacon provided public comment representing the Nevada Manufacturer's Association and supported raising the average unemployment tax rate to prepare the unemployment trust fund and prepare for potential future risks in the economy.. No other public comment was provided. Minutes from this meeting will be made available on the Division's web page on or before November 2, 2021.

**2. Manner and Method of Analysis**

This analysis was conducted by the state employees with the most understanding of the subject of unemployment insurance financial projections and economic impact. Analysis of expected benefit costs comes from a model of estimated employment growth and estimated average wage growth on a quarter-by-quarter basis throughout the time period to which the regulation would apply. Data about the number, size, and distribution of employers comes from the records of the Division from the required reports filed by those employers.

**3. Estimated Economic Impact**

All Nevada employers subject to Unemployment Insurance (UI) contributions and eligible for experience rating will be affected by the proposed regulation, constituting approximately 54,368 employers, or 61.2% of all employers registered with the Employment Security Division. This regulation represents an increase in the average UI contribution rate from 1.65% in 2021 to 2.0% in 2022, as recommended by the Employment Security Council on October 4, 2021.

### **Beneficial Impacts**

The increase in contribution rates will rebuild the state unemployment trust fund at a more rapid pace than leaving average contribution rates unchanged. With an estimated \$34 billion in taxable wages projected for 2022, the 0.35% increase in the average rate will generate approximately \$119 million in additional contributions for calendar year 2022. Increasing the reserves in the unemployment trust fund will help restore solvency after the fund was depleted in 2020, better preparing the trust fund for future recessions. Finally, the positive trust fund balance will earn interest at a rate of around 2.25% per year.

### **Adverse Impacts**

The increase in the average contribution rate from 1.65% to 2.0% will cause most employers to experience a 0.3% increase in their unemployment contribution rates in 2022 compared to 2021. This increase will cause the maximum cost per employee to rise from \$623.50 to \$752.35, per employee earning \$36,600 or more in 2022.

### **Direct Impacts**

The direct impact of this regulation on any particular Nevada business depends on that business' prior experience with respect to unemployment. Because the rates that employers pay are fixed in statute, the average rate is adjusted each year in the regulatory process by adapting a range of reserve ratios which will apply to those rates. Each employer's reserve ratio changes each year as well, rising or falling, depending on the net balance of UI contributions and benefit charges from and to that account.



## **Indirect Impacts**

This regulation complies with the federal compliance regulations governing Unemployment Insurance contribution rates. Therefore, employers maintain eligibility for a full 5.4% credit toward their federal unemployment insurance taxes. In addition, the additional solvency in the UI system will help to pay for unemployment benefits in the future. On average, evidence suggests that for each dollar in UI benefits, \$2 or more in economic activity results. In addition, employers benefit as funds are returned to the economy through UI benefit payments, helping to mitigate the drop in consumption that takes place in a recession. Finally, the UI system helps to maintain the attachment of workers to the local workforce and facilitate a faster return to work, both through job search and training services and through mandatory work search requirements.

### **4. Consideration of Impact on Small Businesses**

By using an experience-rated structure, employers' tax rates depend primarily on their own experience with unemployment, without regard for employer size or industry type. The distribution of small employers through the UI contribution schedule closely mirrors that of the state as a whole, typically varying by no more than 0.5%. For all new employers – those who have less than 3 full years of experience in the Nevada UI system – the contribution rate remains fixed by statute at 2.95%, and is unaffected by this regulation. In addition, federal laws only allow the State to assign rates of less than 5.4% to employers in a state based on their experience with respect to unemployment, so no preferential rates may be assigned to small businesses.

### **5. Estimated Cost of Enforcement**

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 US Department of Labor.

### **6. Anticipated Revenue Increase and Use**

This regulation raises the average UI contribution rate in 2022 from 1.65% to 2.00%, raising approximately \$119 million in additional revenue compared to the 2021 average rate. By law, money collected from state

unemployment insurance contributions can only be used to pay unemployment insurance benefits, so these funds will remain deposited in the Nevada Unemployment Insurance Trust Fund.

**7. Duplication or More Stringent Standards than Federal, State, or Local Governments**

This regulation is only an annual modification to the unemployment insurance contribution schedule. Therefore, this regulation does not duplicate or provide a more stringent standard than any other regulation of federal, state, or local governments.

**8. The Reason for the Conclusions of the Agency Regarding the Impact of the Regulation on Small Businesses**

Because the distribution of small business employers closely matches the overall distribution of all employers in the state and because US unemployment insurance law does not allow states to assign rates of less than 5.4% except on the basis of an employer's prior experience with respect to unemployment; the agency believes that there is no disparate impact to small businesses due to this regulation.

**Certification of Concerted Effort to Determine Impact on Small Business and Accuracy of Statement**

I certify that to the best of my knowledge or belief, a concerted effort was made by the Department of Employment, Training, and Rehabilitation to determine the impact of this regulation on small business, and that the information contained in this statement has been prepared properly and is accurate.

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Lynda Parven, Administrator  
Employment Security Division

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

**LCB File N0. R**

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2. Class 2: A rate of 0.55 percent is assigned to each employer whose reserve ratio is at least ~~[13.0]~~ *15.50* percent but less than ~~[14.6]~~ *17.10* percent;
3. Class 3: A rate of 0.85 percent is assigned to each employer whose reserve ratio is at least ~~[11.4]~~ *13.90* percent but less than ~~[13.0]~~ *15.50* percent;
4. Class 4: A rate of 1.15 percent is assigned to each employer whose reserve ratio is at least ~~[9.8]~~ *12.30* percent but less than ~~[11.4]~~ *13.90* percent;
5. Class 5: A rate of 1.45 percent is assigned to each employer whose reserve ratio is at least ~~[8.2]~~ *10.70* percent but less than ~~[9.8]~~ *12.30* percent;

6. Class 6: A rate of 1.75 percent is assigned to each employer whose reserve ratio is at least ~~[6.6]~~ 9.10 percent but less than ~~[8.2]~~ 10.70 percent;

7. Class 7: A rate of 2.05 percent is assigned to each employer whose reserve ratio is at least ~~[5.0]~~ 7.50 percent but less than ~~[6.6]~~ 9.10 percent;

8. Class 8: A rate of 2.35 percent is assigned to each employer whose reserve ratio is at least ~~[3.4]~~ 5.90 percent but less than ~~[5.0]~~ 7.50 percent;

9. Class 9: A rate of 2.65 percent is assigned to each employer whose reserve ratio is at least ~~[1.8]~~ 4.30 percent but less than ~~[3.4]~~ 5.90 percent;

10. Class 10: A rate of 2.95 percent is assigned to each employer whose reserve ratio is at least ~~[0.2]~~ 2.70 percent but less than ~~[1.8]~~ 4.30 percent;

11. Class 11: A rate of 3.25 percent is assigned to each employer whose reserve ratio is at least ~~[-1.4]~~ 1.10 percent but less than ~~[0.2]~~ 2.70 percent;

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15. Class 15: A rate of 4.45 percent is assigned to each employer whose reserve ratio is at least ~~[-7.8]~~ -5.30 percent but less than ~~[-6.2]~~ -3.70 percent;

16. Class 16: A rate of 4.75 percent is assigned to each employer whose reserve ratio is at least ~~[-9.4]~~ -6.90 percent but less than ~~[-7.8]~~ -5.30 percent;

17. Class 17: A rate of 5.05 percent is assigned to each employer whose reserve ratio is at least ~~[-11.0]~~ -8.50 percent but less than ~~[-9.4]~~ -6.90 percent; and

18. Class 18: A rate of 5.4 percent is assigned to each employer whose reserve ratio is less than ~~[-11.0]~~ -8.50 percent.

**Sec. 2.** This regulation becomes effective on January 1, 2022.

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Lynda Parven, Administrator  
Employment Security Division

**Small Business Impact Statement**  
**Department of Employment, Training, and Rehabilitation**  
**2022 Unemployment Insurance Contribution Schedule**  
**Pursuant to NRS 233B.0608**

**1. Description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

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**2. Manner and Method of Analysis**

This analysis was conducted by the state employees with the most understanding of the subject of unemployment insurance financial projections and economic impact. Analysis of expected benefit costs comes from a model of estimated employment growth and estimated average wage growth on a quarter-by-quarter basis throughout the time period to which the regulation would apply. Data about the number, size, and distribution of employers comes from the records of the Division from the required reports filed by those employers.

### **3. Estimated Economic Impact**

All Nevada employers subject to Unemployment Insurance (UI) contributions and eligible for experience rating will be affected by the proposed regulation, constituting approximately 54,368 employers, or 61.2% of all employers registered with the Employment Security Division. This regulation represents an increase in the average UI contribution rate from 1.65% in 2021 to 1.85% in 2022.

#### **Beneficial Impacts**

The increase in contribution rates will rebuild the state unemployment trust fund at a more rapid pace than leaving average contribution rates unchanged. With an estimated \$34 billion in taxable wages projected for 2022, the 0.2% increase in the average rate will generate approximately \$68 million in additional contributions for calendar year 2022. Increasing the reserves in the unemployment trust fund will help restore solvency after the fund was depleted in 2020, better preparing the trust fund for future recessions. Finally, the positive trust fund balance will earn interest at a rate of around 2.25% per year.

#### **Adverse Impacts**

The increase in the average contribution rate from 1.65% to 1.85% will cause approximately half of employers to experience a 0.3% increase in their unemployment contribution rates in 2022 compared to 2021. This increase will cause the maximum cost per employee to rise from \$623.50 to \$697.30, per employee earning \$36,600 or more in 2022.

#### **Direct Impacts**

The direct impact of this regulation on any particular Nevada business depends on that business' prior experience with respect to unemployment. Because the rates that employers pay are fixed in statute, the average rate is adjusted each year in the regulatory process by adapting a range of reserve ratios which will apply to those rates. Each employer's reserve ratio changes each year as well, rising or falling, depending on the net balance of UI contributions and benefit charges from and to that account.

## **Indirect Impacts**

This regulation complies with the federal compliance regulations governing Unemployment Insurance contribution rates. Therefore, employers maintain eligibility for a full 5.4% credit toward their federal unemployment insurance taxes. In addition, the additional solvency in the UI system will help to pay for unemployment benefits in the future. On average, evidence suggests that for each dollar in UI benefits, \$2 or more in economic activity results. In addition, employers benefit as funds are returned to the economy through UI benefit payments, helping to mitigate the drop in consumption that takes place in a recession. Finally, the UI system helps to maintain the attachment of workers to the local workforce and facilitate a faster return to work, both through job search and training services and through mandatory work search requirements.

### **4. Consideration of Impact on Small Businesses**

By using an experience-rated structure, employers' tax rates depend primarily on their own experience with unemployment, without regard for employer size or industry type. The distribution of small employers through the UI contribution schedule closely mirrors that of the state as a whole, typically varying by no more than 0.5%. For all new employers – those who have less than 3 full years of experience in the Nevada UI system – the contribution rate remains fixed by statute at 2.95%, and is unaffected by this regulation. In addition, federal laws only allow the State to assign rates of less than 5.4% to employers in a state based on their experience with respect to unemployment, so no preferential rates may be assigned to small businesses.

### **5. Estimated Cost of Enforcement**

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 US Department of Labor.

### **6. Anticipated Revenue Increase and Use**

This regulation raises the average UI contribution rate in 2022 from 1.65% to 1.85%, raising approximately \$68 million in additional revenue compared to the 2021 average rate. By law, money collected from state



unemployment insurance contributions can only be used to pay unemployment insurance benefits, so these funds will remain deposited in the Nevada Unemployment Insurance Trust Fund.

**7. Duplication or More Stringent Standards than Federal, State, or Local Governments**

This regulation is only an annual modification to the unemployment insurance contribution schedule. Therefore, this regulation does not duplicate or provide a more stringent standard than any other regulation of federal, state, or local governments.

**8. The Reason for the Conclusions of the Agency Regarding the Impact of the Regulation on Small Businesses**

Because the distribution of small business employers closely matches the overall distribution of all employers in the state and because US unemployment insurance law does not allow states to assign rates of less than 5.4% except on the basis of an employer's prior experience with respect to unemployment; the agency believes that there is no disparate impact to small businesses due to this regulation.

**Certification of Concerted Effort to Determine Impact on Small Business and Accuracy of Statement**

I certify that to the best of my knowledge or belief, a concerted effort was made by the Department of Employment, Training, and Rehabilitation to determine the impact of this regulation on small business, and that the information contained in this statement has been prepared properly and is accurate.

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Lynda Parven, Administrator  
Employment Security Division