

**EMERGENCY 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.

Filing of Emergency Administrative Regulations

AUTHORITY: NRS 612.220 and Section 3 of Senate Bill No. 3 of the 32nd Special Session of the Nevada Legislature, chapter 7, Statutes of Nevada 2020, 32nd Special Session, at page 81 (NRS 612.242).

REGULATIONS relating to unemployment compensation; .

Digest:

The proposed regulatory changes to Nevada Administrative Code (NAC) Chapter 612 would extend the previously passed regulation from October 2020 to allow the Department of Employment, Training & Rehabilitation's (DETR) Employment Security Division's (ESD) Administrator to waive all adjudication issues relating to the next to last employer, if the separation from the last employer was related to COVID-19, waive all deductible income issues for the length of COVID-19 emergency period, and creates a standard by which good cause may be found by the Administrator for failing to return to employment, if the claimant can show an enumerated reason related to COVID-19. These regulations will speed up claim processing and help alleviate the backlog of claims created by the COVID-19 pandemic.

Section 1. *Upon the effective date of this regulation and based upon the declaration of emergency by the Governor regarding COVID-19, the Administrator, may waive all unresolved issues related to the next to last employer if the claim was filed on or after March 12, 2020 and before the expiration of the Governor's Emergency Declaration Regarding COVID-19 and the claimant indicated that the reason the claimant is filing for unemployment benefits is related to COVID-19.*

Section 2. *Upon the effective date of this regulation and based upon the declaration of emergency by the Governor regarding COVID-19, the Administrator, may*

a) waive all unresolved issues involving deductible income relating to severance pay, sick leave pay, vacation pay, or wages in lieu of notice along with any associated overpayments related to the deductible income issues, if the claim was filed on or after March 12, 2020 and

before the expiration of the Governor's Emergency Declaration Regarding COVID-19 and the claimant indicated that the reason the claimant is filing for unemployment benefits is related to COVID-19.

b) waive any requirement to reimburse the Division for an overpayment related to deductible income issues if the claim was filed on or after March 12, 2020 and before the expiration of the Governor's Emergency Declaration Regarding COVID-19 and the claimant indicated that the reason the claimant is filing for unemployment benefits is related to COVID-19.

Section 3. *Upon the effective date of this regulation and based upon the declaration of emergency by the Governor regarding COVID-19, the Administrator shall find the following justifications related to COVID-19 constitute "good cause" for the purposes of NRS 612.390*

- 1. The employer cannot offer suitable means by which the person may work remotely and a medical professional has recommended that the person not return to work because the person falls into one of the categories deemed high risk for contracting COVID-19 by the Centers for Disease Control and Prevention.*
- 2. The person is sick or in isolation as a direct result of COVID-19.*
- 3. There is an unreasonable risk of exposure to COVID-19 at the place of employment of the person and the person falls into one of the categories deemed high risk for contracting COVID-19 by the Centers for Disease Control and Prevention.*
- 4. The person is staying home to care for a family member who is suffering from COVID-19 or subject to a prescribed period of quarantine by a medical professional.*
- 5. The person is caring for a child who is unable to attend school or a childcare facility because of COVID-19.*
- 6. The person is 65 years of age or older*
- 7. The person is under any other circumstance that the Administrator determines, when considering the totality of the person's circumstances, constitutes good cause.*

Section 4. *A claimant may provide written, informed consent to the Division to provide records of the Division to one or more specified persons or entities to assist the claimant in obtaining COVID-19 pandemic assistance. Upon receipt of such consent from a claimant, the Administrator may provide records maintained by the Division which relate to the claimant to the persons or entities specified in the consent*

Section 5. *This regulation becomes effective upon filing with the Secretary of State pursuant to section 3 of Senate Bill No. 3 of the 32nd Special Session of the Nevada Legislature, chapter 7, Statutes of Nevada 2020, 32nd Special Session, at page 81 (NRS 612.242).*