

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

LCB File No. R129-23

December 19, 2023

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

AUTHORITY: § 1, NRS 612.220; § 2, NRS 612.220 and 612.375.

A REGULATION relating to unemployment insurance; establishing the circumstances under which a person will be deemed to comply with the requirement to actively seek work as a condition of receiving unemployment compensation; authorizing a person to register for work on an Internet website or in person through the labor exchange system of this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing federal law, the Federal Government makes payments to this State for the purpose of defraying the costs incurred by the State in administering the laws governing the payment of unemployment compensation. (42 U.S.C. § 502; NRS 612.605) As a condition of receiving these payments from the Federal Government, existing federal law requires the United States Secretary of Labor to find that the laws of this State satisfy certain requirements, including, without limitation, requiring that, as a condition of eligibility for receiving unemployment compensation for a week, a claimant must be able to work, available to work and actively seeking work. (42 U.S.C. § 503) Existing state law authorizes the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to adopt regulations consistent with the provisions of federal law. (NRS 612.220) **Section 1** of this regulation: (1) sets forth certain activities that will be deemed to be actively seeking suitable work; (2) requires a person who does not actively seek suitable work during a week to be disqualified from receiving unemployment benefits for that week unless state or federal law provides an exception to this requirement; and (3) provides that the determination of whether work is suitable for a person will be made pursuant to certain standards set forth in existing law. (NRS 612.390)

Existing state law, with certain exceptions, requires that as a condition of eligibility for unemployment compensation, a person is required to register for work at the Division in such a manner as the Administrator prescribes. (NRS 612.375) Existing regulations sets forth certain circumstances under which a person is deemed to be registered for work with the Division.

(NAC 612.170) **Section 2** of this regulation authorizes a person to register for work with the Division either online or in person through the labor exchange system of this State.

Section 1. Chapter 612 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by state or federal law, as a condition of eligibility to receive benefits with respect to any week, a person must be actively seeking suitable work.

2. A person shall be deemed to be actively seeking suitable work during a week if, during that week, the person:

(a) Registers with the labor exchange system of this State;

(b) Creates a profile on an Internet website designed for professional networking;

(c) Demonstrates the use of this State's online system to match persons seeking employment with employers;

(d) Demonstrates the use of the American Job Centers or an affiliate of the American Jobs Centers for services relating to reemployment;

(e) Participates in training for employment through programs that have partnered with the American Job Centers or affiliates of the American Job Centers;

(f) Completes at least three job applications for an open position with at least three different employers, as directed by staff of the Division;

(g) Participates in at least three events focused on workforce networking;

(h) Attends an in-person or virtual interview with at least one employer; or

(i) Performs any other activity related to searching for work that the Division determines to be sufficient to constitute actively seeking suitable work.

3. Except as otherwise provided by state or federal law, a person must be disqualified for benefits for any week in which the person did not actively seek suitable work.

4. For the purposes of this section, the determination of whether work is suitable for a person must be made pursuant to the standards set forth in NRS 612.390.

Sec. 2. NAC 612.170 is hereby amended to read as follows:

612.170 1. A *person may register for work with the Division online or in person through the labor exchange system of this State.* A person shall be deemed registered for work at the Division:

(a) At the time an application for work is completed or renewed and for as long thereafter as the Division is advised of the claimant's availability for work; or

(b) For any period in which he or she is unable to work due to illness or disability but is entitled to unemployment benefits in accordance with the provisions of NRS 612.375. The person's application will be retained in the active applicants' file of the Division, and the claimant must be offered employment which would have been offered had he or she not become sick or disabled.

2. An application for work is effective:

(a) On the date the application is completed; or

(b) On the effective date of an initial claim for unemployment compensation if the filing is in accordance with NAC 612.110.

3. A claimant's application for work remains active as long as he or she remains in active claim status.