

SENATE BILL NO. 332—SENATOR PORTER

MARCH 8, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing charging of benefits for unemployment against record for experience rating of employer. (BDR 53-1107)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to unemployment compensation; requiring the administrator of the employment security division of the department of employment, training and rehabilitation to order that benefits for unemployment not be charged against the record for experience rating of an employer if the employer provides, within a certain period, evidence satisfactory to the administrator that the employee claiming the benefits left his employment voluntarily without good cause or was discharged for misconduct connected with his employment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** NRS 612.551 is hereby amended to read as follows:  
2     612.551 1. Except as otherwise provided in subsections 2 and 3,  
3     ~~when~~ ***if*** the division ~~has determined~~ ***determines*** that a claimant has  
4     earned 75 percent or more of his wages during his base period from one  
5     employer, it shall notify the employer of its determination and advise him  
6     that he has a right to protest the charging of benefits to his account pursuant  
7     to subsection 4 of NRS 612.550.  
8     2. Benefits paid pursuant to an elected base period in accordance with  
9     NRS 612.344 must not be charged against the ~~employer's~~ record for  
10    experience rating ~~of~~ ***of the employer.***  
11    3. If a claimant leaves an employer to take other employment and  
12    leaves or is discharged by the latter employer, benefits paid to him must not  
13    be charged against the record for experience rating of the former employer.

- 1     4. If the employer provides evidence within 10 working days after the  
2 notice required by subsection 1 was mailed which satisfies the  
3 administrator that the claimant:
- 4     (a) Left his employment voluntarily without good cause or was  
5 discharged for misconduct connected with his employment ~~[-, the~~  
6 ~~administrator may order that the benefits not be charged against the~~  
7 ~~employer's record for experience rating.] ; or~~
- 8     (b) Was the spouse of an active member of the Armed Forces of the  
9 United States and left his employment because his spouse was transferred  
10 to a different location,  
11 the administrator shall order that the benefits not be charged against the  
12 ~~employer's~~ record for experience rating ~~[-.] of the employer.~~
- 13     5. The employer may appeal from the ruling of the administrator ~~as~~  
14 *relating* to the cause of the termination of the ~~claimant's~~ employment *of*  
15 *the claimant* in the same manner as appeals may be taken from  
16 determinations relating to claims for benefits.
- 17     6. ~~[No]~~ A determination made pursuant to this section ~~constitutes~~  
18 *does not constitute* a basis for disqualifying a claimant to receive benefits.

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