
SENATE BILL NO. 111—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE EMPLOYMENT SECURITY DIVISION)

FEBRUARY 22, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises requirements for submission to Employment Security Division of Department of Employment, Training and Rehabilitation evidence related to claims for unemployment compensation. (BDR 53-320)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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; revising requirements for submission of evidence by employers regarding eligibility for benefits of certain unemployed claimants; revising the authority of an Appeal Tribunal to consider certain evidence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to be notified when a new or additional claim for unemployment benefits is filed by a former employee. The employer is then required to provide to the Employment Security Division of the Department of Employment, Training and Rehabilitation any facts which may affect the former employee's eligibility for benefits. (NRS 612.475) If the claim is appealed following a determination of eligibility for benefits, the Appeal Tribunal is authorized to consider all issues affecting the claimant's rights to benefits from the beginning of the period covered by the determination to the date of the hearing. (NRS 612.500)

This bill specifies that an employer must submit to the Division all relevant facts concerning a former employee's right to unemployment benefits in response to a notice of a claim. This bill also prohibits an Appeal Tribunal from considering evidence from the employer if such evidence was not submitted to the Division by the employer in the response following the receipt of a notice of a claim.



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

1 **Section 1.** NRS 612.475 is hereby amended to read as follows:

2 612.475 1. The last employing unit of any unemployed
3 claimant and the next to last employing unit of an unemployed
4 claimant who has not earned remuneration with his last covered
5 employer equal to or exceeding his weekly benefit amount in each
6 of 16 weeks must be notified of any new claim or additional claim
7 filed by the unemployed claimant following his separation.

8 2. The notice of the filing of a claim must contain the
9 claimant's name and social security number and may contain the
10 reason for separation from the employing unit affected as given by
11 the claimant, the date of separation and such other information as is
12 deemed proper.

13 3. Upon receipt of a notice of the filing of a claim, the
14 employing unit shall, within 10 days after the date of the mailing of
15 the notice, submit to the Division ~~any~~ **all relevant** facts which may
16 affect the claimant's rights to benefits.

17 4. Any employing unit that receives a notice of the filing of a
18 claim may protest payment of benefits to the unemployed claimant
19 if the protest is filed within 10 days after the notice is filed.

20 5. Any employing unit which has filed a protest in accordance
21 with the provisions of this section must be notified in writing of the
22 determination arrived at by the Administrator or his Deputy, and the
23 notice must contain a statement setting forth the right of appeal.

24 6. ***Only facts submitted in accordance with subsection 3 may***
25 ***later be proved by the employing unit on appeal.***

26 7. As used in this section:

27 (a) "Additional claim" means a claim filed during the benefit
28 year when a break of 1 week or more has occurred in the series of
29 claims with intervening employment.

30 (b) "New claim" means an application for a determination of
31 eligibility and benefits, benefit amount and duration of benefits
32 which certifies to the beginning date of a first period of
33 unemployment in a benefit year or the continuance of a period of
34 unemployment into a new benefit year.

35 **Sec. 2.** NRS 612.500 is hereby amended to read as follows:

36 612.500 1. A reasonable opportunity for a fair hearing on
37 appeals must be promptly afforded all parties.

38 2. An Appeal Tribunal shall inquire into and develop all facts
39 bearing on the issues and shall receive and consider evidence
40 without regard to statutory and common-law rules. In addition to the
41 issues raised by the appealed determination, the Tribunal may
42 consider all issues affecting the claimant's rights to benefits from



1 the beginning of the period covered by the determination to the date
2 of the hearing. *The Tribunal may not consider any evidence*
3 *submitted by the employing unit which tends to establish a fact*
4 *that was not submitted to the Division pursuant to subsection 3 of*
5 *NRS 612.475.*

6 3. The Appeal Tribunal shall include in the record and consider
7 as evidence all records of the Administrator that are material to the
8 issues.

9 4. The Board of Review shall adopt regulations governing the
10 manner of filing appeals and the conduct of hearings and appeals
11 consistent with the provisions of this chapter.

12 5. A record of all testimony and proceedings on appeal must be
13 kept for 6 months after the date on which a decision of an Appeal
14 Tribunal is mailed, but testimony need not be transcribed unless
15 further review is initiated. If further review is not initiated within
16 that period, the record may be destroyed.

17 6. Witnesses subpoenaed are entitled to fees in the amounts
18 specified in NRS 50.225 and the fees of witnesses so subpoenaed
19 shall be deemed part of the expense of administering this chapter.

20 7. A member of an Appeal Tribunal shall not participate in an
21 appeal hearing in which he has a direct or indirect interest.

22 8. If the records of an appeal have been destroyed pursuant to
23 subsection 5, a person aggrieved by the decision in the appeal may
24 petition a district court for a trial de novo. If the district court finds
25 that good cause exists for the party's failure to pursue the
26 administrative remedies provided in NRS 612.510, it may grant the
27 petitioner's request.

28 **Sec. 3.** This act becomes effective on July 1, 2005.



