

ASSEMBLY BILL NO. 494—COMMITTEE ON COMMERCE AND LABOR

MARCH 22, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to unemployment compensation. (BDR 53-1199)

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; providing that a person who is unemployed due to a lockout is eligible for unemployment compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a person cannot receive unemployment
2 compensation if the Administrator of the Employment Security Division of the
3 Department of Employment, Training and Rehabilitation finds that the
4 unemployment is due to a labor dispute. (NRS 612.395) This bill defines "labor
5 dispute" to mean any dispute which is not a lockout. As such, a person who is
6 unemployed due to a lockout is now eligible to receive unemployment
7 compensation.

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

1 **Section 1.** NRS 612.395 is hereby amended to read as follows:
2 612.395 1. A person is disqualified for benefits for any week
3 with respect to which the Administrator finds that his total or partial
4 unemployment is due to a labor dispute in active progress at the
5 factory, establishment or other premises at which he is or was last
6 employed.
7 2. This section does not apply if it is shown to the satisfaction
8 of the Administrator that:
9 (a) The person is not participating in or financing or directly
10 interested in the labor dispute which caused his unemployment; and



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1 (b) The person does not belong to a grade or class of workers of
2 which, immediately before the commencement of the labor dispute,
3 there were members employed at the premises at which the labor
4 dispute occurs, any of whom are participating in or financing or
5 directly interested in the labor dispute, but if in any case
6 separate branches of work which are commonly conducted as
7 separate businesses in separate premises are conducted in separate
8 departments of the same premises, each such department shall, for
9 the purposes of this section, be deemed to be a separate factory,
10 establishment or other premises.

11 **3. As used in this section:**

12 (a) *"Labor dispute" includes any type of labor dispute, except*
13 *a lockout.*

14 (b) *"Lockout" means a labor dispute in which the employer*
15 *withholds employment from an employee and wholly or partially*
16 *closes the workplace.*

