

INFORMATIONAL BULLETIN
**EMERGENCY REGULATION E005-21A OF THE EMPLOYMENT SECURITY DIVISION OF THE
DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION**

- I. **When is the Regulation Effective Date?** Per NRS 612.242 the regulation must have a majority vote of the legislative commission to pass or in the event the legislative commission does not take up the regulation within 15 days then the regulation will pass automatically. The regulation when passed is in effect for 120 days from the enactment. The Legislative Commission is considering the regulation on April 14, 2021.

- II. **Who does the regulation affect?** This regulation applies to Education Support Personnel. Specifically, it applies to personnel of an educational institution, like school districts, charter schools, or private schools who are not teachers, student teachers, or administrators and whose position, pursuant to the laws of the State of Nevada as of January 1, 2020, does not require a current license or provisional license issued by the Department of Education, or an endorsement along with a professional license issued by another professional licensing board in Nevada. Further, the claimant's contract must be less than 12 months in length.

- III. **What are academic periods expected to be covered?** The regulation will cover the summer break of 2021 only. The ability to obtain unemployment is expected to start from end of the current academic term and last until the beginning of next academic term in the fall. If there is a summer school session, this regulation would cover periods between the current academic term and the start of summer school and the period after summer school to the beginning of the next academic term. The regulation is limited in scope for the purpose of offsetting lingering economic effects from the COVID-19 pandemic that may occur throughout the summer of 2021. The regulation is not intended to make this policy permanent.

- IV. **Do all other eligibility requirements to obtain unemployment insurance apply?** Yes, all other eligibility requirements including disqualifications for things such as failing to accept suitable employment when offered, failure to search for work while unemployed, and failure to return to work if the employer recalls you to work all apply. Claimants should remember there are also monetary offsets to the benefit amount including for pensions, retirement income, severance pay,

sick leave payouts, or other sources of income, which can be deducted from any benefit amount a claimant may be eligible for. The regulation specifically states claimants must otherwise be eligible to receive unemployment benefits to qualify.

- V. **What are the costs to school districts?** All school districts in the State are currently classified as reimbursable employers. Therefore, under normal circumstances schools would pay back the division for each claim paid on a dollar for dollar basis. Based on federal funding and new laws relating to unemployment passed by Congress to provide relief for costs related to the pandemic, employers will be reimbursed 75% of the costs of claims paid out due to this regulation. Further, the regulation does not limit a school district's ability to contest claims it believes to be invalid.
- VI. **What can I do if my claim is denied?** If a claimant feels that their claim for unemployment benefits based on this regulation is improperly denied, the claimant has the same rights as any other claimant to appeal the ruling pursuant to NRS Chapter 612.
- VII. **Why were teachers excluded from this regulation?** The United State Department of Labor, which controls all nationwide unemployment programs, specifically prohibits the paying of teachers and other professional school personnel - such as principals or superintendents - unemployment benefits between academic terms in most circumstances.

Prepared by the Employment Security Division of DETR
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