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Employment Practices; Unemployment Compensation

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Employment Practices

public accommodations.⁹ Finally, under existing law, the Commission is empowered to hold an informal meeting to attempt settlement of an allegation of an unlawful employment practice.¹⁰ Chapter 321 authorizes the Commission to request relevant information from each party in preparing for this meeting.¹¹

9. *Id.* §233.160(1) (amended by 1983 Nev. Stat. c. 270, §1, at 661).

10. *Id.* §233.170(1).

11. *Id.* (amended by 1983 Nev. Stat. c. 321, §1(1), at 771).

Employment Practices; apprenticeship agreements

NEV. REV. STAT. 610.150 (amended).
AB 530 (Thompson); 1983 STAT. Ch. 399

Under existing law, every apprentice¹ agreement or indenture must include a statement specifying the length of the probationary period for the apprenticeship.² This agreement must indicate the number of hours spent in both employment and supplemental instruction.³ Prior law limited the probationary period to 500 hours⁴ and specified that the related instruction could not extend beyond six months.⁵ Chapter 399 extends the permissible period of an apprentice's probation⁶ by allowing up to one thousand hours of employment, in addition to seventy-two hours of instruction.⁷

1. NEV. REV. STAT. §610.010 (definition of apprentice).

2. *Id.* §610.150.

3. *Id.*

4. 1977 Nev. Stat. c. 147, §6(7), at 283 (amending NEV. REV. STAT. §610.150).

5. *Id.*

6. Compare NEV. REV. STAT. §610.150(7) (amended by 1983 Nev. Stat. c. 399, §1(7)(a), at 974) with 1977 Nev. Stat. c. 147, §6(7), at 283 (amending NEV. REV. STAT. §610.150).

7. NEV. REV. STAT. §610.150(7) (amended by 1983 Nev. Stat. c. 399, §1(7)(a), at 974).

Employment Practices; unemployment compensation

NEV. REV. STAT. §612.— (new); §§612.265, 612.340, 612.350, 612.355, 612.377, 612.3774, 612.3776, 612.378, 612.3784, 612.390, 612.392, 612.700, 612.710 (amended).
SB 340 (Committee on Commerce and Labor); 1983 STAT. Ch 359
(*Effective May 18, 1983*)*

* *Sections 3,4,5,8,and 9 become effective on October 1, 1983, Section 13 becomes effective on January 1, 1985, the remaining sections took effect on May 18, 1983.

(Effective October 1, 1983)*

(Effective January 1, 1985)*

Chapter 359 addresses a number of issues concerning unemployment compensation benefits.¹ These issues include extended benefits,² disqualification from benefits,³ and child support.⁴

Extended Benefits

Prior to the enactment of Chapter 359, the availability of extended benefits depended upon unemployment statistics that controlled either national or state "on"⁵ and "off"⁶ indicators.⁷ These indicators permitted extended benefits when the national or state rate of unemployment was high and precluded them when it was low.⁸ Recent changes in federal law eliminate the requirement that states use national indicators to determine whether extended benefits are authorized.⁹ In an apparent attempt to conform to this change in federal law,¹⁰ Chapter 359 provides that state unemployment statistics will be the sole indicator for the authorization of an extended benefit period.¹¹ Furthermore, Chapter 359 raises the specific rates of unemployment triggering the commencement¹² and cut-off of an extended benefit period.¹³

Disqualification

Under existing law, a refusal to accept suitable work¹⁴ will disqual-

1. See 1983 Nev. Stat. c. 359, §§1-16, at 857.

2. *Id.* c. 359, §§6(6), at 860 (definition of extended benefits).

3. See NEV. REV. STAT. §§612.3774, 612.390, 612.392 (amended by 1983 Nev. Stat. c. 359, §§7, 11, 12, at 863).

4. See 1983 Nev. Stat. c. 359, §1, at 857; NEV. REV. STAT. §§612.265, 612.700, 612.710 (amended by 1983 Nev. Stat. c. 359, §§2, 14 at 858, 868; *id.* c. 585, §37 at 1880).

5. 1981 Nev. Stat. c. 208, §2, at 398 (amending NEV. REV. STAT. §612.377) (an "on" indicator triggers the commencement of an extended benefit period when for any period the rate of unemployment reaches a predetermined level).

6. See *id.* (an "off" indicator cuts off an extended benefit period when the rate of unemployment falls below the percentage specified in the statute).

7. See *id.* Since national and state unemployment rates vary, the first to reach a predetermined percentage was to trigger the commencement or cut-off of an extended benefit period. *Id.*

8. See *id.*

9. See Federal-State Unemployment Compensation Act of 1970, Pub. L. No. 97-248, §191(a), 96 Stat. 407 (1982) (amending 26 U.S.C. §§3304 202(a)(b)(d)).

10. See 42 U.S.C. §§503(a), 601, 602(b). State unemployment compensation programs must conform to federal guidelines in order to qualify for subsidies. *Id.*

11. NEV. REV. STAT. §612.377 (amended by 1983 Nev. Stat. c. 359, §6, at 860).

12. *Id.* §612.377 (amended by 1983 Nev. Stat. c. 359, §6(2)(b), at 860). An extended benefit period is triggered if, the rate of unemployment in Nevada equaled or exceeded 120% of the average of such rates for the same period ending in each of the two previous years and equaled or exceeded five percent or, simply equaled or exceeded six percent. *Id.*

13. 1983 Nev. Stat. c. 359, §6(3)(b), at 861 (an extended benefits period is cut off when the unemployment rate falls below six percent).

14. NEV. REV. STAT. §612.392 (amended by 1983 Nev. Stat. c. 359, §12(3), at 863) (definition

ify a person from receiving both regular¹⁵ and extended benefits.¹⁶ Work is suitable if it is within the person's capabilities and meets the requirements of the minimum wage law.¹⁷ Prior to the enactment of Chapter 359, local, state, or federal minimum wage standards were used to determine whether work was suitable.¹⁸ Chapter 359 no longer permits the use of a local minimum wage standard in determining the suitability of work.¹⁹

Moreover, under prior law, persons were disqualified from receiving benefits for the weeks in which they failed to accept suitable work. Disqualification continued for an additional number of weeks as determined by the Executive Director of the unemployment compensation system.²⁰ Chapter 359 provides that a person may not requalify for benefits until that person has earned wages equal to or in excess of the weekly benefit amount for each week of disqualification, not exceeding fifteen weeks.²¹

Under existing law, a person who is disqualified from receiving regular benefits because of a failure to take suitable work may later requalify.²² Prior law precluded a person who was disqualified from receiving regular benefits from receiving extended benefits, even though the person later requalified for regular benefits.²³ With the enactment of Chapter 359, a person who has requalified for regular benefits can also receive extended benefits.²⁴

Child Support

Chapter 359 promotes the payment of child support by persons who owe support and who receive unemployment compensation benefits.²⁵ Recipients of unemployment benefits are required to disclose whether they owe an obligation of child support.²⁶ If child support is owed,

of suitable work); *id.* §612.390(2) (amended by 1983 Nev. Stat. c. 359 §11, at 863) (factors to be considered in determining what work is suitable).

15. *Id.* §612.377 (amended by 1983 Nev. Stat. c. 359, §6(5), at 861 (definition of regular benefits); *id.* §612.392 (amended by 1983 Nev. Stat. c. 359, §12, at 864).

16. *Id.* §612.392(1)(a).

17. 1983 Nev. Stat. c. 359, §12(3), at 864.

18. 1981 Nev. Stat. c. 337, §1, at 619 (enacting NEV. REV. STAT. §612.392).

19. NEV. REV. STAT. §612.392 (amended by 1983 Nev. Stat. c. 359, §12(3)(b)(2), at 864).

20. *See* 1981 Nev. Stat. c. 337, §3, at 619 (amending NEV. REV. STAT. §612.390) (the additional period of disqualification could not exceed fifteen weeks).

21. *See* NEV. REV. STAT. §612.390(1) (amended by 1983 Nev. Stat. c. 359, §11(1), at 863).

22. *See id.* §§612.380, 612.385, 612.390.

23. *See* 1981 Nev. Stat. c. 208, §2, at 398 (amending NEV. REV. STAT. §612.3774).

24. *Compare* NEV. REV. STAT. §612.3774 (amended by 1983 Nev. Stat. c. 359, §7(3), at 862) with 1981 Nev. Stat. c. 208, §2, at 398 (amending NEV. REV. STAT. §612.3774).

25. *See* 1983 Nev. Stat. c. 359, §1, at 857; *see also id.* c. 359, §1(7), at 857 (definition of obligation of support); *id.* c. 359, §1(8), at 858 (definition of benefits).

26. 1983 Nev. Stat. c. 359, §1(1), at 857.

the Executive Director of the unemployment compensation system must notify the agency responsible for enforcing the obligation that the obligor is receiving benefits.²⁷ Consequently, the Executive Director must withhold from the person's benefits any amount (1) required by a court order,²⁸ (2) agreed to by the person and the support agency,²⁹ or (3) specified by the person absent a court order or agreement.³⁰ This cooperation between the Executive Director of the unemployment compensation system and child support agencies, however, is required under Chapter 359 only if the support agencies agree to reimburse the Executive Director for the costs of administering the withholding.³¹ Furthermore, the amount withheld must be paid to the appropriate agency.³² Amounts paid to a support agency are considered as part of the benefits received by the unemployed recipient and in addition, are deemed to satisfy the obligation of support.³³

Under existing law, specified agencies have privileged access to information obtained by the unemployment compensation system.³⁴ Chapter 359 adds child support agencies to this list of privileged agencies.³⁵

Finally, prior law contained a complete prohibition against waiver, release, commutation, or assignment of unemployment compensation benefits.³⁶ With the enactment of Chapter 359, waiver, release, commutation, or assignment is permitted to promote the satisfaction of an obligation to pay child support.³⁷

27. *Id.* c. 359, §1(2), at 857.

28. *Id.* c. 359, §1(3)(c), at 857.

29. *Id.* c. 359, §1(3)(b), at 857.

30. *Id.* c. 359, §1(3)(a), at 857.

31. *Id.* c. 359, §1(4), at 858.

32. *Id.* c. 359, §1(6), at 858.

33. *Id.* c. 359, §1(5), at 858.

34. NEV. REV. STAT. §612.265(3) (the list of specified agencies includes any state or federal agency involved in unemployment compensation, public assistance, workers' compensation, labor law, maintenance of public unemployment offices).

35. Compare *id.* §612.265 (amended by 1983 Nev. Stat. c. 359, §2(3), at 858) with 1971 Nev. Stat. c. 386, §3, at 749 (amending NEV. REV. STAT. §612.265).

36. 1967 Nev. Stat. c. 205, §586, at 839 (amending NEV. REV. STAT. §§612.700, 612.710).

37. NEV. REV. STAT. §612.700 (amended by 1983 Nev. Stat. c. 359, §14, at 858); 1983 Nev. Stat. c. 585, §37, at 1880 (amending NEV. REV. STAT. §612.710). A court, however, may not condition an order of assignment of benefits for child support on a person's refusal to voluntarily assign those benefits. 1983 Nev. Stat. c. 585, §37, at 1880.