

Frequently Asked Questions (FAQs)

In response to frequent questions regarding eligibility for unemployment benefits in the event UNLV declares financial exigency, the Office of Human Resources contacted the State of Nevada, Department of Employment Training Rehabilitation's (DETR), Employment Securities Division to seek clarification. A DETR representative confirmed that faculty, professional staff, classified staff, and other employment classifications that may lose their position through no fault of their own, as would occur under financial exigency and subsequent layoffs/NNR/NCT, would qualify for unemployment benefits.

Provided below are a few of the most frequently asked questions regarding unemployment insurance entitlement. This information has been taken directly from the Employment Securities Division's website at <http://www.nvdetr.org/esd.htm>. Please refer to this website for a comprehensive overview of the State of Nevada's unemployment insurance benefit program.

Additionally, the Employment Securities Division also has a list of frequently asked questions, which can be viewed by going to, <https://uitax.nvdetr.org/crphtml/faq.htm>.

What is Unemployment Insurance?

Unemployment Insurance is a Federal/State insurance system established to protect workers by paying benefits during periods of involuntary unemployment and aid the business community by stabilizing the available work force. The system is funded through payroll taxes on employers.

Am I Eligible for Unemployment?

Individuals who are considered out of work through no fault of their own may be eligible to receive unemployment insurance benefits.

Minimum qualifications for eligibility include, but are not limited to:

- Sufficient earnings within the base period of a claim to qualify monetarily for benefits;
- Must be wholly unemployed or employed less than full-time and have earnings less than their weekly entitlement;
- Must be found to be out of work through no fault of their own;
- Must be available to seek and accept work customary to their normal occupation;
- Must be physically and mentally able to work at the time they initiate a claim for benefits; and,
- Must not refuse suitable work when offered.

Reasons that would result in disqualification include, but are not limited to:

- Participating in a labor dispute;
- Receiving disability payments for an on-the-job injury;
- Withholding or giving false information may affect your claim;
- Seeking or receiving unemployment benefits from another state while drawing unemployment benefits from Nevada;
- Receiving vacation pay, wages in lieu of notice, severance pay, or deductible retirement equal to or greater than your weekly benefit amount;
- Alien status – If you are not legally authorized to work in the United States;
- Between academic terms.

What Does Out of Work Through No Fault of Your Own Mean?

In order to be determined to be out of work through no fault of your own, a person must be laid off, discharged (fired) for reasons other than misconduct as defined under law, or quit for reasons meeting the test of good

cause under the law. There are other provisions covering labor disputes (strikes and lockouts), retirement and leaves of absence.

If an individual has worked for their most recent employer for less than 4 months on a full-time basis, the reason for separation from the previous employer is reviewed as well. Separation from that period of employment MAY be basis for denying benefits.

What is Voluntary Quit?

An individual who voluntarily leaves his employment or who is determined to be the moving party in the separation, even if the individual felt they had no alternative, or the employer was trying to force them out. In addition, persons who retire from employment, voluntarily or involuntarily, are considered to have quit.

How is Unemployment Eligibility Affected if I Elect to Take a “Buyout” Option, if Offered?

In the event an employee receives a "buyout", it is unlikely that the individual would qualify for unemployment until the "separation pay" has been exhausted. That decision is ultimately determined by the Adjudication Department. The Adjudication Department would determine eligibility and may determine a "temporary disqualification" until the pay runs out, at which time the employee may be eligible for unemployment barring any unforeseen complications/issues. This process takes 3 to 4 weeks. The individual may want to go ahead and apply immediately for unemployment benefits in order to start this process due to the 3 to 4 week processing time.

What is a Base Period?

A base period is the twelve-month period established by law during which the claimant has been paid wages in covered employment in order to establish a claim. In Nevada, the base period is usually the first 4 of the last 5 calendar quarters completed immediately preceding the first day of the benefit year.

How is Misconduct Defined?

Misconduct is where the individual has been released due to a disregard for the employer's reasonable policies or standards.

What is Gross Misconduct?

A proven crime in connection with employment, such as theft from the employer, vandalism, arson or assault of an employee. A claimant determined to have been discharged for Gross Misconduct is not entitled to use wages earned from that employer to establish a claim for unemployment benefits.

Is there an Appeal Process?

An appeal is a request for a review by a higher authority of a decision made by the Division. A person must have a formal determination on eligibility before an appeal may be filed.

If either the claimant or the employer disagrees with the determination, they have the right to appeal the decision and obtain a hearing before an impartial appeal referee. A hearing is held to review previously obtained information, as well as obtain additional information which may not have been presented in the adjudication process. When this hearing has been completed, the referee reviews the applicable law and issues a written decision.

If either party disagrees with the decision of an appeal referee, the party may request that the Employment Security Board of Review examine the case.

Unemployment insurance claims may also be appealed to court after administrative processes have been completed.