

AMETHYST PAYNE, ET AL.

V.

STATE OF NEVADA, ET AL.

SPECIAL MASTER'S REPORT

The Global Pandemic

Pre-Pandemic/Post-Pandemic NV UIP

Timeline for ESD Response

PUA Claims Administration Data

Summary & Current Status of Claims

Review & Analysis- GIG Worker Class

State Comparators

Disputed & Undisputed Facts

Special Master Qs to DOL & Responses

DETR ESD's Short Answers to
Court's Qs

Special Master Qs to DETR
ESD & Responses

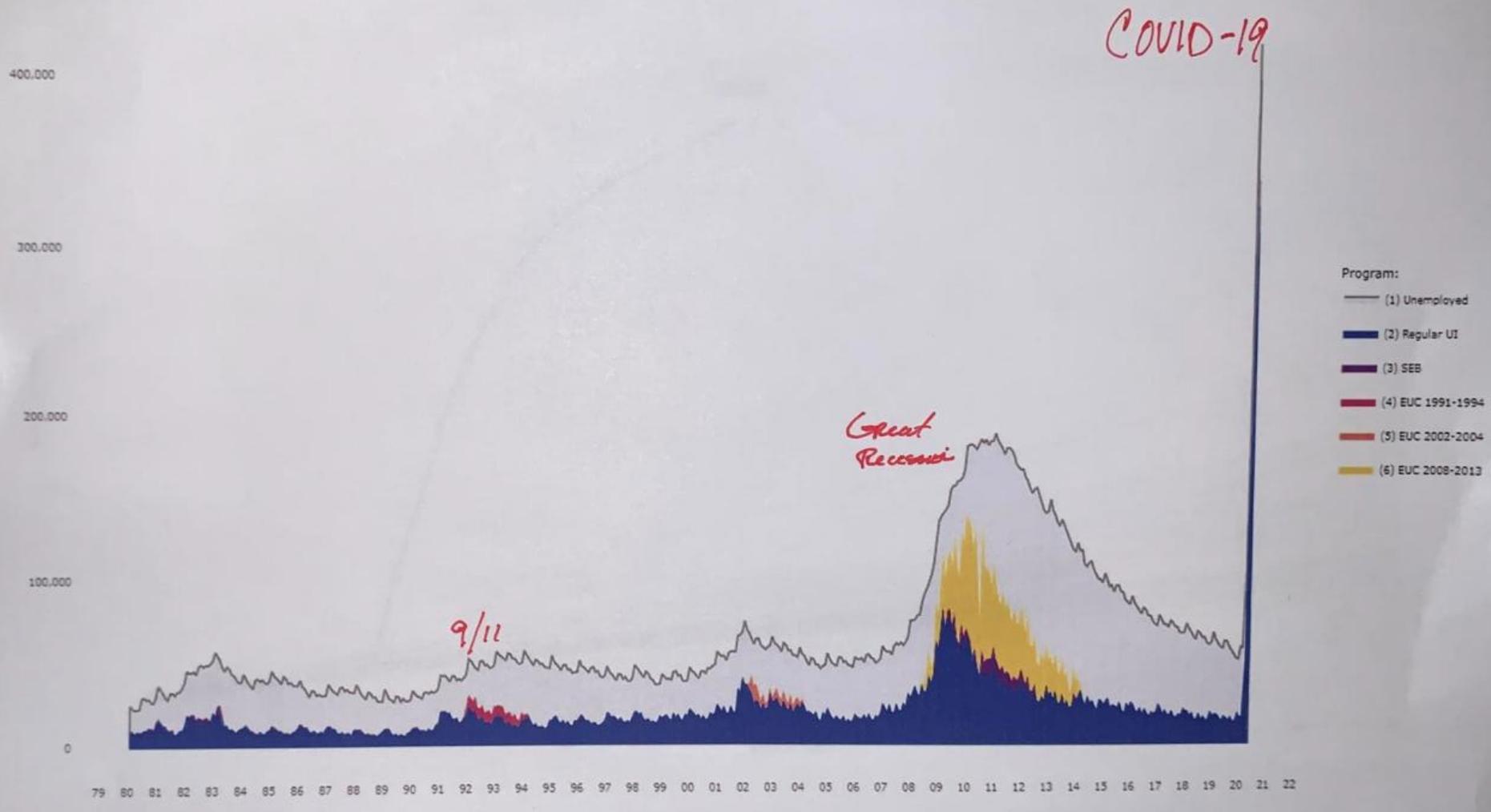
Special Master Qs to
Petitioners & Responses

Recommendations

GLOBAL PANDEMIC

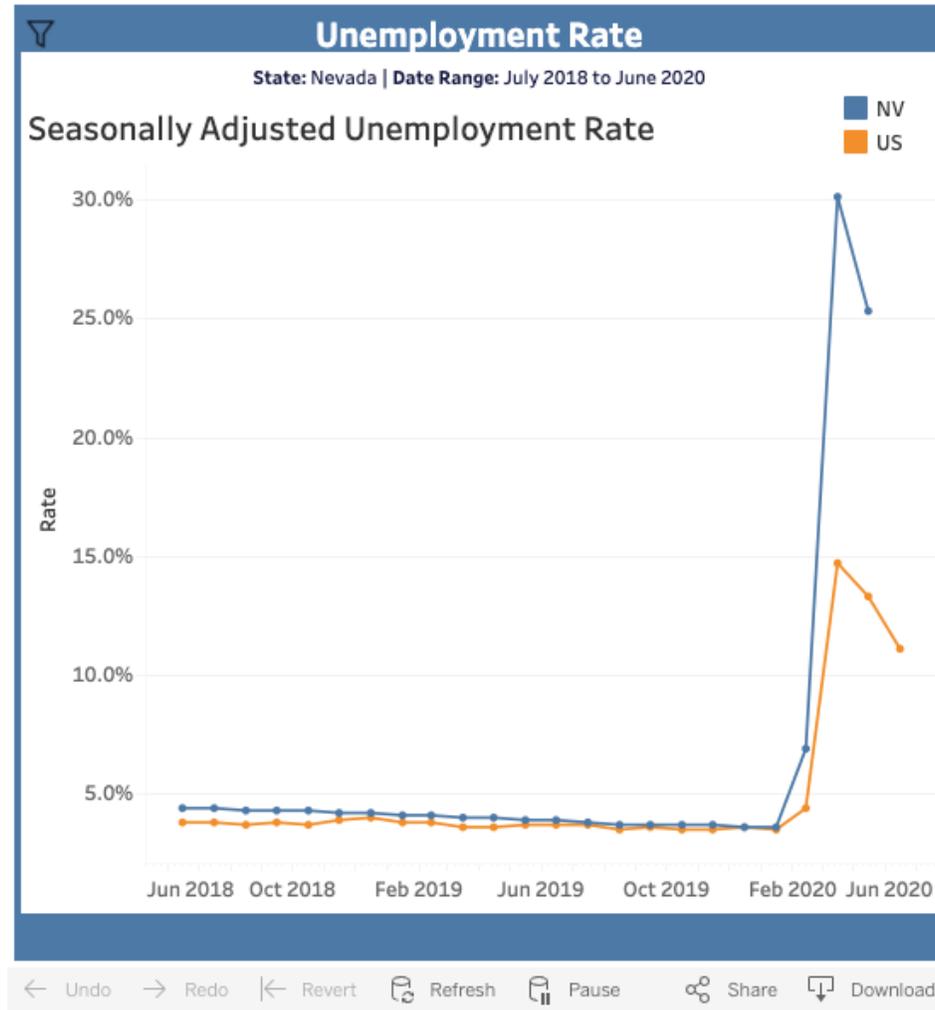


State of Nevada Unemployment Insurance vs. Unemployment
by month including all UI programs



Unemployment Rate - U.S. & NV May 2020

Source: Local Area Unemployment Statistics (LAUS)



PRE-PANDEMIC / POST-PANDEMIC NV UIP



ESD STAFF PRE-COVID

4 *v. ESD Staff pre-COVID-19.*

5 Prior to the COVID-19 Pandemic and the government directives related thereto,
6 ESD staff consisted of 186 people. From March 2019 to March 2020, ESD employees
7 worked a total of 15,358 regular hours, while logging just 99.91 hours of overtime for this
8 twelve-month period.

MONTHLY STATS FOR ESD POST-COVID

Total Number of ESD Positions on Payroll for Sample:	515
Total Number of ESD Positions that worked OT since beginning of COVID-19 crisis:	333
Percent of agency 902 worked overtime since beginning of COVID-19 crisis:	64.66%
Total hours OT worked in agency 902 since beginning of COVID-19 crisis:	30765.42
Average Total Hours OT worked per position since beginning of COVID-19 crisis:	92.39

Monthly Stats	
Month	Hours
March	4745.28
April	8549.95
May	10084.21
June	7385.98

NEW CLAIMANT REGISTRATION

Good Afternoon Wednesday, November 20, 2019

CLAIMANT REGISTRATION

Sign Up For A New Account User Agreement

Fields marked with an asterisk * are required. Website Terms of Use Agreement

Good Afternoon Wednesday, November 20, 2019

CONFIRM NEW USER ACCOUNT

Confirm New User Account

Social Security Number 456-11-6986

First Name Claimant

***** STOP *****

Good Morning JUAN LOPEZ Thursday, December 21, 2017 | Help | Contact | Resources | Logout

UNEMPLOYMENT INSURANCE BENEFITS ESTIMATOR

JUAN LOPEZ CLAIMANT ID: 5274896

The Unemployment Benefits Estimator is a preliminary determination of your potential eligibility for Unemployment Insurance Benefits. The information below is based solely on wages currently on file in Nevada and is valid only for use with a claim filed today. Keep in mind that these results are an estimate presented for illustration purposes only. This estimate is not a guarantee of benefits.

Missing Wages: The Estimator will not show wages:

- Earned and reported in another state during your Base Period.
- Earned by working for the Federal Government.
- Earned while in the Military.

Any wages earned from the above will be added as a result of claim filing.

Base Period Quarterly Wages

A year is separated into four calendar quarters (January through March, April through June, July through September, and October through December). For Nevada claims, a Base Period is the first four of the last five completed calendar quarters at the time you file your initial application. The first four quarters (dates) displayed below are your base period (see Claimant Handbook link in Resources for diagram). Your employer(s) reported the earnings displayed during the listed quarters.

#1 07/01/2016 through 09/30/2016		#2 10/01/2016 through 12/31/2016		#3 01/01/2017 through 03/31/2017		#4 04/01/2017 through 06/30/2017	
MEI GSR HOLDINGS LLC	8,000.00						
\$ 8,000.00		\$ 8,000.00		\$ 8,000.00		\$ 8,000.00	

* Do you have missing or incorrectly reported wages in the base period listed above?
The wages reported are correct

Current Quarter Estimate

If you file your claim between 10/01/2017 and 01/06/2018, this would be your estimated benefit amount.

Monetary Eligibility Eligible	Weekly Benefit Amt \$320.00	Number of Weeks 26	Maximum Benefit Amt \$8,320.00
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Alternate Base Period Estimate

If you wait and file your claim between 01/07/2018 and 03/31/2018, this would be your estimated benefit amount. Benefits will not be paid for any weeks prior to the effective date of your claim.

Monetary Eligibility Eligible	Weekly Benefit Amt \$320.00	Number of Weeks 25	Maximum Benefit Amt \$8,000.00
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Print Claimant Homepage Continue to File Claim

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Capgemini in collaboration with SIPro ORACLE

NEW CLAIMANT REGISTRATION

UI Unemployment Insurance

Good Morning JUAN LOPEZ Thursday, December 21, 2017 Help | Contact | Resources | Logoff

APPLY FOR BENEFITS: INITIAL FILING

JUAN LOPEZ CLAIMANT ID: 5274896

Fields marked with an asterisk * are required.

Have you filed for and received payment for [workers' compensation](#) for an injury you received on the job? * Yes No

If yes, please provide the date you started receiving disability payments: (mm/dd/yyyy)

Are you [self-employed](#) ? * Yes No

Are you [attending school or training](#) ? * Yes No

Are you mentally and physically able to work? * Yes No

Is there any other reason why you cannot seek or accept [immediate](#) work (such as child care, transportation, care of a family member, etc.)? * Yes No

Have you refused any [job offer / referral](#) since 08/27/2017? * Yes No

Have you worked two or more [on-call](#) assignments since 08/27/2017? * Yes No

Have you worked two or more assignments for a temporary agency since 08/27/2017? * Yes No

Have you worked for two or more different employers since 08/27/2017? * Yes No

Next

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Capgemini in collaboration with SI Pros ORACLE

UI Unemployment Insurance

Good Afternoon JUAN LOPEZ Thursday, December 21, 2017 Help | Contact | Resources | Logoff

APPLY FOR BENEFITS: WORK SEARCH

JUAN LOPEZ CLAIMANT ID: 5274896

Fields marked with an asterisk * are required.

[Primary Occupation](#) you are seeking? *

Note: Please note information provided on your primary and secondary occupations may be used for job placement assistance. You must be willing to seek and accept work for which you have skills and/or education.

[Secondary Occupation](#) you are seeking?

Choose a JobConnect office in the area you look for work *

What is your lowest [rate of pay](#) you will accept for the type of work you are seeking? * \$ per

Are you willing to [work any day](#) of the week normal to the occupation you are seeking? * Yes No

Are you willing to [work any shift](#) normal to the occupation you are seeking? * Yes No

What round [trip distance](#) will you travel to seek and accept work? * in miles

Are [tools, license, or permits](#) required for the work you are seeking? * Yes No

If yes, do you have the tools, licenses, or permits to perform the work you are seeking? Yes No

Next

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Capgemini in collaboration with SI Pros ORACLE

FRAUD STATISTICS (PRE-COVID)

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c. Fraud statistics.²³

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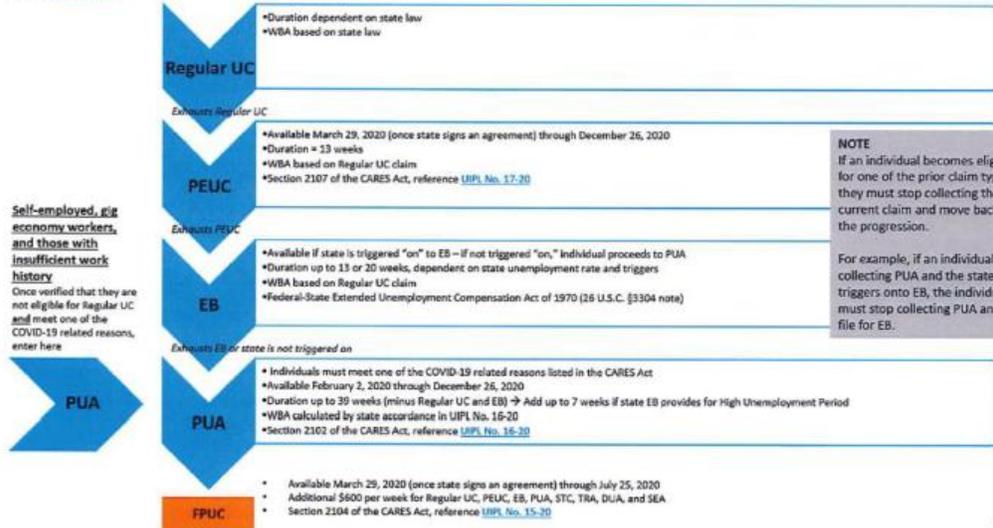
The DOL maintains a lot of information about fraud, discussing security standards and program integrity. For 2019, Nevada's overpayment rate was 11.384%, the 17th highest in the country. The main reasons for overpayment were the benefit year ending and separation issues, which accounted for over 80% of overpayments. 10% were due to eligibility issues and claimants were not able and available to work. The DOL determined that the claimant bore the responsibility for overpayment 73% of the time, the claimant and the employer 13% of the time, and the agency only bore responsibility 6.5% of the time. Over 90% of underpayments were due to benefit year earnings and base period wage issues, and 100% of the time the responsibility for underpayment was because of a mistake by the claimant or employer, or both.²⁴



Coordination of Programs

UI Program Progression under the CARES Act

Reference [UIPL No. 14-20](#)



Self-employed, gig economy workers, and those with insufficient work history
 Once verified that they are not eligible for Regular UC and meet one of the COVID-19 related reasons, enter here

NOTE
 If an individual becomes eligible for one of the prior claim types, they must stop collecting the current claim and move back in the progression.

 For example, if an individual is collecting PUA and the state triggers onto EB, the individual must stop collecting PUA and file for EB.

NEW PROGRAMS UNDER CARES ACT

NEVADA'S PUA PROGRAM

Coordination of Programs

UI Program Progression under the CARES Act

Reference [UIPL No. 16-20](#)

UIPL No. 17-20'. Below that is a box with 'PEUC' text. Below that is a box with details: '*Available March 29, 2020 (once state signs an agreement) through July 25, 2020', '*Additional \$600 per week for Regular UC, PEUC, EB, PUA, STC, TRA, DUA, and SEA', and '*Section 2104 of the CARES Act, reference [UIPL No. 15-20](#)'. To the right of the PEUC box is a 'NOTE' box: 'NOTE: If an individual becomes eligible for one of the prior claim types, they must stop collecting the current claim and move back in.'"/>

Regular UC

- *Duration dependent on state law
- *WBA based on state law

Exhausts Regular UC

- *Available March 29, 2020 (once state signs an agreement) through December 26, 2020
- *Duration = 13 weeks
- *WBA based on Regular UC claim
- *Section 2107 of the CARES Act, reference [UIPL No. 17-20](#)

PEUC

- *Available March 29, 2020 (once state signs an agreement) through July 25, 2020
- *Additional \$600 per week for Regular UC, PEUC, EB, PUA, STC, TRA, DUA, and SEA
- *Section 2104 of the CARES Act, reference [UIPL No. 15-20](#)

NOTE
If an individual becomes eligible for one of the prior claim types, they must stop collecting the current claim and move back in.

- Individuals must meet one of the COVID-19 related reasons listed in the CARES Act
- Available February 2, 2020 through December 26, 2020
- Duration up to 39 weeks (minus Regular UC and EB) → Add up to 7 weeks if state EB provides for High Unemployment Period
- WBA calculated by state accordance in UIPL No. 16-20
- Section 2102 of the CARES Act, reference [UIPL No. 16-20](#)

FPUC

- * Available March 29, 2020 (once state signs an agreement) through July 25, 2020
- * Additional \$600 per week for Regular UC, PEUC, EB, PUA, STC, TRA, DUA, and SEA
- * Section 2104 of the CARES Act, reference [UIPL No. 15-20](#)

EMPLOYMENT AND TRAINING ADMINISTRATION
UNITED STATES DEPARTMENT OF LABOR

Last updated
04/14/20

WorkforceGPS
Navigate to Success

8

PUA ELIGIBILITY REQUIREMENTS

ii. Process for filing a claim to receive PUA.³⁰

Claimants can apply online or by phone. This is explained at length *infra*.

1. Qualifying criteria for eligibility.³¹

PUA expands coverage to certain workers who traditionally are not eligible for unemployment benefits under state law, including individuals who are self-employed, independent contractors, or have exhausted regular unemployment benefits, among others, and are unemployed due to COVID-19 related circumstances.

UIPL No. 16-20 provides additional examples of what may constitute a qualifying COVID-19 related circumstance for PUA eligibility, including, *inter alia*:

- An individual has quit a job as a direct result of COVID-19 because the individual has been diagnosed with COVID-19 and continuing work activities (such as through telework) is not possible by virtue of the diagnosis or condition;
- An individual is "providing care" for a family member or member of the individual's household who has been diagnosed with COVID-19 and the provision of care requires "such ongoing and constant attention that the individual's ability to perform other work functions is severely limited;"
- An individual is the primary caregiver of a child or household member who is unable to attend school or another facility that is closed due to COVID-19. Notably, this includes an individual whose job allows for telework, but where the provision of care to a child or household member requires such "ongoing and constant attention that it is not possible for the individual to perform work at home;"
- An individual is unable to reach his or her place of employment because doing so would require violating a state or municipal order restricting travel that was instituted to combat the spread of COVID-19;
- An individual's immune system is compromised by a serious health condition and he or she has been advised by a health care provider to self-quarantine in order to avoid the greater-than-average health risks the individual might face if he or she were to become infected;
- An individual was scheduled to commence employment, but no longer has a job because the employer rescinded the job offer as a direct result of COVID-19;
- An individual was diagnosed with COVID-19 by a qualified medical professional and, although the individual no longer has the virus, the illness caused health

³⁰ See generally, DETH Memorandum from Brian Bracken to Troy Jordan re PUA Claim Process, June 26, 2020.

³¹ See also, UIPL 16-20; 16-20 Change 1. (See Appendix 7-6).

complications that render the individual "objectively unable to perform his or her essential job functions, with or without a reasonable accommodation."

- An individual's place of employment is closed due to an emergency declaration or "necessarily social distancing protocols" resulting from COVID-19; or
- An individual works as an independent contractor with reportable income and is unemployed, partially employed, or unable or unavailable to work because the COVID-19 public health emergency has severely limited his or her ability to continue performing customary work activities, and has thereby forced the individual to suspend such activities. For example, a driver for a ridesharing service may qualify for PUA benefits if he or she has been forced to suspend operations as a direct result of the COVID-19 public health emergency, "such as if an emergency state or municipal order restricting movement makes continued operations unsustainable."

Those who are not eligible for PUA:

- If a claimant is eligible for regular UI claim, PEUC or SEB.
- If a claimant is able to work remotely without reduced pay.
- If a claimant is receiving paid sick leave or other leave benefits.
- If a claimant is unemployed, but not due to COVID-19.
- If a claimant was not working in Nevada at the time he or she became unemployed due to COVID-19.

UIPL 16-20 further states, however, that many of the qualifying circumstances for PUA benefits "are likely to be of short-term duration." For example, the UIPL explains that a child's school will not be "closed as a direct result of COVID-19," for purposes of PUA benefits, after the date the school year was originally scheduled to end.

PUA benefits generally are not available to individuals who have the ability to telework with pay, or who are receiving paid leave benefits (including sick leave). However, an individual who is receiving paid leave benefits for less than his or her customary work week or is teleworking with pay for less hours than the individual worked prior to the COVID-19 pandemic, may still be eligible for a reduced PUA weekly benefit amount.

WHO ISN'T ELIGIBLE FOR PUA

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FILING AN INITIAL CLAIM – THE USER’S EXPERIENCE

Access [Nevada’s PUA Portal](#) at [EmployNV.gov](#) home page (see figure below).



The screenshot displays the EmployNV.gov home page. At the top, there is a navigation bar with the EmployNV logo and a search bar. Below the navigation bar, there is a large banner image of a lake and mountains. To the right of the banner, there is a login form with fields for Username and Password, and buttons for Sign In, Register, and In Español. Below the banner, there are two prominent buttons: "File a PUA Claim" (highlighted with a red box) and "File Your PUA Weekly Certification". Below these buttons, there is a section titled "Pandemic Unemployment Assistance (PUA)" with a detailed description of the program and two buttons: "Click here for PUA Claimant Guide" and "File a regular unemployment claim". Below this section, there are two buttons: "Find a Candidate" and "Find a Job". At the bottom, there is a search bar with the text "Enter a keyword and/or city or ZIP code and radius to search for jobs in your area." and a "Search" button. Below the search bar, there is a "News and Announcements" section with several links: "How to Access Nevada Career Center Services", "Unemployment Insurance Information", "Work Community Tax Credit (WOTC)", "Rapid Response Resource Packet for Lost Of Workers", and "Rapid Response Resource Packet for Lost Of Workers - Hispanic".

Your re-employment process starts here

Welcome

Pandemic Unemployment Assistance (PUA)

RELIEF FOR WORKERS AFFECTED BY CORONAVIRUS ACT

Pandemic Unemployment Assistance (PUA) provides payment to workers not traditionally eligible for unemployment benefits (self-employed, independent contractors, workers with limited work history, and others) who are unable to work as a direct result of the coronavirus public health emergency.

COVERED

- Diagnosed with COVID-19 or with COVID-19 symptoms and seeking diagnosis
- Member of household has been diagnosed with COVID-19
- Providing care for family or household member diagnosed with COVID-19
- Primary caregiver for child unable to attend school or another facility closed due to COVID-19
- Unable to reach place of employment due to an imposed quarantine or because advised by medical provider to self-quarantine due to COVID-19
- Scheduled to commence new employment and cannot reach workplace as direct result of COVID-19
- Became major breadwinner because head of household died from COVID-19
- Quit job as a direct result of COVID-19
- Place of employment closed as a direct result of COVID-19
- Self-employed / Independent Contractors / 1099 filers / Farmers – and affected by COVID-19
- Seeking part-time employment but affected by COVID-19
- With insufficient work history and affected by COVID-19
- Otherwise not qualified for regular or extended UI benefits and affected by COVID-19

NOT COVERED

- Individuals that can telework with pay
- Individual receiving paid sick leave or other paid leave benefits (regardless of meeting a category listed above)

Next >>

Major Disaster Information

* Are you unemployed as a direct result of a pandemic or major disaster? Yes No

* In what state were you affected?

* What was the major disaster?

Self Certification

* Are you self employed, business owner, worked with a religious entity, or a gig worker whose employment was affected by the COVID-19 virus? Yes No

* Does your business have a name? Yes No

* What was your net earnings for the 1st quarter of 2019?

* What was your net earnings for the 2nd quarter of 2019?

* What was your net earnings for the 3rd quarter of 2019?

* What was your net earnings for the 4th quarter of 2019?

* Were you working full time or part-time? Part-time Full-time

* How did the COVID-19 pandemic cause your unemployment or partial unemployment? Select one that best fits.

- You have been diagnosed with COVID-19.
- A member of your household has been diagnosed with COVID-19 and you are providing care.
- A family member has been diagnosed with COVID-19, and you were quarantined due to a doctor or public official's order.
- You stopped working after a lack of childcare due to the closing of a school.
- You stop working because you are unable to reach your place of work due to a public official's required quarantine.

- After a public health emergency:
- You temporarily closed your business due to COVID-19.
 - You permanently closed your business due to COVID-19.
 - You are currently working reduced hours due to COVID-19.
 - You have a reduction in gig work due to COVID-19. Gig work includes: Uber, Lyft, Musicians, Instacart, freelancer.
 - You were unable to start working as a self-employed individual due to COVID-19.
 - You worked for a church or non profit who is closed due to COVID-19.
 - You became the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19.
 - You were to start working but was unable to due to the closure of the business caused by COVID-19.
 - You were laid off due to a lack of work after a business closure caused by COVID-19.
 - Your employer reduced your hours due to COVID-19.
 - A reason not listed above.

* What is the date that you last performed work? (mm/dd/yyyy)

* Did your employer offer you the ability to telework? Yes No

* What date do you expect to return to work or start your self-employment? (mm/dd/yyyy)

Acknowledgement

* I acknowledge that I understand that making the certification is under penalty of perjury and intentional misrepresentation in self-certifying that I may fall in one or more of these categories is fraud? Yes, I understand

<< Back

Next >>

Proof of Earnings - Document Upload



You must upload documentation to support the amount of quarterly wages you entered. If you cannot supply proof, your eligibility may be set at the minimum weekly rate of \$195.00. Although you are limited to 5 documents on this page, you should upload any remaining documents from your dashboard after the claim is complete. From your dashboard, you will also upload other documentation to support your PUA eligibility such as doctor's note for quarantine, proof of corporate officer status, etc.

Document 1:

1099

Select type

1099

W2

2019 Tax Returns including Schedule C

Check Stubs

Other

Select type ▾

Choose File No file chosen

Choose File No file chosen

Choose File No file chosen

Document 4:

Select type ▾

Choose File No file chosen

Document 5:

Select type ▾

Choose File No file chosen

* Acceptable file types include: jpg, png, tiff, pdf and doc

Pandemic Unemployment Assistance Claim Filing Process



Pandemic Unemployment Assistance Claim Confirmation

Your Pandemic Unemployment Assistance claim and work registration account has been created successfully and will be reviewed for eligibility.

ACKNOWLEDGEMENTS

You have acknowledged that:

- To be eligible for benefits each week you **MUST** be able to go to work each day. If you were offered a job today, you must be able to accept it.
- Beginning this Sunday, you **MUST** file a weekly certification to receive benefits. You can file online at [redacted]. Continue to file each week if do not have a job. You cannot be paid for any week(s) that you do not claim.
- You **MUST** report ANY earnings for the week you work, **even if you've not yet been paid**. Include all income, commissions, tips and gratuities. Report the gross amount before deductions.
- If your contact information changes, inform the UC service center ([redacted]), the [redacted] system ([redacted]) and the United States Postal Service immediately, even if you are not filing for benefits at that time.
- You **MUST** read and understand the Pandemic Unemployment Compensation Handbook, which explains these requirements in more detail. Please [click here](#) here to download and view the PUA Handbook.
- I acknowledge that any false statements in this document are punishable pursuant to [redacted] and CFR 625.14 referenced in Section 2102 of CARES Act of 2020, relating to unsworn falsification to authorities, and that a person who knowingly makes a false statement or knowingly withholds information to obtain UC or other benefits commits a criminal offense under Section 801 of US Law 43 P.S. 871, and may be subject to a fine, imprisonment, restitution, and loss of future benefits.

Next >>

FRAUD & THE PUA PROGRAM

5 Unemployment insurance fraud takes many forms. Employer
6 fraud may include certain actions to avoid tax liability or
7 establishing a fictitious employer account to enable fraudulent
8 claims against that account. Claimant fraud may include
9 knowingly submitting false information, knowingly continuing to
10 collect benefits when ineligible, certifying for benefits under state
11 law while not being able and available to work, or intentionally
12 collecting full benefits while not reporting wages or income.
13 Additionally, identify theft may result in unemployment
14 insurance fraud that is neither the fault of the employer nor the
identify theft victim.

11 The CARES Act includes the Federal Pandemic Unemployment
12 Compensation, Pandemic Unemployment Assistance, and
13 Pandemic Emergency Unemployment Compensation programs.
14 In addition to its recent guidance related to continued eligibility
for benefits, the Department has consolidated all state
unemployment insurance fraud hotlines on one page for ease of
access.

Per May 19, 2020 press release: <https://www.dol.gov/newsroom/releases/eta/eta20200519>

OBLIGATION TO MONITOR FRAUD

3 The Office of Employment and Training Administration has provided resources and
4 tools for states to combat fraud in the context of COVID-19 and the CARES Act, such as
5 continued expansion of its Integrity Data Hub, which provides resources to help prevent
6 and detect fraud, including:

- 7 • A Suspicious Actor Repository that allows States to share and cross-match with
8 known fraud data elements to detect fraud;
- 8 • Cross-matches with suspicious Internet Protocol (IP) addresses;
- 9 • A multi-state claims data cross-match that enables data analytics to detect fraud;
- 9 • A real time Fraud Alert System that allows states to interact with each other;
- 10 • Implementing a national identity verification tool to support States;
- 10 • Weekly calls to share and communicate fraud prevention strategies;
- 11 • Other training for State staff.

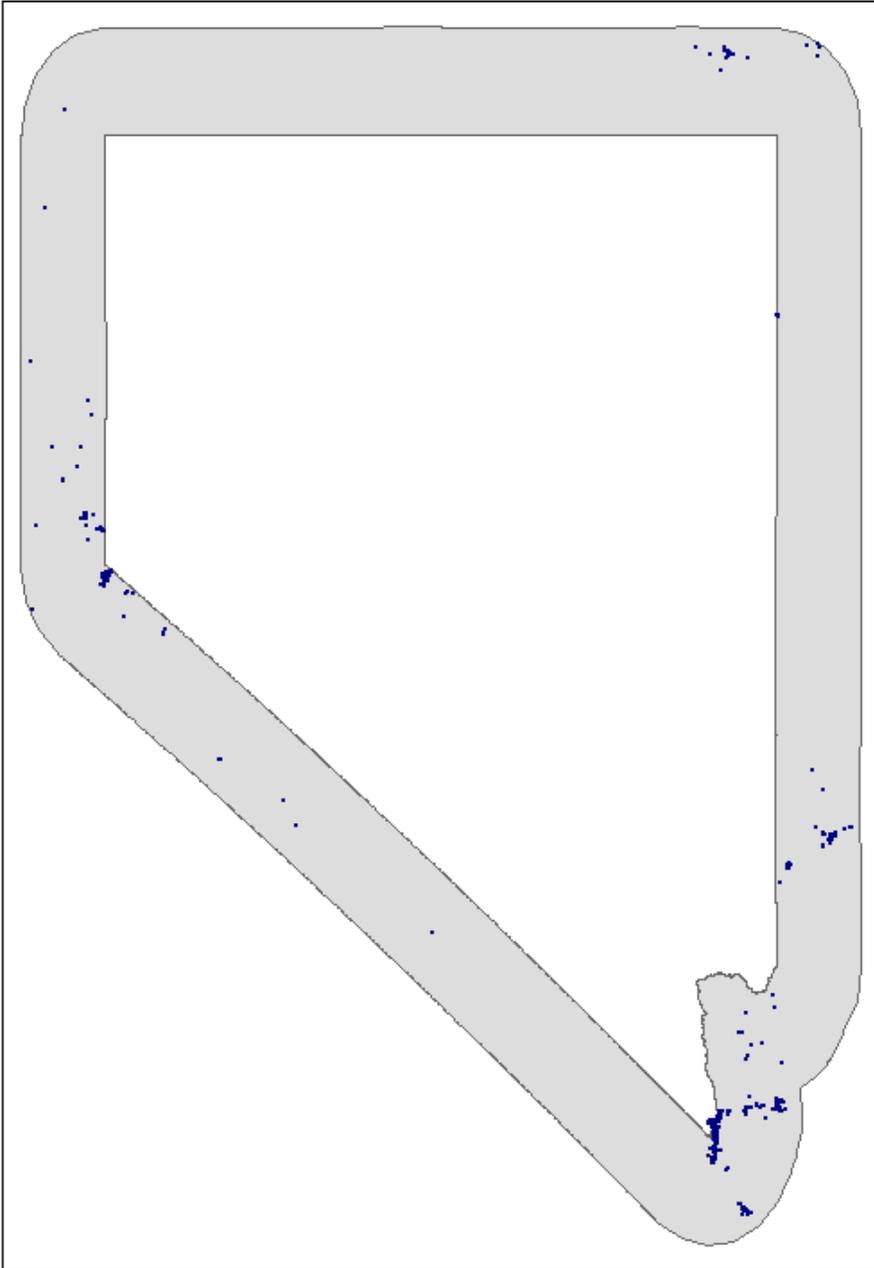
12 The Office of Employment and Training Administration also issued UIPL 23-20 to
13 emphasize the importance of program integrity and the need to address improper fraud in
14 the UI system. *See Appendix 7-7 (UIPL 23-20)*. This UIPL discussed administrative issues
15 that have arisen in CARES Act program administration and the many fraud and
16 overpayment prevention tools available to states.

FRAUD STATISTICS – CLAIMS FILED OUTSIDE NV

IP Addresses Filing PUA Claims Outside Nevada
175,403 Unique Applications

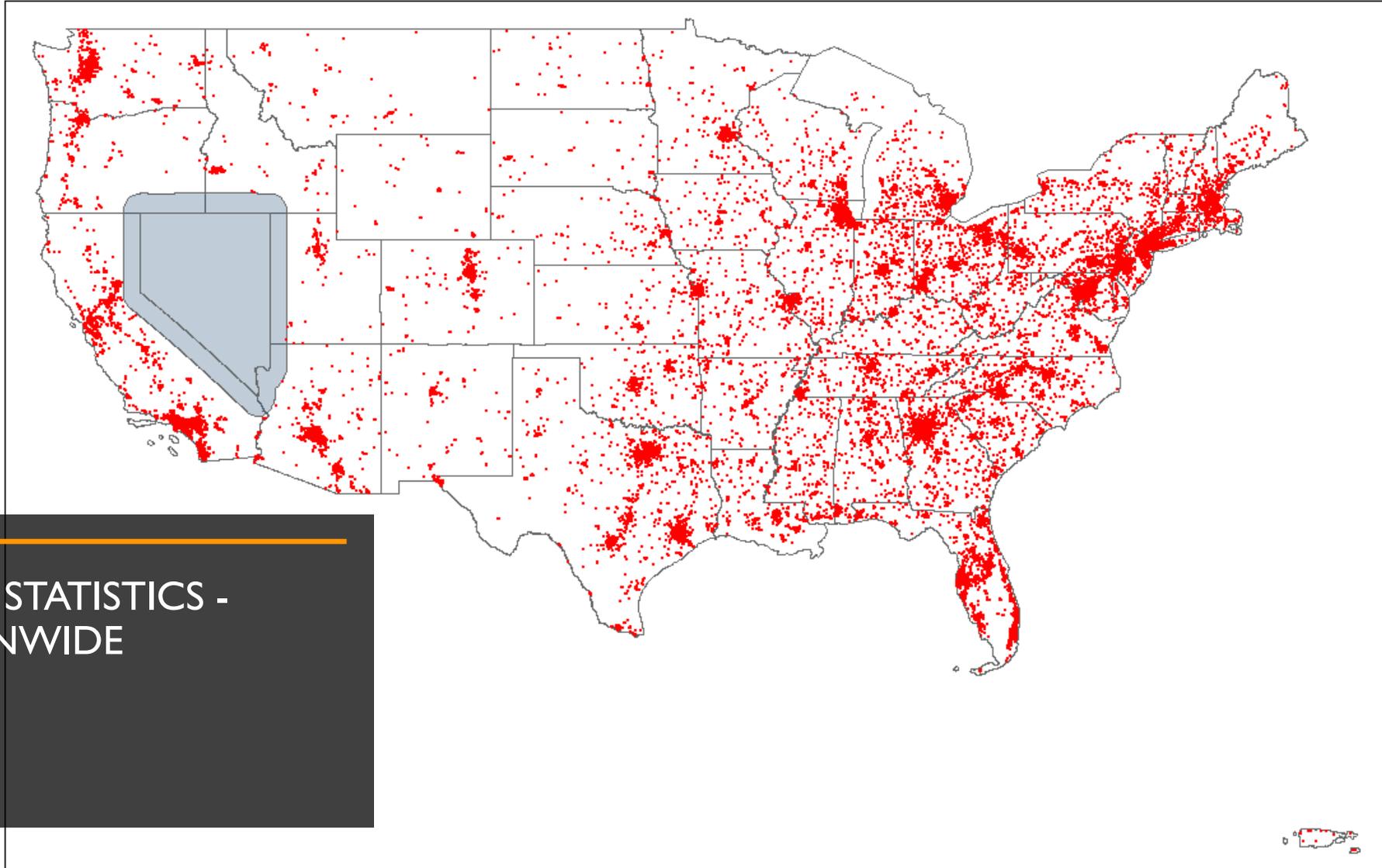


Unique PUA Applications, Nevada Border Area
718 Unique Applications From 05/16/20 to 07/06/20



FRAUD STATISTICS – UNIQUE APPLICATIONS

Unique PUA Applications Outside Nevada
37,370 Unique Applications From 05/16/20 to 07/06/20



FRAUD STATISTICS -
NATIONWIDE

TIMELINE FOR RESPONSE



PUA CLAIMS ADMINISTRATION DATA



PUA CLAIMS

Claim Status	PUA Initial Claims	PUA Weekly Claims Filed	PUA\$ Paid, Excluding FPUC
A: Claim Paid	107,923	1,466,063	343,044,663
B: Failed Identity Check	17,179	128,132	NA
C: Apparent UI Wages	45,328	485,176	NA
D: No Weeks Filed	14,548	0	NA
E: Out of Country	2,830	35,139	NA
F: IP Issue	20,786	258,718	NA
G: Recent ? Activity Stop	23,912	298,605	NA
H: Other Outstanding Issue	5,511	62,783	NA
I: No Detail	9,013	94,711	NA

Data pulled from Copy of PUA database on 7/7/2020, reflecting data as of June 29.

UNPAID UPA CLAIMS

Nevada Unpaid PUA claims

May 16 to June 21

Issue Description	Issue Code	Has Weeks Claimed	No Weeks Claimed
IP - Investigation Case Special Project	261	14,643	2,337
PUA - Other program eligibility	750	14,246	4,992
IP - Investigation SAR Internal	598	12,021	2,213
DUA - Unemployment not result of disaster	271	10,313	NA
Two-Factor Authentication failed - Bad phone	757	4,977	85
Invalid SSN	213	4,002	1,616
PUA Claim Stopped	197	2,099	310
PUA - Requires Staff Review	749	2,083	8
Two-Factor Authentication failed	758	1,691	40
Invalid Employer Chosen	200	1,529	205
PUA - Refusal to Telework	747	1,362	305
No employment history	189	536	10
Fraud - Conversion	235	397	7
Refusal of Referral	108	340	NA
PUA - Refusal of work	751	340	NA
PUA - Pension	752	294	NA
PUA - Receiving Sick Leave	748	188	66
Requires Staff Review	214	154	30
Pension	163	58	2
Potential Education Employee	190	50	6
IP - Investigation Staff Audit	265	50	22
Claimants immigration documentation has expired	470	24	7
PUA - Proof of employment sufficiency	753	22	4
Claimant worked outside of US or Canada	217	15	2

SUMMARY
&
CURRENT STATUS OF
CLAIMS



AMETHYST PAYNE

21 According to DETR information, Ms. Payne's claim was resolved, and payment was
25 first rendered on June 3, 2020.

Resolved

IRIS POSADA-MIRELES

16 According to DETR information, Ms. Mireles' claim was resolved, and payment was
17 first rendered on June 27, 2020. *See Appendix 3 (Payment Status of Claimants).*

ANTHONY NAPOLITANO

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According to DETR information, Mr. Napolitano's claim was resolved and payment

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was first rendered on June 27, 2020. See Appendix 3 (*Payment Status of Claimants*).

Resolved

ISAIAH PAVIA-CRUZ

3 According to DETR information, Mr. Cruz' claim was resolved and payment was
4 first rendered on June 27, 2020. *See Appendix 3 (Payment Status of Claimants).*

VICTORIA WAKED

20

According to DETR information, Ms. Waked's claim was resolved and payment was

21

first rendered on June 27, 2020. See Appendix 3 (*Payment Status of Claimants*).

Resolved

CHARLES PLOSKI

15 According to DETR information, Mr. Ploski's claim was resolved and payment was
16 first rendered on June 27, 2020. See Appendix 3 (*Payment Status of Claimants*).

RESOLVED

DARIUSH NAIMI

1 Soon after, his PUA account said that he was not unemployed because of disaster.
2 There was an “issue description” listed on his account. And his certifications read as in
3 progress. As of June 6, 2020, his certifications read “Excessive earnings.”

TABITHA ASARE

3 According to DETR information, Ms. Asare's claim was resolved and payment was
4 first rendered on June 27, 2020. See Appendix 3 (*Payment Status of Claimants*).

RESOLVED

SCOTT HOWARD

1 According to DETR information, Mr. Scott's claim was resolved and payment was
2 first rendered on June 27, 2020. *See Appendix 3 (Payment Status of Claimants).*

RALPH WYNCOOP

17 Mr. Wyncoop was contacted by an investigator from DETR this week. He was asked
18 to upload his driver's license, a current bill, and Social Security Card. Mr. Wyncoop
19 reported that he was flagged because the VPN on his laptop he has been submitting his
20 claims from has been pinning from other countries. The investigator stated she will be
21 working on getting Mr. Wyncoop his claim paid.

ELAINA ABING

2 According to DETR information, Ms. Abing's claim was resolved and payment was first
3 rendered on June 27, 2020. *See Appendix 2 (Payment Status of Claimants).*

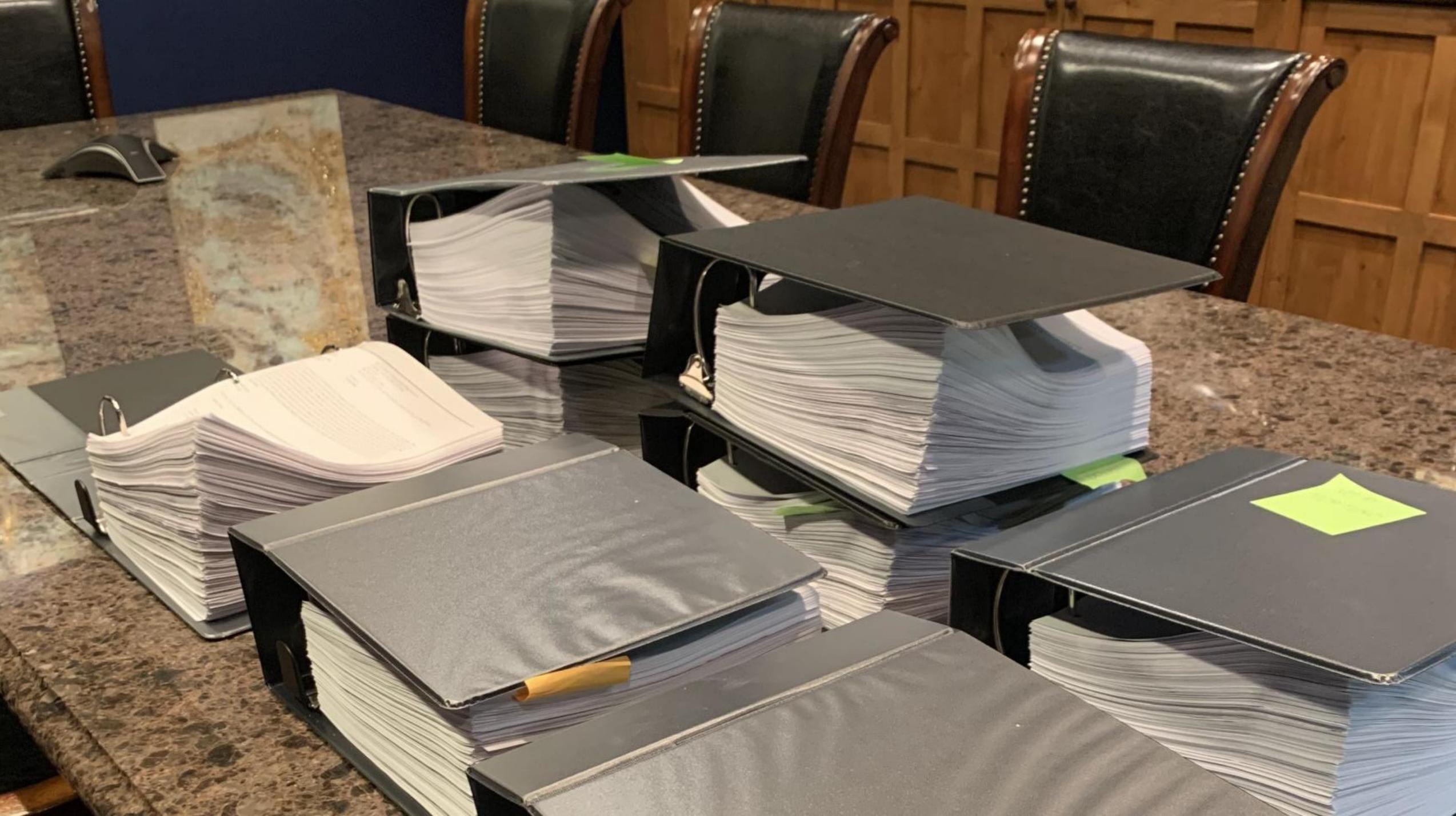
Resolved

WILLIAM TURNLEY

5 According to DETR information, Mr. Turnley's claim was resolved and payment was
6 first rendered on June 27, 2022. See Appendix 3 (*Payment Status of Claimants*).

REVIEW & ANALYSIS- GIG WORKER CLASS





FIRST FILERS



IT ERRORS & GLITCHES



4 Nevada UI needs to know that the 'fraud' is IT error! I
5 previously worked for Alorica and have to be anonymous here. A
6 large bulk of the court issue will be rooted in the fact that an IT
7 error, is what flagged fraud, and that has frozen movement on
8 tens of thousands of claimants.

9 It is not being addressed and no process is in place to
10 address it. This was an IT issue.

11 The software/database/operating system made errors that
12 affected all claimants system wide on a random weekend in the
13 beginning (specifically the second weekend of launch if memory
14 serves) and the PUA system started assigning fraud issues that
15 never applied-to ALL in the PUA system at the time.

16 For example (lack of work not caused by disaster when the
17 checkbox clearly stated disaster /...or "wages exceed award
18 amount" and wages were zero.../worked out of state" yet never
19 had...and checked appropriate box... The system was later cleared
20 with a message of "IP special case" that then disappeared but...

21 When it was 'fixed'

22 All system claimants were flagged for an "unresolved issue-
23 yes" the call centers claimants contact NV state and are told
24 everything is fine, and to wait, but the account needs to be fixed/
25 these accounts are not separately flagged to be viewed and has
26 fallen into the abyss of hundreds of thousands of incomplete
accounts and accounts with legitimate issues. Additionally, the
state is asserting people applied from IP addresses out of state.
Claimants who legit live out of state but worked in Nevada would
be required to do so

27 If ignored they will not be seen by human eyes to fix it and
28 are in limbo tossed between all the claimant accounts It is not the
29 constituents financial burden to bear at this point

30 Nevada seems to be the only state nearby that has a
31 completely separate database for PUA and every single claimant
32 that applied near the first and second weekend of launch are the
33 issue.

34 Other states issue checks 'only' in order to use existing
35 payment systems and comply with timelines.

36 California pays bi weekly to accommodate their needs.
Washington state was reported to have paid 300 million in
international based fraud claims within the first ten days...

1 They are still running and going. In Vermont the governor
2 issued state based 1200 stimulus money not once but twice to all
3 waiting claimants not processed because of UI taking too long.

The system erroneously flagged fraud and is still causing
the witch hunt today.

WEAKNESSES IN REPORT

- Not able to dig into issues regarding IT glitches.
- Need more time and information in order to address IT glitches.
- Reviewed complaints from a narrative approach, but not with tech knowledge.

COMMON COMPLAINTS FROM CLAIMANTS

- Initially applied for UI benefits at direction of someone at DETR or Alorica.
- Cessation of benefit payments.
- Reports of claims disappearing from system.
- Back payment of benefits so large the receiving bank rejected it.
- No appeal rights.
- Frustrations with Alorica call center.

STATE COMPARATORS



WHAT ARE OTHER STATES DOING?

- i. Partnerships with private sector.
- ii. Deployment of National Guard.
- iii. Cloud-based online processes and call centers.

HOW ARE STATES HANDLING THE VOLUME OF CLAIMS?

- i. States in our region.
 - 1. Arizona.
 - 2. California.
 - 3. Colorado.
 - 4. Utah.

- ii. Other states heavily dependent on tourism.
 - 1. Florida.
 - 2. Hawaii.
 - 3. Montana.

HOW ARE STATES HANDLING THE VOLUME OF CLAIMS?

- iii. How are other states' unemployment divisions funded?
- iv. How are other states' dealing with the fraud issues?
- v. How quickly were other states' able to begin accepting and processing claims compared to Nevada?
- vi. Have other states' employment departments been sued as a result of their administration of benefits?

DISPUTED
&
UNDISPUTED FACTS



SPECIAL MASTER QUESTIONS TO DOL & RESPONSES



DETR ESD'S SHORT
ANSWERS TO
COURT'S
QUESTIONS



SPECIAL MASTER QUESTIONS TO DETR ESD & RESPONSES



DETR RESPONSE

1			
2			
3	1	1	> Weeks_paid – number of individual weeks that have been paid.
4	2 e	2	> First_payment – date of the earliest payment issued to a claimant (date
5	3 a	3	issued, not the week for which it was issued).
6	4	4	> Qtrs_covered_py – number of quarters in 2019 with wages reported in the
7	5	5	EmployNV application that appear to be from W2 / UI-Covered employment.
8	6	6	Not verified against UI application, just descriptive.
9	7	7	> Qtrs_uncovered_py – number of quarters in 2019 with wages reported in the
10	8	8	EmployNV application that are not from W2 / UI-Covered employment. Not
11	9	9	verified against any source documents, just descriptive.
12	10	10	> Amount_paid_group – increments of \$2,500 to describe total payments
13	11	11	(including FPUC) made to claimants. Could customize this, kept it broad to
14	12	12	keep the numbers manageable.
15	13	13	> Matching_applications – total number of applications that meet all of the
16	14	14	unique combinations of the criteria above.
17	15	15	Please note: the software I've been using for these reports crashed in the middle of the day
18	16	16	yesterday, so I've occasionally seen numbers that don't line up quite right. As a result, there
19	17	17	may be small inconsistencies if some July 6 data was not refreshed and matched to July 13
20	18	18	data – I'm trying to double-check everything, but this is a very new tool and time is not my
21	19	19	friend. Everything appears representative, but there may be instances of imprecision.
25	20	20	
26	21	21	
	25	25	
	26	26	

SPECIAL MASTER QUESTIONS TO PETITIONERS & RESPONSES



SPECIAL MASTER RECOMMENDATIONS



BOTTLENECKS IN THE SYSTEM

- No opportunity for an aggrieved claimant to challenge DETR ESD decisions or non-decisions.
- The unemployment insurance system was not created to handle hundreds of thousands of claims in 90 days and establish new benefit programs to serve additional people.
- The widespread existence of “glitches” in the benefit delivery system.
- Claimant errors are rampant which lead to significant delays in processing an application.
- Claimants do not have a reliable person who can provide them with information and assistance to accurately complete applications and resolve problems as they arise.
- The call center hired to answer claimant questions and provide assistance has failed to consistently deliver competent and compassionate service.
- The new benefit programs are vulnerable to fraud.
- Systemic fraud has constipated the system and put additional strain on vexed people and limited resources.

RECOMMENDATIONS.

- PUA Appeal Process
- Establish Emergency Volunteer Claim Concierge Corps.
- Call Center Improvement.
- Deny Claims when Fraud is Suspected.

OTHER SUGGESTIONS



THANK YOU.

