



**RAN**  
Retail Association of Nevada

August 2020

## LOOKING OUT FOR BUSINESS

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# NEVADA NEWS

## WHEN IDENTITY THEFT MEETS UNEMPLOYMENT BENEFITS

By Mary Lau

**N**EVADA'S SMALL BUSINESS EMPLOYERS ARE ALREADY STRESSED

enough during this COVID-19 crisis and its subsequent closures, restarts, possible reclose orders (depending on your business), mask enforcement mandates and even the inability to rehire employees if you are reopening.

All Nevada employers have become familiar with the eighty-nine page "Employer Handbook – Nevada Unemployment Compensation Program" published in 2008.

Under normal circumstances the Unemployment Insurance Fund (UI) is financed solely by taxes paid by employers. At no time do employees contribute to this fund. DETR (Department of Employment, Training and Rehabilitation) administers the fund under the auspices of the Department of Business and Industry and it also works with Nevada Job Connect. DETR also has an Employment Security Council, which acts as an advisory committee. This committee helps to establish rates along with other functions.

Employers rates are determined by a formula, clearly spelled out in the Handbook and can vary from year-to-year depending on "experience". Nevada uses the Reserve Ratio



Mary Lau, RAN CEO

formula; again, spelled out in the Handbook.

During the last recession DETR nearly (or possibly statistically) ran out of money and employers picked up the slack to make the fund whole again.

### WHY THE VERY ABBREVIATED HISTORY LESSON?

Well, DETR regulation also requires that the employee be: able to work, willing to accept suitable work and be actively seeking work. Also spelled out in the formulas is that up to 50 percent average weekly wage is the maximum benefit.

Well enter COVID-19, coupled with federal bail-out money and stimulus money and the employees received more weekly benefits than the percentage of average weekly wage and the Governor also waived the requirements to receive benefits.

This became a disaster in the

making for employers, especially those receiving PPP loans for employment purposes (previously covered in our publications) but it also became hunting grounds for fraud. As early as six-weeks, possibly two-months, ago RAN was on a national conference call with our national trade partners and we received a briefing regarding electronic claims fraud, over-night sweeps of fraudulently received funds, and the multi-millions being pilfered from states' unemployment funds. It is not just Nevada DETR, but it is a national problem and the advantage taken by criminals to drain the dollars

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# IN GOD WE TRUST. ALL OTHERS PAY CASH. MAYBE...

By Andy Peterson

**WHO HASN'T SEEN THIS MOTTO ON A SHOPKEEPER'S**

wall? Cash has always been king, but not anymore thanks to COVID-19. Some stores in Clark County now only reluctantly accept cash. A few are trying to make it easier and faster to go through a checkout lane which is set up to exclusively take either debit or credit cards. When queried by your author at one of these semi-cashless stores, the manager explained it was getting harder to accept cash for several reasons. He first explained the federal government to be producing fewer coins as federal coin makers were furloughed due to COVID-19. Secondly, he said

banking has been harder due to the virus. According to him, bank lobbies are closed. Those with large amounts of cash are stuck going through the drive through – which can be a problem for those stores with larger transactions. For these reasons, he says, “cash is no longer king – plastic now rules.”

But is this a bad phenomenon? Until recently Massachusetts was the only state that prohibited retailers from not accepting cash. Now many other states are also considering enacting bans too. Some major cities have also considered enacting bans. New York City passed a ban which takes effect this coming fall. Congress is now in on the action as well, there is proposed



Andy Peterson

bipartisan legislation in the U.S. senate which would prohibit retailers from not accepting cash. Cash, for the most part, continues to work well for anyone who carries it, including for those who may not have established, or do not currently have banking relationships. Others, for a variety of reasons,

choose to operate on a cash basis. Moving entirely into a cash free environment, then, might disenfranchise these groups and damage the relationship between customer and retailer.

Likely, our society will continue to evolve towards a cashless environment regardless of government regulation and in spite of those who pay with cash only. In the near future some incentive will likely come along which will push all towards a cash free society. Short of that, an unforeseen event, like COVID-19, may provide all the incentive we need to get rid of that wad of cash in our pockets and rely on our credit or debit cards. ■

## IDENTITY THEFT/UNEMPLOYMENT BENEFITS *Continued from page 1*

badly needed by the citizens of the various states.

This warning was shared with the Administrators on the conference call; it appears to no avail.

RAN received its first fraudulent UI claim on July 20th. It was immediately reported to DETR. Nevada employers have a total of 15 days to dispute a claim and any charges that you think are in error. The DETR contact for this is Unemployment

Benefits Section – Ruling Unit and a telephone number was provided. However, in attempting to report this the RAN director was hung up on.

RAN's employees were never terminated or laid off and the person who allegedly filed this claim has been a victim of identity theft. This employee now must take all the steps to protect their personal identity as well as dispute the claim in writing. RAN, too, must dispute the claim in writing.

The purpose of this article is not to bemoan this theft, nor the ignoring of the warning to DETR as it is obvious that they were unprepared and overwhelmed. But this is both employers' money and federal stimulus dollars received, and any amount stolen will fall on the backs on employers too. In the absence of more federal dollars, this fund will be depleted.

We know that your most important focus now is getting

back to work and your business but please do take the time to watch out for your business and your employees being the victim of fraudulent claims. Remember, if not protested then your experience mode will be adjusted, and your unemployment insurance rate may be increased too. What a pain. I get it! On the other hand, have you ever tried to straighten out a problem after the fact with any government entity? ■



# EXPANDING CRITICAL VACCINE ACCESS IN NEVADA

By Liz MacMenamin

## THE NEVADA IMMUNIZATION REPORT CARD, PUBLISHED

by Immunize Nevada and the Nevada Department of Health, clearly demonstrates that Nevada may need to consider addressing the challenges of regulatory roadblocks to increasing the numbers of immunizations in our state. (See Report Card on pages 8 and 9)

The pharmacy-based vaccination has shown to improve uptake in vaccines over the last two decades. This is particularly true in Nevada, but our state still is not poised to expand access to this patient service at this time. This is in part due to the emphasis placed on the pharmacist as the vaccinator. Across the US the pharmacist technician immunization models and pilot projects have proven safe and effective

and allows for greater patient access to this service.

Regulations in our state have restricted the use of the pharmacy technician from immunizing thus impeding and hampering a patient's access to care delivery and reduce vaccine administration capacity. RAN and NACDS (National Association of Chain Drug Stores) have been in discussions with regulators and legislators about this very issue. COVID-19 and the possibility of a vaccine to help fight this has highlighted this issue in Nevada.

At the direction of the Board of Health, the Board of Pharmacy recently introduced a regulation during the public workshop meeting to discuss language that helps to remove some of the barriers to vaccine access to address the pandemic and possibly preventing outbreaks of other dangerous

diseases. This regulation would allow a pharmaceutical technician, under the direct and immediate supervision of a pharmacist, to immunize. The regulation mirrors the current regulations regarding the medical assistant in the physician's office, the vaccinator in that setting.

RAN testified that this process may be too slow to enable the "preparation" period to provide the vaccines in advance for the upcoming influenza season. Pharmacies will need time to plan and adapt care delivery models that will provide increased vaccine capacity and optimally serve patients this fall. The influenza vaccine will be offered in mid to late August- only a few short weeks away.

Because of the urgency to meet the public health goals, RAN has requested that the Board of Pharmacy implement this language as an emergency regulation to allow the pharmacies in our state to begin the preparations for not only the upcoming influenza period but also for the implementation of the COVID-19 vaccine, which appears to be on the very near horizon.

The Board of Pharmacy executive secretary assured those in the industry that



Liz MacMenamin

he will implement this as an emergency regulation during the September board meeting. His concern in doing it at this last board meeting is that the 120-day period for an emergency regulation may expire before the regulation is enacted as law.

The sooner this restriction is removed the better poised the pharmacy is to meet the growing needs for widespread access to vaccines especially this fall given the impending demand for influenza vaccine, pneumonia vaccine, and the forthcoming COVID-19 vaccine, in addition to others.

RAN will continue to encourage this board and others to move ahead with this regulation to remove these restrictions and allow the pharmacist and the pharmacist technician to help optimize the care services for patients in Nevada. ■







# NEVADA'S UNTESTED EMERGENCY POWERS

By Josh Hicks, McDonald Carano Law Firm



Government Affairs & Advocacy Group

**NEVADA IS NOW IN ITS FIFTH MONTH OF A DECLARED**

state of emergency. Governor Steve Sisolak has taken many actions in the last five months, from closing businesses, to reopening businesses, to requiring face masks in public, and shutting down some businesses a second time as COVID-19 cases increase.

The Governor's emergency powers are generally set forth in NRS 414.060 and 414.070. These statutes were first enacted in 1953 and empower the Governor to take a variety of actions during a state of emergency, such as assuming control of all State emergency management, selling or buying necessary materials for emergency management, ordering evacuations from threatened areas, and allowing unlicensed emergency medical providers to work in the State.

The statutes also include catch-all provisions, allowing the Governor to direct or control the "conduct of the general public and the

movement and cessation of movement of pedestrians and vehicular traffic during an emergency or disaster" and to "perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population."

The Governor's emergency powers have historically been exercised in localized emergencies, such as wildland fires.

Unlike a fire, which is generally contained to a single region, the COVID-19 pandemic is a broad-reaching and extended emergency spanning the entire State, resulting in 27 Directives – so far – covering face masks, businesses closures, eviction moratoriums and even cancelling youth sports.

Because previous emergencies have been localized and temporary, the full legal reach of the Governor's emergency powers remains untested by Nevada courts.

The Nevada Attorney General opined in 1957 that the Governor's emergency powers are broad, limited only by the constitution,



**Josh Hicks is General Counsel for the Retail Association of Nevada**

and opined again in 2001 that only the Governor (or an authorized designee) can implement a mandatory evacuation of residents due to wildland fire risk. Beyond these legal opinions, no Nevada case law or legal authority has delved into the scope of the Governor's powers.

Beyond the Governor's emergency powers, county and city ordinances provide local governments with a variety of emergency powers.

Typically, these powers allow actions such as the establishment of curfews and limitations on the number of people allowed to gather in public. Some local government

ordinances include broad clauses allowing the jurisdiction to exercise emergency powers like the Governor.

In 1995, the Nevada Attorney General addressed the interplay between state and local emergency powers and determined that the express emergency powers of a local government must flow from statute and further determining that the Governor's emergency powers preempt any local government emergency powers.

The interplay between state and local emergency power arose early in the COVID-19 pandemic, when Reno's Mayor unexpectedly mandated the closing of Reno casinos.

The Mayor's announcement was almost immediately walked back, and shortly thereafter, the Governor closed casinos throughout the State.

Notably, the Governor's administrative power during an emergency can be delegated. Most Directives issued by the Governor include a clause authorizing local governments to

*Continued on page 11*



# SEPARATING MASKS FROM MYTHS

By Dr. Traci Biondi, Medical Director, Prominence Health Plan

## Prominence<sup>®</sup> Health Plan

### **I** N THE PAST, A FACE MASK WAS CONSIDERED NECESSARY ONLY

in a hospital setting or perhaps to prevent exposure to dust particles as part of a home renovation project. With the onset of COVID-19 the face mask has become part of our wardrobe and our day-to-day lives. Here are some answers to common myths and questions about face masks.

**MYTH:**  
*Wearing a face mask is not protective.*

**FACT:** Masks act as a simple and effective barrier to help prevent the spread of COVID-19 by stopping respiratory droplets from traveling into the air and onto

other people. We know that as of last week approx. 89% of Americans are wearing a face mask when they leave the house. This is good! This is simply part of the effort to decrease the spread of COVID-19. It is also in line with the directive from Governor Sisolak that people must wear face coverings in public places throughout Nevada.

**MYTH:**  
*Wearing a mask makes me sick because of breathing too much carbon dioxide.*

**FACT:** Some believe that rebreathing the air you exhale can make you sick. Although inhaling high amounts of carbon dioxide can be harmful, this is very

unlikely to occur while wearing a cloth face mask, especially when worn for limited periods of time.

In the medical field, healthcare workers have worn masks for years without problems. For the majority of

people, cloth face coverings don't trap enough carbon dioxide to be harmful.

The risk of carbon dioxide poisoning due to wearing a mask is almost non-existent.

If you have a severe illness or pulmonary disease that causes shortness of breath then it is possible wearing a face covering could make you worse. This is a small minority of people. If in fact you are too ill to wear a mask in public, then you should probably stay home to try to further reduce your exposure.

Ultimately, wearing a mask is an easy way you can help protect others in your family and community.

**QUESTION:**  
*What is the proper way to wear a mask?*

Cloth face coverings should cover both the nose and mouth when worn properly and when you're in a community setting.

**QUESTION:**  
*How often should you wash your mask?*

The Centers for Disease Control and Prevention (CDC) recommends routinely washing cloth



**Dr. Traci Biondi**

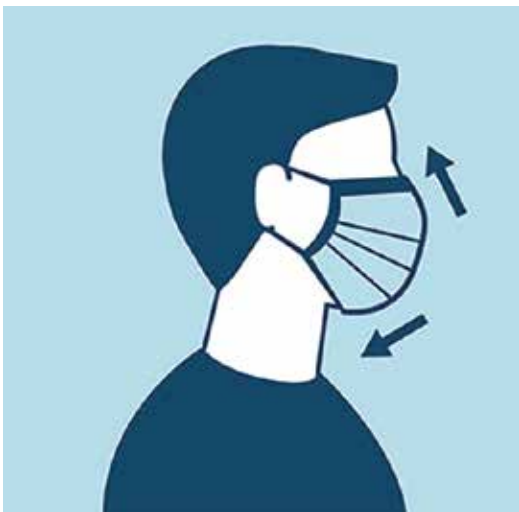
face coverings after each wearing. They are safe to put in the washing machine and dryer with other clothes. The process should effectively kill any virus that might remain on the mask.

**QUESTION:**  
*Which mask is best?*

Many people want to know which type of face mask is the most protective. Remember that best is the enemy of good and there is no need to achieve perfection when it comes to choosing a mask.

There are some rudimentary studies performed to help demonstrate the difference in particle distance with a variety of common mask materials. While there were some observed differences

Continued on page 11





# Nevada Notes

## NEVADA UNEMPLOYMENT NUMBERS

Nevada unemployment numbers decreased slightly in May from 28.2-percent to 25.3-percent, remaining the highest in the country.

The Nevada Department of Employment, Training and Rehabilitation (DETR) released the new numbers showing the small improvement while still highlighting the heavily hit labor market due to COVID-19.

The unemployment rate in Nevada is far higher than the national average, which is seasonally adjusted to a rate of 13.3-percent.

In good news for Nevada, however, the state is adding jobs back at a rate of 2.9-percent, which is faster than the national average of 1.9-percent. DETR's report comes on the heels of 107 straight months of jobs growth in the Silver State, or nearly nine years.

*McDonald Carano*

## MASKS IN PUBLIC NOW REQUIRED

Nevadans and visitors are now required to wear face coverings in public, Governor Steve Sisolak announced, with limited exceptions. Those exceptions include children under the age of two – children ages 2 to 9 are strongly encouraged and

children ages 10 and above are required – individuals with medical conditions either mental or physical that prevent safe mask wearing, the hearing impaired, people engaged in outdoor work or recreation, and professionals on the job who may be at greater risk as determined by local, state, federal or workplace safety guidelines, and those seated or dining at restaurants. Businesses are asked to establish a “no mask, no service” policy and have the right to ask a patron to leave their establishment and return with a face covering.

Businesses are asked to use discretion but can notify local law enforcement if a confrontation occurs over a patron refusal to wear a face covering. All law enforcement agencies in Nevada are authorized to enforce this latest Directive. Individuals who do not wear masks may be subject to fines.

Governor Sisolak issued a strong warning for businesses, who are also subject to license suspension, license revocation or other penalties – including the revocation of a liquor or gaming license for noncompliance.

The Directive went into effect at 11:59 p.m., June 25. In addition to the new mask mandate, Governor Sisolak updated Nevadans on

projected shortfalls for fiscal year 2021, anticipated at this time to be \$1.27-billion, or 25-percent of the state's annual \$4.5-billion operating budget. To address the impending shortfall, the state evaluated tax revenues at the end of June to formulate a plan to fill the massive hole.

*McDonald Carano*

## NEVADA PUBLIC HEALTH OFFICIALS ASK BUSINESSES TO BAN SMOKING, VAPING

Nevada public health officials are encouraging all businesses to implement tobacco-free policies at the workplace. This as department officials say smokers are at increased risk of complications if they acquire COVID-19.

Currently, smoking and vaping can be banned if a business chooses according to the Nevada Clean Indoor Air Act. A statement by the department read, “businesses cannot adequately reinforce the proven risk reduction strategy of wearing face coverings while also allowing smoking. The primary mode of transmission of the virus is through person-to-person spread of respiratory droplets.”

*Reno Gazette*

## NEVADA ANNOUNCES RENTAL ASSISTANCE AID

Nevadans facing financial hardships due to COVID-19 can now apply for rental assistance through the state's CARES Housing Assistance Program (CHAP), with \$30-million being distributed from CARES Act funds. The goal of the program is to help Nevada renters stay in their homes even after the statewide residential eviction moratorium expires on September 1 as laid out in Governor Sisolak's Emergency Directive 025.

The funds will be awarded on a first-come, first-serve basis and will be paid directly to landlords on behalf of tenants, a process being expedited in Clark County through a portal that allows property managers to pre-register. To qualify, a tenant must:

- Rent in Nevada, have an active lease and owe back-rent
- Be able to show that financial hardship has been suffered related to COVID-19, such as the loss of a job, a reduction in work hours or a reduction in pay
- The tenant's household must have liquid resources totaling less than \$3,000, with their gross annual income below 120-percent of the area median income
- Must not be currently receiving rental assistance through a federal housing voucher

*McDonald Carano*



# National Notes

## FOOD AND RETAIL OPERATIONS WILL CHANGE FOREVER.

This according to a new survey from Cambridge Retail Operations of C-suit level executives. These changes include such things as more online and mobile shopping, curbside and store pickup, use of stores as “micro fulfillment centers,” and the use of “ghost kitchens” dedicated to meal prep for digital services. The new data suggests 65 percent of retailer and restaurant chains plan to reopen all their locations after the pandemic, 25 percent plan to open only a portion of their locations, and ten percent don’t plan to return to retail at all.

*Progressive Grocer*

## YOU HAVE TO HAVE A MASK TO ENTER WALMART, KROGER’S, AND BEST BUY

Three of the nation’s top retailers are making face masks mandatory to enter their stores. Walmart is adding a new role to make sure the rule is enforced, a “health ambassador,” who will remind people to wear a mask. Walmart will also post signs at all entrances. Walmart’s mandate will go into effect July 20th. Best Buy’s mandate will go into effect July 15th, and Kroger’s, who owns Smith’s in Nevada, will begin July 22nd.

*Chain Store Age*

## WALMART EDUCATES ITS WORKFORCE

On day one of employment Walmart workers are eligible for “Live Better U,” where students can earn certificates across trades, including facilities and industrial maintenance, HVAC/refrigeration, electrical, plumbing, and construction. This in order to prepare its workforce for “future-proof and future-focused roles” through skilled trade training.

Walmart has teamed up with Penn Foster, a for-profit online career school in order to deliver these programs. In addition, the retailer is also expanding its digital skills programs for undergrad and graduate level certificates.

These degrees include technology and healthcare related offerings and are available through eCornell and Southern New Hampshire University. Additionally, Walmart employees can earn degrees through Purdue University Global, Southern New Hampshire University, Wilmington University, University of Florida, Brandman University, and Bellevue University.

To date, more than 25,000 full-time and part-time associates have enrolled in the Live Better U Program. So far, the associates completed more than \$58 million worth college credits, and more

than 3,000 have completed one of the debt-free degrees.

*Yahoo Finance*

## U.S. UNEMPLOYMENT RATE FELL TO 13.3% IN MAY

Payrolls rose by 2.5 million in May and Moody’s Analytics projects the jobless rate will fall to 8.5 percent by year end. This after a pandemic ended a long running economic expansion. This reflects overall job losses of nearly 20 million jobs compared to the loss of 9 million jobs lost from 2007 to 2010 financial crisis. Economists expect a slow and choppy recovery.

*WSJ*

## COMMUNITY PHARMACIES TO OPERATE DIFFERENTLY

Expect ongoing changes in pharmacies due to the pandemic. This according to a new survey by the National Community Pharmacists Association.

For instance, nearly three quarters of survey respondents said they did not offer point-of-care testing prior to the pandemic.

Now many do and expect to continue to offer it long after the crisis has subsided. Moreover, 56 percent of pharmacists expect their scope of practice to increase, and 82 percent expect to be making home delivery

permanently. Another 60 percent believe plexiglass shields are here to stay, and most will continue to employ personal protective equipment.

*Drug Store News*

## TARGET GIVES JUNETEENTH HOLIDAY PAY

Target gave holiday pay to its employees on June 19th in honor of Juneteenth, a holiday which commemorates the freeing of enslaved people in Texas.

This in response to the alleged murder of George Floyd in Minneapolis. Target had stores damaged in the ensuing riots that rocked Minnesota and the nation.

Target’s CEO, Brian Cornell, said, “We recognize that the racial trauma the country is experiencing now is not new, but throughout recent weeks there has been a sense that this time is, and has to be, different. Juneteenth takes on additional significance in this moment. Moving now to recognize it on an annual basis—as a day to celebrate, further educate ourselves or connect with our communities—is one more important action Target can take as a company to help the country live up to the ideal of moving forward in a new way.”

Target was open on June 19th but gave time and

*Continued on page 11* ◆ 7



# NEVADA IMMUNIZATION REPORT CARD

2016-  
18



This report card is a snapshot of Nevada's progress towards reaching vaccination coverage goals among children, teens, and adults. Nevada's estimated childhood and adolescent immunization coverage rates mostly continue to show progress, but we are seeing some plateaus and challenges with specific populations - such as those living below poverty. High immunization rates and coordinated efforts are critical to protecting public health. To keep Nevada's communities healthy - protect your family, friends, neighbors, and colleagues by getting vaccinated.



Nevada's Rankings

48th

Ages 6 months - 17  
years receiving an  
annual flu vaccine

27th

Adolescents Up-To-  
Date HPV  
Vaccination

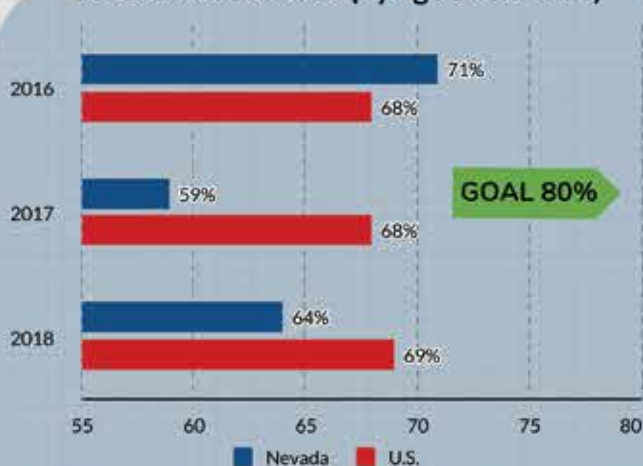
32nd

Number of Non-  
Medical  
Exemptions

47th

Children aged 24  
months combined  
7-vaccine series

## Vaccinated Children (by age 24 months)

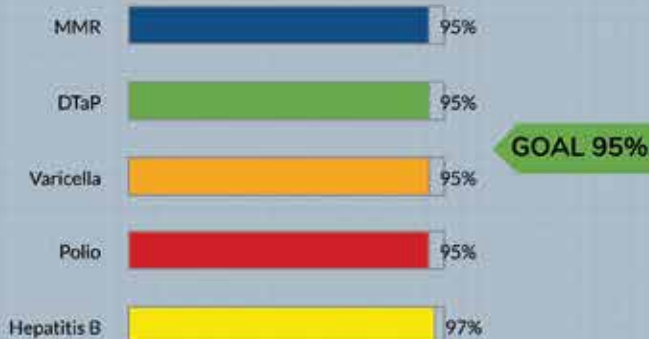


Childhood 7-vaccine series includes DTaP, Polio, MMR, Hib, Hepatitis B, Varicella, and Pneumococcal

Vaccines not only help keep children healthy, they protect our entire community by stamping out serious diseases. Each year in the U.S., vaccines save more than 33,000 lives, prevent 14 million cases of disease, and save \$43.3 billion in costs.

Vaccines are safe, effective, and save lives.

## Vaccinated Kindergartners 2018-19 School Year



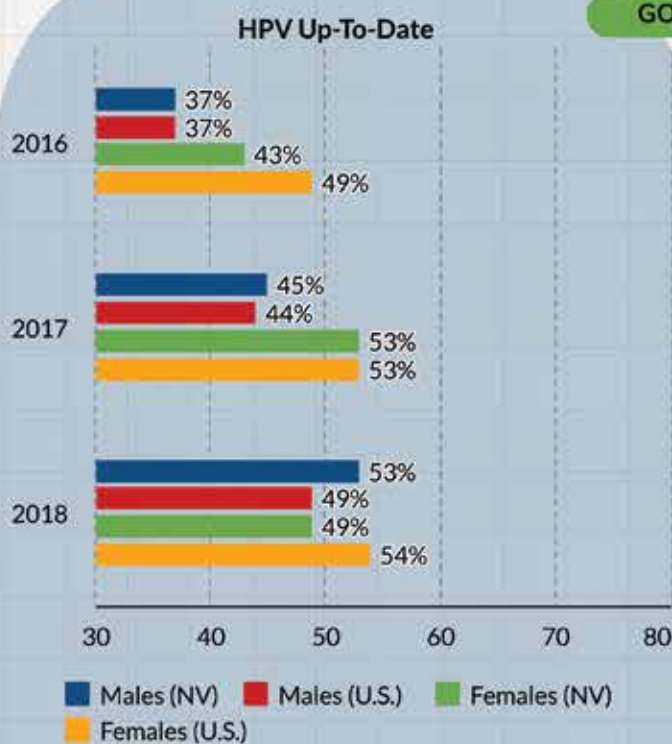
Medical  
Exemption  
.2%

Non-Medical  
Exemption  
3.2%

The CDC School Vaccination Assessment estimates the number of Nevada students who have all required school immunizations. Those who do not have all required vaccinations may have a medical or religious exemption, be conditionally enrolled, or noted as non-compliant. When immunization rates are low, diseases can spread quickly at school where children are in close quarters.



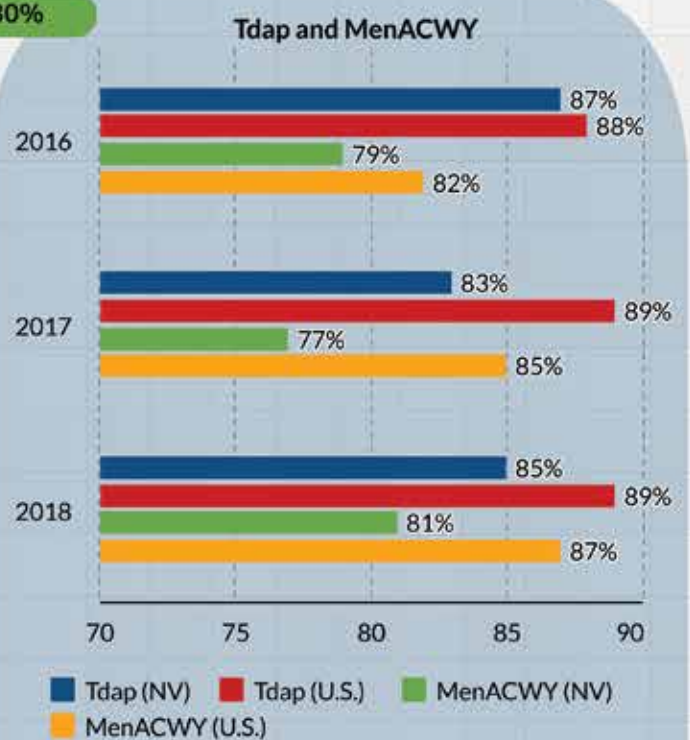
## Vaccinated Adolescents (13-17 years)



HPV vaccine protects against virus types that cause genital warts and HPV-associated cancers such as cervical, oral, and penile.

HPV vaccine is recommended at ages 11-12 because the immune response is more robust at younger ages.

HPV coverage is well below the goal of 80% or higher, leaving a significant amount of Nevada's teens vulnerable to deadly cancers. Up-to-date indicates number of doses (2 or 3) received, depending on age.

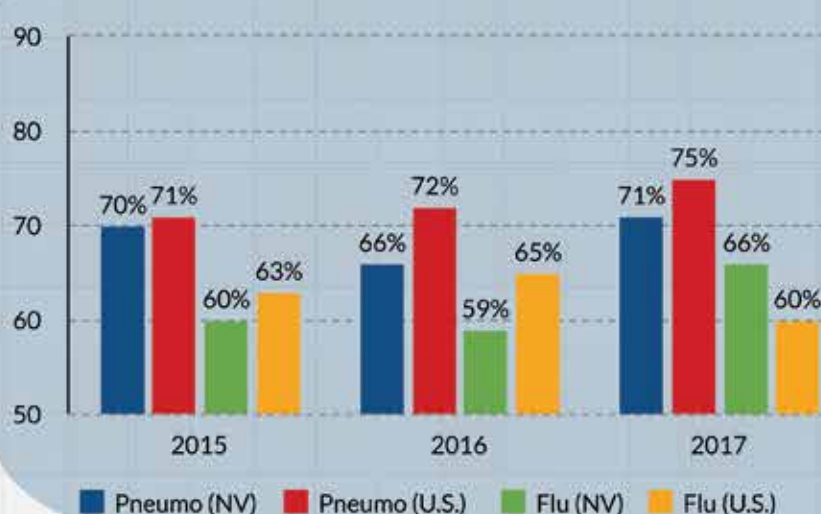


Tdap and meningococcal (MenACWY) vaccines are recommended at ages 11-12, with a second MenACWY dose at age 16. Nevada requires both vaccines for 7th grade and university enrollment.

Teens who receive these vaccines should also receive the HPV vaccine in the same office visit.

Also recommended for ages 16-23 is a second meningitis vaccine (MenB) to be fully immunized against meningococcal disease.

## Vaccinated Adults (65+ years and older)



Pneumococcal disease can cause pneumonia, meningitis, and blood stream infections. Two types of vaccines are needed to protect older adults - PCV13 and PPSV23.

Everyone over the age of 6 months should be vaccinated against influenza annually. Pregnant women, adults over the age of 65, and people with certain health conditions are at higher risk of flu complications.

\*2018 Data not yet available as of printing

**Data sources:** CDC ChildVaxView, SchoolVaxView, TeenVaxView, FluVaxView, and AdultVaxView. All Goals are based on Healthy People 2020 targets: [www.healthypeople.gov](http://www.healthypeople.gov)

**For more information:** [dphh.nv.gov/Programs/Immunizations/](http://dphh.nv.gov/Programs/Immunizations/) or [immunizenevada.org](http://immunizenevada.org). Email: [info@immunizenevada.org](mailto:info@immunizenevada.org) Phone: 775-624-7117



## Important Information for SIG Members

*NRS requires all existing members of a self-insured group to be notified of all new members.  
NRNSIG new members are listed below.*

**Bear Cleaning LLC**

**I Clean LLC dba Lawn Rhinos Cleaning**

**Las Vegas BBlinds LLC dba Budget Blinds of Las Vegas**

**Missenbar Ranch LLC dba The Nevada Club**

**NRNSIG** members who wish to register a negative vote on a new group member, please write NRNSIG at 575 S. Saliman Road, Carson City, NV 89701, indicating which member and the reason(s) for the negative vote.

**If you have a newsworthy item please forward it to [andy@rannv.org](mailto:andy@rannv.org).  
RAN reserves the right to edit for space.**

## DID YOU KNOW?

*The month of August is often referred to as the “dog days of summer”  
but not because of pet pooches. It has to do with the star Sirius,  
also known as the dog star, which rose at the same time as sunrise during  
the month of August in ancient Roman times.*



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## NEVADA'S UNTESTED EMERGENCY POWERS

Continued from page 4

implement more restrictive measures than the Directive.

So far, local restrictions have largely remained consistent with State restrictions and unlike some states, Nevada has experienced minimal in-fighting between state and local authorities. However, as COVID-19 case data becomes more county-specific, it is likely that more statewide Directives

will differentiate between counties – instead of applying a one-size-fits-all approach -- and will delegate broader authority to local governments. While state and local emergency powers can be broad, as a statutory grant of power it must comport to federal and state constitutions. Some constitutional rights possibly implicated by various orders

include due process and equal protection rights, rights to assemble and petition the government, protections against impairment of contracts, freedom of religion, and protections for interstate commerce. By their nature, emergencies are temporary. Thus, emergency powers are similarly designed to be temporary. As the COVID-19

epidemic rages on with no signs of stopping anytime soon, and as business owners try to safely stay in business, the tension between constitutional rights and emergency powers will only build. ■

<sup>1</sup> NRS 414.060(3)(g)(5); NRS 414.070(7).

<sup>2</sup> See Nev.Op.Att'y.Gen. 336 (Dec. 12, 1957); Nev.Op.Att'y.Gen. 2001-26 (Sep. 25, 2001).

<sup>3</sup> See Nev.Op.Att'y.Gen. 1995-03 (March 13, 1995).

<sup>4</sup> NRS 414.060(3)(f)=

## SEPARATING MASKS FROM MYTHS

Continued from page 5

in droplet distance by material, the findings demonstrate that any face mask will limit the spread of particles, even with leakage and/or gaps around the mask edges.

Here are some features to think about when choosing a mask.

1. Is the mask well-fitting and snug around the face?
2. Is it comfortable to wear?
3. Does it allow you to breathe and also provide good filtration in the form of a tightly woven cotton or polyester?

4. Is it large enough to cover both your mouth and nose?

5. Does it have an adjustable ear band to help keep the mask in place?

A face mask is simply a barrier that will help prevent respiratory droplets from

traveling into the air when the wearer talks or coughs etc. The bottom line is, any face mask or face covering, along with social distancing, will help prevent the spread of COVID-19. The best face mask is the one that you have with you. ■

## NATIONAL NOTES

Continued from page 7

half to work the holiday, and gave employees the option to be off with full regular pay.

*Progressive Grocer*

### U.S. RETAIL NUMBERS REBOUND Grocers Experience Sales Slow Down as Others Open

Grocery sales continue to grow but have leveled off as others have begun to open. Grocery sales spiked in March when everything else collapsed. Overall, grocery sales were robust in February, March, and April.

In May they were strong but nowhere near the record highs of the previous months.

Conditions remain strong for grocers but they expected a watershed during the 4th of July holiday as many are expected to remain at home rather than travel as they did in 2019. *Grocery Dive*

### TARGET INCREASING WAGES

Starting July 1, 2020 Target will raise its wages to \$15 dollars per hour to

employees in the United States. Additionally, front line workers will receive a one-time bonus of \$200 and will have access to virtual doctor visits and extended 30-day paid leave for vulnerable team members.

For those aged 65 or older, pregnant, or have underlying medical conditions who have not used up the 30-day leave will be eligible can also access the 30-day leave.

Target indicates these benefits to be the right thing to do. *Drug Store News*

### WALMART OPENS THIRD HEALTH LOCATION

Walmart opened another Walmart Health location in Loganville, Georgia. Similar to the other two locations it features primary and urgent care, dental, hearing and counseling services, and promises low and transparent pricing regardless of insurance services.

*Chain Store Age*





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### Join Our Task Force



This upcoming flu season, we must come together as a community to ensure more people get immunized against influenza than ever before. We must take all steps necessary in our communities to minimize illnesses, hospitalization, and death, and reduce the burden on our healthcare system. As part of our extensive flu season plan, Immunize Nevada is forming a Flu and COVID-19 Task Force for stakeholders to work together, help inform statewide and local vaccination efforts, and ensure our communities are protected.

If you are interested in joining this new Task Force, please email your name and company/organization to [info@immunizenevada.org](mailto:info@immunizenevada.org) and look for follow-up information about our first meeting.