

AMENDMENTS TO LB 500

Introduced by Cornett, 45.

1           1. Strike the original sections and all amendments  
2 thereto and insert the following sections:

3           Section 1. Section 48-652, Revised Statutes Supplement,  
4 2007, is amended to read:

5           48-652 (1)(a) A separate experience account shall be  
6 established for each employer who is liable for payment of  
7 contributions. Whenever and wherever in the Employment Security  
8 Law the terms reserve account or experience account are used,  
9 unless the context clearly indicates otherwise, such terms shall be  
10 deemed interchangeable and synonymous and reference to either of  
11 such accounts shall refer to and also include the other.

12           (b) A separate reimbursement account shall be established  
13 for each employer who is liable for payments in lieu of  
14 contributions. All benefits paid with respect to service in  
15 employment for such employer shall be charged to his or her  
16 reimbursement account and such employer shall be billed for and  
17 shall be liable for the payment of the amount charged when billed  
18 by the commissioner. Payments in lieu of contributions received  
19 by the commissioner on behalf of each such employer shall be  
20 credited to such employer's reimbursement account, and two or more  
21 employers who are liable for payments in lieu of contributions may  
22 jointly apply to the commissioner for establishment of a group  
23 account for the purpose of sharing the cost of benefits paid that

1 are attributable to service in the employ of such employers. The  
2 commissioner shall prescribe such rules and regulations as he or  
3 she deems necessary with respect to applications for establishment,  
4 maintenance, and termination of group accounts authorized by this  
5 subdivision.

6 (2) All contributions paid by an employer shall be  
7 credited to the experience account of such employer. State  
8 unemployment insurance tax payments shall not be credited to  
9 the experience account of each employer. Partial payments of  
10 combined tax shall be credited so that at least eighty percent  
11 of the combined tax payment excluding interest and penalty is  
12 credited first to contributions due. In addition to contributions  
13 credited to the experience account, each employer's account shall  
14 be credited as of June 30 of each calendar year with interest  
15 at a rate determined by the commissioner based on the average  
16 annual interest rate paid by the Secretary of the Treasury of  
17 the United States of America upon the state's account in the  
18 Unemployment Trust Fund for the preceding calendar year multiplied  
19 by the balance in his or her experience account at the beginning  
20 of such calendar year. If the total credits as of such date to  
21 all employers' experience accounts are equal to or greater than  
22 ninety percent of the total amount in the Unemployment Compensation  
23 Fund, no interest shall be credited for that year to any employer's  
24 account. Contributions with respect to prior years which are  
25 received on or before January 31 of any year shall be considered  
26 as having been paid at the beginning of the calendar year. All  
27 voluntary contributions which are received on or before January

1 10 of any year shall be considered as having been paid at the  
2 beginning of the calendar year.

3 (3) (a) Each experience account shall be charged only  
4 for benefits based upon wages paid by such employer. No benefits  
5 shall be charged to the experience account of any employer if (i)  
6 such benefits were paid on the basis of a period of employment  
7 from which the claimant (A) left work voluntarily without good  
8 cause, (B) left work voluntarily due to a nonwork-connected illness  
9 or injury, (C) left work voluntarily with good cause to escape  
10 abuse as defined in section 42-903 between household members as  
11 provided in subdivision (1) of section 48-628.01, (D) left work  
12 from which he or she was discharged for misconduct connected with  
13 his or her work, ~~or~~ (E) left work voluntarily and is entitled to  
14 unemployment benefits without disqualification in accordance with  
15 subdivision (3) or (5) of section 48-628.01, or (F) participated  
16 in an employee training program approved under 19 U.S.C. 2296(a),  
17 and (ii) the employer has filed timely notice of the facts on which  
18 such exemption is claimed in accordance with rules and regulations  
19 prescribed by the commissioner. No benefits shall be charged to  
20 the experience account of any employer if such benefits were paid  
21 on the basis of wages paid in the base period that are wages for  
22 insured work solely by reason of subdivision (5)(b) of section  
23 48-627.

24 (b) Each reimbursement account shall be charged only for  
25 benefits paid that were based upon wages paid by such employer in  
26 the base period that were wages for insured work solely by reason  
27 of subdivision (5) of section 48-627.

1           (c) Benefits paid to an eligible individual shall be  
2 charged against the account of his or her most recent employers  
3 within his or her base period against whose accounts the maximum  
4 charges hereunder have not previously been made in the inverse  
5 chronological order in which the employment of such individual  
6 occurred. The maximum amount so charged against the account of any  
7 employer, other than an employer for which services in employment  
8 as provided in subdivision (4) (a) of section 48-604 are performed,  
9 shall not exceed the total benefit amount to which such individual  
10 was entitled as set out in section 48-626 with respect to base  
11 period wages of such individual paid by such employer plus one-half  
12 the amount of extended benefits paid to such eligible individual  
13 with respect to base period wages of such individual paid by  
14 such employer. The commissioner shall by rules and regulations  
15 prescribe the manner in which benefits shall be charged against  
16 the account of several employers for whom an individual performed  
17 employment during the same quarter or during the same base period.  
18 Any benefit check duly issued and delivered or mailed to a claimant  
19 and not presented for payment within one year from the date of its  
20 issue may be invalidated and the amount thereof credited to the  
21 Unemployment Compensation Fund, except that a substitute check may  
22 be issued and charged to the fund on proper showing at any time  
23 within the year next following. Any charge made to an employer's  
24 account for any such invalidated check shall stand as originally  
25 made.

26           (4) (a) An employer's experience account shall be deemed  
27 to be terminated one calendar year after such employer has ceased

1 to be subject to the Employment Security Law, except that if the  
2 commissioner finds that an employer's business is closed solely  
3 because of the entrance of one or more of the owners, officers,  
4 partners, or limited liability company members or the majority  
5 stockholder into the armed forces of the United States, or of any  
6 of its allies, after July 1, 1950, such employer's account shall  
7 not be terminated and, if the business is resumed within two years  
8 after the discharge or release from active duty in the armed forces  
9 of such person or persons, the employer's experience account shall  
10 be deemed to have been continuous throughout such period.

11 (b) An experience account terminated pursuant to this  
12 subsection shall be reinstated if (i) the employer becomes subject  
13 again to the Employment Security Law within one calendar year after  
14 termination of such experience account and the employer makes a  
15 written application for reinstatement of such experience account  
16 to the commissioner within two calendar years after termination of  
17 such experience account and (ii) the commissioner finds that the  
18 employer is operating substantially the same business as prior to  
19 the termination of such experience account.

20 (5) All money in the Unemployment Compensation Fund shall  
21 be kept mingled and undivided. The payment of benefits to an  
22 individual shall in no case be denied or withheld because the  
23 experience account of any employer does not have a total of  
24 contributions paid in excess of benefits charged to such experience  
25 account.

26 (6) A contributory or reimbursable employer shall be  
27 relieved of charges if the employer was previously charged for

1 wages and the same wages are being used a second time to establish  
2 a new claim as a result of the October 1, 1988, change in the base  
3 period.

4           Sec. 2. Original section 48-652, Revised Statutes  
5 Supplement, 2007, is repealed.