

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB1058

Hearing Date: Monday February 06, 2012
Committee On: Business and Labor
Introducer: Carlson
One Liner: Change the Employment Security Law and the New Hire Reporting Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Wallman, Smith, Lathrop, Harr, Cook, Carlson, Ashford
Nay:
Absent:
Present Not Voting:

Proponents: Tom Carlson Catherine Lang	Representing: Introducer Department of Labor
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Opponents:	Representing:
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Neutral: Ron Sedlacek	Representing: NE Chamber of Commerce
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Summary of purpose and/or changes:

Amends section 48-632 by requiring employers to provide the Department of Labor with information regarding an employee's eligibility for unemployment benefits within 7 days after the mailing or electronic transmission of the department's request for the information. Failure to provide the requested information within 7 days will result in forfeiture of appeal rights. This codifies existing state regulation.

Clarifies that an employer's experience account will not be charged if the employer complied with section 48-632 and it is determined that the individual's separation from employment was voluntary and without good cause.

Amends section 48-655 to clarify language regarding the Commissioner's ability to recover a benefit overpayment by setoff against a person's federal income tax refund. Currently, DOL can only obtain a setoff in instances of fraud. This would allow a setoff in any circumstance where there is an overpayment and wages were not accurately reported.

Provides for a 15% penalty, in addition to the repayment of benefits, for individuals who willfully fail to disclose amounts earned or information that would have disqualified the individual from receiving benefits. This penalty is a federal conformity requirement.

Amends the New Hire Reporting Act's definition of rehire by clarifying that a temporary layoff is less than 60 days. This change is required to comply with federal regulatory changes.

LB 1058 additionally repeals 48-633, which provides for appeal tribunals. This is also a federal conformity requirement. Federal law requires state employees to conduct unemployment benefit hearings, so the appeal process cannot be

contracted out. Tribunals have not been used in several years.

Explanation of amendments:

Changes the 7 day requirement for employers to respond to the department to 10 days.

Steve Lathrop, Chairperson