

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 855

Introduced by Ebke, 32.

Read first time January 11, 2016

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Employment Security Law; to amend
- 2 section 48-627, Reissue Revised Statutes of Nebraska; to require
- 3 rounding a dollar amount to the nearest whole dollar amount; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-627, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-627 An unemployed individual shall be eligible to receive
4 benefits with respect to any week, only if the Commissioner of Labor
5 finds:

6 (1) He or she has registered for work at, and thereafter continued
7 to report at, an employment office in accordance with such rules and
8 regulations as the commissioner may prescribe, except that the
9 commissioner may, by rule and regulation, waive or alter either or both
10 of the requirements of this subdivision as to individuals attached to
11 regular jobs and as to such other types of cases or situations, with
12 respect to which he or she finds that compliance with such requirements,
13 would be oppressive, or would be inconsistent with the purposes of the
14 Employment Security Law, except that no such rule or regulation shall
15 conflict with section 48-623;

16 (2) He or she has made a claim for benefits, in accordance with
17 section 48-629;

18 (3) He or she is able to work and is available for work. No
19 individual, who is otherwise eligible, shall be deemed ineligible, or
20 unavailable for work, because he or she is on vacation without pay during
21 such week, if such vacation is not the result of his or her own action as
22 distinguished from any collective action by a collective-bargaining agent
23 or other action beyond his or her individual control, and regardless of
24 whether he or she has not been notified of the vacation at the time of
25 his or her hiring. An individual who is otherwise eligible shall not be
26 deemed unavailable for work or failing to engage in an active work search
27 solely because such individual is seeking part-time work if the majority
28 of the weeks of work in an individual's base period include part-time
29 work. For purposes of this subdivision, seeking only part-time work shall
30 mean seeking less than full-time work having comparable hours to the
31 individual's part-time work in the base period, except that the

1 individual must be available for work at least twenty hours per week.
2 Receipt of a non-service-connected total disability pension by a veteran
3 at the age of sixty-five or more shall not of itself bar the veteran from
4 benefits as not able to work. An otherwise eligible individual while
5 engaged in a training course approved for him or her by the commissioner
6 shall be considered available for work for the purposes of this section.
7 An inmate in a penal or custodial institution shall be considered
8 unavailable for work for purposes of this section;

9 (4) He or she has been unemployed for a waiting period of one week.
10 No week shall be counted as a week of unemployment for the purpose of
11 this subdivision (a) unless it occurs within the benefit year, which
12 includes the week with respect to which he or she claims payment of
13 benefits, (b) if benefits have been paid with respect thereto, or (c)
14 unless the individual was eligible for benefits with respect thereto, as
15 provided in sections 48-627 and 48-628, except for the requirements of
16 this subdivision and of subdivision (6) of section 48-628;

17 (5)(a) For any benefit year beginning on or after January 1, 2006,
18 he or she has, within his or her base period, been paid a total sum of
19 wages for employment by employers equal to not less than two thousand
20 five hundred dollars, of which sum at least eight hundred dollars has
21 been paid in each of two quarters in his or her base period, and
22 subsequent to filing the claim which establishes the previous benefit
23 year, the individual has earned wages in insured work of at least six
24 times his or her weekly benefit amount for the previous benefit year.

25 (b) For any benefit year beginning on or after July 1, 2011, he or
26 she has (i) within his or her base period, been paid a total sum of wages
27 for employment by employers equal to not less than three thousand seven
28 hundred seventy dollars, of which sum at least one thousand eight hundred
29 fifty dollars has been paid in one quarter in his or her base period and
30 eight hundred dollars has been paid in a second quarter of his or her
31 base period, and (ii) subsequent to filing the claim which establishes

1 the previous benefit year, earned wages in insured work of at least six
2 times his or her weekly benefit amount for the previous benefit year.
3 Commencing January 1, 2012, and each January 1 thereafter, the amount
4 which an individual is required to earn within his or her base period
5 shall be adjusted annually. The adjusted amount shall be equal to the
6 then current amount adjusted by the cumulative percentage change in the
7 Consumer Price Index for All Urban Consumers published by the Federal
8 Bureau of Labor Statistics for the one-year period ending on the previous
9 September 30. If such adjusted amount is not a whole dollar amount, the
10 adjusted amount shall be rounded down to the nearest whole dollar amount.

11 (c) For the purposes of this subdivision (5), (i) for the
12 determination of monetary eligibility, wages paid within a base period
13 shall not include wages from any calendar quarter previously used to
14 establish a valid claim for benefits, (ii) wages shall be counted as
15 wages for insured work for benefit purposes with respect to any benefit
16 year only if such benefit year begins subsequent to the date on which the
17 employer, by whom such wages were paid, has satisfied the conditions of
18 section 48-603 or subsection (3) of section 48-661, with respect to
19 becoming an employer, and (iii) with respect to weeks of unemployment
20 beginning on or after January 1, 1978, wages for insured work for benefit
21 purposes with respect to any benefit year shall include wages paid for
22 services as defined by subdivision (4)(a), (b), (c), or (d) of section
23 48-604 to the extent that such services were not services in employment
24 under subdivision (4)(a) of section 48-604 or section 48-661 immediately
25 prior to September 2, 1977, even though the employer by whom such wages
26 were paid had not satisfied the conditions of subdivision (8), (9), (10),
27 or (11) of section 48-603 with respect to becoming an employer at the
28 time such wages were paid except to the extent that assistance under
29 Title II of the federal Emergency Jobs and Unemployment Assistance Act of
30 1974 was paid on the basis of such services; and

31 (6) He or she is participating in reemployment services at no cost

1 to such individual as directed by the commissioner, such as job search
2 assistance services, if the individual has been determined to be likely
3 to exhaust regular benefits and to need reemployment services pursuant to
4 a profiling system established by rule and regulation of the commissioner
5 which is in compliance with section 303(j)(1) of the federal Social
6 Security Act, unless the commissioner determines that: (a) The individual
7 has completed such services; or (b) there is justifiable cause for the
8 claimant's failure to participate in such services.

9 Sec. 2. Original section 48-627, Reissue Revised Statutes of
10 Nebraska, is repealed.