

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 953

Introduced by Vrtiska, 1; Chambers, 11; Dierks, 40; Hilgert, 7;
Preister, 5; Redfield, 12; Schimek, 27

Read first time January 5, 2000

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to employment security law; to amend sections
2 48-606.01, 48-617, 48-618, 48-619, 48-628, 48-628.03,
3 48-652, 48-655, 81-1201.01, and 85-1540, Reissue Revised
4 Statutes of Nebraska, and section 48-621, Revised
5 Statutes Supplement, 1999; to change voluntary leave and
6 experience account provisions; to eliminate obsolete
7 provisions; to harmonize provisions; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-606.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 48-606.01. The commissioner, with the written consent of
4 the Department of Administrative Services, is authorized and
5 empowered to use any funds available under either subdivision ~~(1)~~
6 ~~or (2)~~ (1)(a) or (1)(b) of section 48-621, for the purpose of
7 acquiring suitable office space within the corporate limits of the
8 state capital city for the administration of the Employment
9 Security Law by purchase, contract, or in any other manner
10 including the right to use such funds or any part thereof to assist
11 in financing the construction of any building erected by the State
12 of Nebraska or any of its agencies wherein available space will be
13 provided for the department under lease or contract between the
14 commissioner and the State of Nebraska or such other agency whereby
15 the department will continue to occupy such space rent free after
16 the cost of financing such building has been liquidated. The
17 commissioner, upon approval by the Department of Administrative
18 Services, is authorized and empowered to use any such funds to
19 acquire suitable office space for local employment offices anywhere
20 in the State of Nebraska.

21 Sec. 2. Section 48-617, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 48-617. There is hereby established as a special fund,
24 separate and apart from all public money or funds of this state, an
25 Unemployment Compensation Fund, which fund shall be administered by
26 the Commissioner of Labor exclusively for the purposes of the
27 Employment Security Law. This fund shall consist of (1) all
28 contributions and payments in lieu of contributions collected under

1 such law together with any interest thereon collected pursuant to
2 sections 48-655 to 48-660.01, except as provided in subdivision ~~(2)~~
3 (1)(b) of section 48-621, (2) interest earned upon any money in the
4 fund, (3) any property or securities acquired through the use of
5 money belonging to the fund, (4) all earnings of such property or
6 securities, (5) all money credited to this state's account in the
7 Unemployment Trust Fund pursuant to section 903 of the federal
8 Social Security Act, as amended, and (6) all other money received
9 for the fund from any other source. Any money in the Unemployment
10 Compensation Fund available for investment shall be invested by the
11 state investment officer pursuant to the Nebraska Capital Expansion
12 Act and the Nebraska State Funds Investment Act.

13 Sec. 3. Section 48-618, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 48-618. The Commissioner of Labor shall designate a
16 treasurer and custodian of the fund, who shall be selected in
17 accordance with section 48-609, and who shall administer such fund
18 in accordance with the directions of the commissioner and shall
19 issue his or her warrants upon it in accordance with such rules and
20 regulations as the commissioner shall prescribe. He or she shall
21 maintain within the fund three separate accounts: (1) A clearing
22 account, (2) an Unemployment Trust Fund account, and (3) a benefit
23 account. All money payable to the fund, upon receipt thereof by
24 the commissioner, shall be forwarded to the treasurer who shall
25 immediately deposit the same in the clearing account. Transfers of
26 interest on delinquent contributions pursuant to subdivision ~~(2)~~
27 (1)(b) of section 48-621 and refunds payable pursuant to section
28 48-660 may be paid from the clearing account upon warrants issued

1 by the treasurer of the Unemployment Compensation Fund under the
2 direction of the commissioner. After clearance thereof, all other
3 money in the clearing account shall be immediately deposited with
4 the Secretary of the Treasury of the United States of America to
5 the credit of the account of this state in the Unemployment Trust
6 Fund, established and maintained pursuant to section 904 of the
7 Social Security Act, any provisions of law in this state relating
8 to the deposit, administration, release, or disbursement of money
9 in the possession or custody of this state to the contrary
10 notwithstanding. The benefit account shall consist of all money
11 requisitioned from this state's account in the Unemployment Trust
12 Fund. Except as herein otherwise provided, money in the clearing
13 and benefit accounts may be deposited by the treasurer under the
14 direction of the commissioner in any bank or public depository in
15 which general funds of the state may be deposited, but no public
16 deposit insurance charge or premium shall be paid out of the fund.
17 The treasurer shall be bonded under the blanket surety bond
18 required by section 11-201.

19 Sec. 4. Section 48-619, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 48-619. Money shall be requisitioned from this state's
22 account in the Unemployment Trust Fund solely for the payment of
23 benefits in accordance with lawful rules and regulations prescribed
24 by the Commissioner of Labor, except that subject to the
25 limitations therein contained, money credited to this fund pursuant
26 to section 903 of the federal Social Security Act, as amended, may
27 upon an appropriation duly made by the Legislature, be used for the
28 administration of the Employment Security Law and shall for such

1 purposes and to the extent required be transferred to the
2 Employment Security Administration Fund established in subdivision
3 ~~(1)~~ (1)(a) of section 48-621. The commissioner shall from time to
4 time requisition from the Unemployment Trust Fund such amounts, not
5 exceeding the amounts standing to this state's account therein, as
6 he or she deems necessary for the payment of benefits for a
7 reasonable future period. Upon receipt thereof the treasurer shall
8 deposit such money in the benefit account and shall issue his or
9 her warrants as aforesaid and as provided by law for the payment of
10 benefits solely from such benefit account. Expenditures of such
11 money in the benefit account and refunds from the clearing account
12 shall not be subject to any provisions of law requiring specific
13 appropriations. Any balance of money requisitioned from the
14 Unemployment Trust Fund, which remains unclaimed or unpaid in the
15 benefit account after the expiration of the period for which such
16 sums were requisitioned, shall either be deducted from estimates
17 for, and may be utilized for the payment of, benefits during
18 succeeding periods or, in the discretion of the commissioner, shall
19 be redeposited with the Secretary of the Treasury of the United
20 States of America, to the credit of this state's account in the
21 Unemployment Trust Fund, as provided in section 48-618.

22 Sec. 5. Section 48-621, Revised Statutes Supplement,
23 1999, is amended to read:

24 48-621. (1) The administrative fund shall consist of the
25 Employment Security Administration Fund and the Employment Security
26 Special Contingent Fund. Each fund shall be maintained as a
27 separate and distinct account in all respects, as follows:

28 ~~(1)~~ (a) There is hereby created in the state treasury a

1 special fund to be known as the Employment Security Administration
2 Fund. All money credited to this fund is hereby appropriated and
3 made available to the Commissioner of Labor. All money in this
4 fund shall be expended solely for the purposes and in the amounts
5 found necessary as defined by the specific federal programs, state
6 statutes, and contract obligations for the proper and efficient
7 administration of all programs of the Department of Labor. The
8 fund shall consist of all money appropriated by this state and all
9 money received from the United States of America or any agency
10 thereof, including the Department of Labor and the Railroad
11 Retirement Board, or from any other source for such purpose. Money
12 received from any agency of the United States or any other state as
13 compensation for services or facilities supplied to such agency,
14 any amounts received pursuant to any surety bond or insurance
15 policy for losses sustained by the Employment Security
16 Administration Fund or by reason of damage to equipment or supplies
17 purchased from money in such fund, and any proceeds realized from
18 the sale or disposition of any equipment or supplies which may no
19 longer be necessary for the proper administration of such law shall
20 also be credited to this fund. All money in this fund shall be
21 deposited, administered, and disbursed in the same manner and under
22 the same conditions and requirements as is provided by law for
23 other special funds in the state treasury. Any balances in this
24 fund, except balances of money therein appropriated from the
25 General Fund of this state, shall not lapse at any time but shall
26 be continuously available to the commissioner for expenditure
27 consistent with the Employment Security Law. Any money in the
28 Employment Security Administration Fund available for investment

1 shall be invested by the state investment officer pursuant to the
2 Nebraska Capital Expansion Act and the Nebraska State Funds
3 Investment Act; and

4 ~~(2)~~ (b) There is hereby created in the state treasury a
5 special fund to be known as the Employment Security Special
6 Contingent Fund. Any money in the Employment Security Special
7 Contingent Fund available for investment shall be invested by the
8 state investment officer pursuant to the Nebraska Capital Expansion
9 Act and the Nebraska State Funds Investment Act. All money
10 collected under section 48-655 as interest on delinquent
11 contributions, less refunds, shall be credited to this fund from
12 the clearing account of the Unemployment Compensation Fund at the
13 end of each calendar quarter. Such money shall not be expended or
14 available for expenditure in any manner which would permit its
15 substitution for or a corresponding reduction in federal funds
16 which would in the absence of such money be available to finance
17 expenditures for the administration of the unemployment insurance
18 law, but nothing in this section shall prevent the money from being
19 used as a revolving fund to cover expenditures necessary and proper
20 under the law for which federal funds have been duly requested but
21 not yet received, subject to the charging of such expenditures
22 against such federal funds when received. The money in this fund
23 may be used by the Commissioner of Labor only as follows:

24 ~~(a)~~ (i) To replace within a reasonable time any money
25 received by this state pursuant to section 302 of the federal
26 Social Security Act, as amended, and required to be paid under
27 section 48-622;

28 ~~(b)~~ (ii) To meet special extraordinary and contingent

1 expenses which are deemed essential for good administration but
2 which are not provided in grants from the Secretary of Labor of the
3 United States and, for this purpose, no expenditures shall be made
4 from this fund except on written authorization by the Governor at
5 the request of the Commissioner of Labor;

6 ~~(e)~~ (iii) To be transferred to the Nebraska Community
7 College Aid Cash Fund; and

8 ~~(d)~~ (iv) To be transferred to the Job Training Cash Fund.

9 ~~(3)(a)~~ (2)(a) Money credited to the account of this state
10 in the Unemployment Trust Fund by the United States Secretary of
11 the Treasury pursuant to section 903 of the Social Security Act may
12 not be requisitioned from this state's account or used except for
13 the payment of benefits and for the payment of expenses incurred
14 for the administration of the Employment Security Law and public
15 employment offices. Such money may be requisitioned pursuant to
16 section 48-619 for the payment of benefits. Such money may also be
17 requisitioned and used for the payment of expenses incurred for the
18 administration of the Employment Security Law and public employment
19 offices but only pursuant to a specific appropriation by the
20 Legislature and only if the expenses are incurred and the money is
21 requisitioned after the date of enactment of an appropriation law
22 which specifies the purposes for which such money is appropriated
23 and the amounts appropriated therefor. Such appropriation is
24 subject to the following conditions:

25 (i) The period within which such money may be obligated
26 is limited to a period ending not more than two years after the
27 effective date of the appropriation law; and

28 (ii) The amount which may be obligated is limited to an

1 amount which does not exceed the amount by which the aggregate of
2 the amounts transferred to the account of this state pursuant to
3 section 903 of the Social Security Act exceeds the aggregate of the
4 amounts used by this state pursuant to the Employment Security Law
5 and charged against the amounts transferred to the account of this
6 state.

7 (b) For purposes of subdivision ~~(3)(a)(ii)~~ (2)(a)(ii) of
8 this section, the amounts obligated under an appropriation for the
9 administrative purposes described in such subdivision shall be
10 charged against transferred amounts at the exact time the
11 obligation is entered into.

12 (c) The appropriation, obligation, and expenditure or
13 other disposition of money appropriated under this subsection shall
14 be accounted for in accordance with standards established by the
15 United States Secretary of Labor.

16 (d) Money appropriated as provided in this subsection for
17 the payment of expenses of administration shall be requisitioned as
18 needed for the payment of obligations incurred under such
19 appropriation and, upon requisition, shall be credited to the
20 Employment Security Administration Fund from which such payments
21 shall be made. Money so credited shall, until expended, remain a
22 part of the Employment Security Administration Fund and, if it will
23 not be immediately expended, shall be returned promptly to the
24 account of this state in the Unemployment Trust Fund.

25 (e) Notwithstanding subdivision ~~(3)(a)~~ (2)(a) of this
26 section, money credited with respect to federal fiscal years 1999,
27 2000, and 2001 shall be used solely for the administration of the
28 unemployment compensation program and are not subject to

1 appropriation by the Legislature.

2 Sec. 6. Section 48-628, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 48-628. An individual shall be disqualified for
5 benefits:

6 (1)(a) For the week in which he or she has left work
7 voluntarily without good cause, if so found by the commissioner,
8 and for not less than seven weeks nor more than ten weeks which
9 immediately follow such week, as determined by the commissioner
10 according to the circumstances in each case. A temporary employee
11 of a temporary help firm has left work voluntarily without good
12 cause if the temporary employee does not contact the temporary help
13 firm for reassignment upon completion of an assignment and the
14 temporary employee has been advised by the temporary help firm of
15 his or her obligation to contact the temporary help firm upon
16 completion of assignments and has been advised by the temporary
17 help firm that the temporary employee may be denied benefits for
18 failure to do so. If an individual who has made all reasonable
19 efforts to preserve the employment voluntarily leaves his or her
20 work for the necessary purpose of escaping abuse, as defined in
21 section 42-903, such individual shall be deemed to have left his or
22 her employment for good cause and is not disqualified for benefits;

23 (b) For ~~7~~ ~~(b)~~ ~~for~~ the week in which he or she has left
24 work voluntarily for the sole purpose of accepting previously
25 secured, permanent, full-time, insured work, which he or she does
26 accept, which offers a reasonable expectation of betterment of
27 wages or working conditions, or both, and for which he or she earns
28 wages payable to him or her, if so found by the commissioner, and

1 for not more than one week which immediately follows such week;

2 (2) For the week in which he or she has been discharged
3 for misconduct connected with his or her work, if so found by the
4 commissioner, and for not less than seven weeks nor more than ten
5 weeks which immediately follow such week, as determined by the
6 commissioner in each case according to the seriousness of the
7 misconduct. If the commissioner finds that such individual's
8 misconduct was gross, flagrant, and willful, or was unlawful, the
9 commissioner shall totally disqualify such individual from
10 receiving benefits with respect to wage credits earned prior to
11 discharge for such misconduct. In addition to the seven-week to
12 ten-week benefit disqualification assessed under this subdivision,
13 the commissioner shall cancel all wage credits earned as a result
14 of employment with the discharging employer if the commissioner
15 finds that the individual was discharged for misconduct in
16 connection with the work which was not gross, flagrant, and willful
17 or unlawful but which included being under the influence of any
18 intoxicating beverage or being under the influence of any
19 controlled substance listed in section 28-405 not prescribed by a
20 physician licensed to practice medicine or surgery when the
21 individual is so under the influence on the worksite or while
22 engaged in work for the employer;

23 (3)(a) For any week of unemployment in which he or she
24 has failed, without good cause, to apply for available, suitable
25 work when so directed by the employment office or the commissioner,
26 to accept suitable work offered him or her, or to return to his or
27 her customary self-employment, if any, and the commissioner so
28 finds, and for not less than seven weeks nor more than ten weeks

1 which immediately follow such week, as determined by the
2 commissioner, and his or her total benefit amount to which he or
3 she is then entitled shall be reduced by an amount equal to the
4 number of weeks for which he or she has been disqualified by the
5 commissioner.

6 (b) In determining whether or not any work is suitable
7 for an individual, the commissioner shall consider the degree of
8 risk involved to the individual's health, safety, and morals, his
9 or her physical fitness and prior training, his or her experience
10 and prior earnings, his or her length of unemployment and prospects
11 for securing local work in his or her customary occupation, and the
12 distance of the available work from his or her residence.

13 (c) Notwithstanding any other provisions of the
14 Employment Security Law, no work shall be deemed suitable and
15 benefits shall not be denied under such law to any otherwise
16 eligible individual for refusing to accept new work under any of
17 the following conditions: (i) If the position offered is vacant due
18 directly to a strike, lockout, or other labor dispute; (ii) if the
19 wages, hours, or other conditions of the work offered are
20 substantially less favorable to the individual than those
21 prevailing for similar work in the locality; or (iii) if, as a
22 condition of being employed, the individual would be required to
23 join a company union or to resign from or refrain from joining any
24 bona fide labor organization.

25 (d) Notwithstanding any other provisions in subdivision
26 (3) of this section, no otherwise eligible individual shall be
27 denied benefits with respect to any week in which he or she is in
28 training with the approval of the commissioner, by reason of the

1 application of the provisions in subdivision (3) of this section
2 relating to failure to apply for or a refusal to accept suitable
3 work;

4 (4) For any week with respect to which the commissioner
5 finds that his or her total unemployment is due to a stoppage of
6 work which exists because of a labor dispute at the factory,
7 establishment, or other premises at which he or she is or was last
8 employed, except that this subdivision shall not apply if it is
9 shown to the satisfaction of the commissioner that (a) the
10 individual is not participating in, financing, or directly
11 interested in the labor dispute which caused the stoppage of work
12 and (b) he or she does not belong to a grade or class of workers of
13 which, immediately before the commencement of the stoppage, there
14 were members employed at the premises at which the stoppage occurs,
15 any of whom are participating, financing, or directly interested in
16 the dispute. If in any case, separate branches of work, which are
17 commonly conducted as separate businesses in separate premises, are
18 conducted in separate departments of the same premises, each such
19 department shall, for the purposes of this subdivision, be deemed
20 to be a separate factory, establishment, or other premises;

21 (5) For any week with respect to which he or she is
22 receiving or has received remuneration in the form of (a) wages in
23 lieu of notice, or a dismissal or separation allowance, (b)
24 compensation for temporary disability under the workers'
25 compensation law of any state or under a similar law of the United
26 States, (c) primary insurance benefits under Title II of the Social
27 Security Act, as amended, or similar payments under any act of
28 Congress, (d) retirement or retired pay, pension, annuity, or other

1 similar periodic payment under a plan maintained or contributed to
2 by a base period or chargeable employer, or (e) a gratuity or bonus
3 from an employer, paid after termination of employment, on account
4 of prior length of service, or disability not compensated under the
5 workers' compensation law. Such payments made in lump sums shall
6 be prorated in an amount which is reasonably attributable to such
7 week. If the prorated remuneration is less than the benefits which
8 would otherwise be due, he or she shall be entitled to receive for
9 such week, if otherwise eligible, benefits reduced by the amount of
10 such remuneration. The prorated remuneration shall be considered
11 wages for the quarter to which it is attributable. Military
12 service-connected disability compensation payable under 38 U.S.C.
13 chapter 11 shall not be deemed to be disqualifying or deductible
14 from the benefit amount. No deduction shall be made for the part
15 of any retirement pension which represents return of payments made
16 by the individual. In the case of a transfer by an individual or
17 his or her employer of an amount from one retirement plan to a
18 second qualified retirement plan under the Internal Revenue Code,
19 the amount transferred shall not be deemed to be received by the
20 claimant until actually paid from the second retirement plan to the
21 claimant;

22 (6) For any week with respect to which or a part of which
23 he or she has received or is seeking unemployment benefits under an
24 unemployment compensation law of any other state or of the United
25 States, except that if the appropriate agency of such other state
26 or of the United States finally determines that he or she is not
27 entitled to such unemployment benefits, this disqualification shall
28 not apply;

1 (7) For any week of unemployment if such individual is a
2 student. For the purpose of this subdivision, student shall mean
3 an individual registered for full attendance at and regularly
4 attending an established school, college, or university, unless the
5 major portion of his or her wages for insured work during his or
6 her base period was for services performed while attending school,
7 except that attendance for training purposes under a plan approved
8 by the commissioner for such individual shall not be disqualifying;

9 (8) For any week of unemployment if benefits claimed are
10 based on services performed:

11 (a) In an instructional, research, or principal
12 administrative capacity for an educational institution, if such
13 week commences during the period between two successive academic
14 years or terms, or when an agreement provides instead for a similar
15 period between two regular, but not successive, terms during such
16 period, if such individual performs such services in the first of
17 such academic years or terms and if there is a contract or
18 reasonable assurance that such individual will perform services in
19 any such capacity for any educational institution in the second of
20 such academic years or terms;

21 (b) In any other capacity for an educational institution,
22 if such week commences during a period between two successive
23 academic years or terms, if such individual performs such services
24 in the first of such academic years or terms, and if there is a
25 reasonable assurance that such individual will perform such
26 services in the second of such academic years or terms, except that
27 if benefits are denied to any individual for any week under
28 subdivision (8)(b) of this section and such individual was not

1 offered an opportunity to perform such services for the educational
2 institution for the second of such academic years or terms, such
3 individual shall be entitled to a retroactive payment of the
4 benefits for each week for which the individual filed a timely
5 claim for benefits and for which benefits were denied solely by
6 reason of subdivision (8)(b) of this section;

7 (c) In any capacity described in subdivision (8)(a) or
8 (b) of this section if such week commences during an established
9 and customary vacation period or holiday recess if such individual
10 performs such services in the period immediately before such
11 vacation period or holiday recess, and there is a reasonable
12 assurance that such individual will perform such services in the
13 period immediately following such vacation period or holiday
14 recess;

15 (d) In any capacity described in subdivision (8)(a) or
16 (b) of this section in an educational institution while in the
17 employ of an educational service agency, and such individual shall
18 be disqualified as specified in subdivisions (8)(a), (b), and (c)
19 of this section. As used in this subdivision, educational service
20 agency shall mean a governmental agency or governmental entity
21 which is established and operated exclusively for the purpose of
22 providing services to one or more educational institutions; and

23 (e) In any capacity described in subdivision (8)(a) or
24 (b) of this section in an educational institution if such services
25 are provided to or on behalf of the educational institution while
26 in the employ of an organization or entity described in section
27 3306(c)(7) or 3306(c)(8) of the Federal Unemployment Tax Act, and
28 such individual shall be disqualified as specified in subdivisions

1 (8)(a), (b), and (c) of this section;

2 (9) For any week of unemployment benefits if
3 substantially all the services upon which such benefits are based
4 consist of participating in sports or athletic events or training
5 or preparing to so participate, if such week of unemployment begins
6 during the period between two successive sport seasons or similar
7 periods, if such individual performed such services in the first of
8 such seasons or similar periods, and if there is a reasonable
9 assurance that such individual will perform such services in the
10 later of such seasons or similar periods;

11 (10) For any week of unemployment benefits if the
12 services upon which such benefits are based are performed by an
13 alien unless such alien is an individual who was lawfully admitted
14 for permanent residence at the time such services were performed,
15 was lawfully present for purposes of performing such services, or
16 was permanently residing in the United States under color of law at
17 the time such services were performed, including an alien who was
18 lawfully present in the United States as a result of the
19 application of section 212(d)(5) of the Immigration and Nationality
20 Act. Any data or information required of individuals applying for
21 benefits to determine whether benefits are not payable to them
22 because of their alien status shall be uniformly required from all
23 applicants for benefits. In the case of an individual whose
24 application for benefits would otherwise be approved, no
25 determination that benefits to such individual are not payable
26 because of his or her alien status shall be made except upon a
27 preponderance of the evidence;

28 (11) Notwithstanding any other provisions of the

1 Employment Security Law, no otherwise eligible individual shall be
2 denied benefits for any week because he or she is in training
3 approved under section 236(a)(1) of the federal Trade Act of 1974,
4 nor shall such individual be denied benefits by reason of leaving
5 work to enter such training, if the work left is not suitable
6 employment, or because of the application to any such week in
7 training of provisions of the Employment Security Law, or any
8 applicable federal unemployment compensation law, relating to
9 availability for work, active search for work, or refusal to accept
10 work. For purposes of this subdivision, suitable employment shall
11 mean, with respect to an individual, work of a substantially equal
12 or higher skill level than the individual's past adversely affected
13 employment, as defined for purposes of the federal Trade Act of
14 1974, and wages for such work at not less than eighty percent of
15 the individual's average weekly wage as determined for purposes of
16 the federal Trade Act of 1974; and

17 (12) For any week during which the individual is on a
18 leave of absence.

19 Sec. 7. Section 48-628.03, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 48-628.03. (1) An individual shall be ineligible for
22 payment of extended benefits for any week of unemployment in his or
23 her eligibility period if the commissioner finds that during such
24 period (a) he or she failed to accept any offer of suitable work or
25 failed to apply for any suitable work to which he or she was
26 referred by the commissioner or (b) he or she failed to actively
27 engage in seeking work as prescribed under subsection (5) of this
28 section.

1 (2) Any individual who has been found ineligible for
2 extended benefits by reason of subsection (1) of this section shall
3 also be denied benefits beginning with the first day of the week
4 following the week in which such failure occurred and until (a) he
5 or she has been employed in each of four subsequent weeks, whether
6 or not consecutive, and (b) has earned remuneration equal to not
7 less than four times the extended weekly benefit amount.

8 (3) For purposes of this section, the term suitable work
9 shall mean, with respect to any individual, any work which is
10 within such individual's capabilities and for which the gross
11 average weekly remuneration payable for the work exceeds the sum of
12 the individual's average weekly benefit amount as determined under
13 subdivision (9)(c) of section 48-628.02, plus the amount, if any,
14 of supplemental unemployment benefits as defined in section
15 501(c)(17)(d) of the Internal Revenue Code payable to such
16 individual for such week. Such work must also pay wages equal to
17 the higher of the federal minimum wage or the applicable state or
18 local minimum wage. No individual shall be denied extended
19 benefits for failure to accept an offer or referral to any job
20 which meets the definition of suitability contained in this
21 subsection if (a) the position was not offered to such individual
22 in writing or was not listed with the employment service, (b) such
23 failure could not result in a denial of benefits under the
24 definition of suitable work for regular benefit claimants in
25 subdivision (3) of section 48-628, to the extent that the criteria
26 of suitability in that section are not inconsistent with the
27 provisions of this subsection, or (c) the individual furnishes
28 satisfactory evidence to the commissioner that his or her prospects

1 for obtaining work in his or her customary occupation within a
2 reasonably short period are good. If such evidence is deemed
3 satisfactory for this purpose, the determination of whether any
4 work is suitable with respect to such individual shall be made in
5 accordance with the definition of suitable work in subdivision (3)
6 of section 48-628 without regard to the definition specified by
7 this subsection.

8 (4) Notwithstanding the provisions of subsection (3) of
9 this section to the contrary, no work shall be deemed to be
10 suitable work for an individual which does not accord with the
11 labor standard provisions set forth under subdivision (3)(c) of
12 section 48-628, nor shall an individual be denied benefits if such
13 benefits would be deniable by reason of the provision set forth in
14 subdivision (3)(d) of section 48-628.

15 (5) For the purposes of subsection (1) of this section,
16 an individual shall be treated as actively engaged in seeking work
17 during any week if the individual has engaged in a systematic and
18 sustained effort to obtain work during such week and the individual
19 furnishes tangible evidence that he or she has engaged in such
20 effort during such week.

21 (6) The state employment service shall refer any claimant
22 entitled to extended benefits under this section to any suitable
23 work which meets the criteria prescribed in subsection (3) of this
24 section.

25 (7) An individual shall not be eligible to receive
26 extended benefits with respect to any week of unemployment in his
27 or her eligibility period if such individual has been disqualified
28 for benefits under subdivision (1), (2), or (3) of section 48-628

1 unless such individual has earned wages for services performed in
2 subsequent employment in an amount not less than four hundred
3 dollars.

4 ~~(8) Subsections (1) through (7) of this section shall be~~
5 ~~suspended for weeks of unemployment beginning after March 6, 1993,~~
6 ~~and before January 1, 1995.~~

7 Sec. 8. Section 48-652, Reissue Revised Statutes of
8 Nebraska, is amended to read:

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

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

1 commissioner shall prescribe such rules and regulations as he or
2 she deems necessary with respect to applications for establishment,
3 maintenance, and termination of group accounts authorized by this
4 subdivision.

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

1 (3)(a) Each experience account shall be charged only for
2 benefits based upon wages paid by such employer. No benefits shall
3 be charged to the experience account of any employer if such
4 benefits were paid on the basis of a period of employment from
5 which the claimant has left work voluntarily without good cause or
6 voluntarily with good cause to escape abuse by a spouse or a family
7 or household member or employment from which he or she has been
8 discharged for misconduct connected with his or her work and
9 concerning which separation the employer has filed timely notice of
10 the facts on which such exemption is claimed in accordance with
11 rules and regulations prescribed by the commissioner, and no
12 benefits shall be charged to the experience account of any employer
13 if such benefits were paid on the basis of wages paid in the base
14 period that are wages for insured work solely by reason of
15 subdivision (5)(b) of section 48-627.

16 (b) Each reimbursement account shall be charged only for
17 benefits paid that were based upon wages paid by such employer in
18 the base period that were wages for insured work solely by reason
19 of subdivision ~~(5)(a)~~ (5) of section 48-627.

20 (c) Benefits paid to an eligible individual shall be
21 charged against the account of his or her most recent employers
22 within his or her base period against whose accounts the maximum
23 charges hereunder have not previously been made in the inverse
24 chronological order in which the employment of such individual
25 occurred. The maximum amount so charged against the account of any
26 employer, other than an employer for which services in employment
27 as provided in subdivision (4)(a) of section 48-604 are performed,
28 shall not exceed the total benefit amount to which such individual

1 was entitled as set out in section 48-626 with respect to base
2 period wages of such individual paid by such employer plus one-half
3 the amount of extended benefits paid to such eligible individual
4 with respect to base period wages of such individual paid by such
5 employer. The commissioner shall by rules and regulations
6 prescribe the manner in which benefits shall be charged against the
7 account of several employers for whom an individual performed
8 employment during the same quarter or during the same base period.
9 Any benefit check duly issued and delivered or mailed to a claimant
10 and not presented for payment within one year from the date of its
11 issue may be invalidated and the amount thereof credited to the
12 Unemployment Compensation Fund, except that a substitute check may
13 be issued and charged to the fund on proper showing at any time
14 within the year next following. Any charge made to an employer's
15 account for any such invalidated check shall stand as originally
16 made.

17 (4)(a) An employer's experience account shall be deemed
18 to be terminated one calendar year after such employer has ceased
19 to be subject to the Employment Security Law, except that if the
20 commissioner finds that an employer's business is closed solely
21 because of the entrance of one or more of the owners, officers,
22 partners, or limited liability company members or the majority
23 stockholder into the armed forces of the United States, or of any
24 of its allies, after July 1, 1950, such employer's account shall
25 not be terminated and, if the business is resumed within two years
26 after the discharge or release from active duty in the armed forces
27 of such person or persons, the employer's experience account shall
28 be deemed to have been continuous throughout such period.

1 (b) An experience account terminated pursuant to this
2 subsection shall be reinstated if (i) the employer becomes subject
3 again to the Employment Security Law within one calendar year after
4 termination of such experience account and the employer makes a
5 written application for reinstatement of such experience account to
6 the commissioner within two calendar years after termination of
7 such experience account and (ii) the commissioner finds that the
8 employer is operating substantially the same business as prior to
9 the termination of such experience account.

10 (5) All money in the Unemployment Compensation Fund shall
11 be kept mingled and undivided. The payment of benefits to an
12 individual shall in no case be denied or withheld because the
13 experience account of any employer does not have a total of
14 contributions paid in excess of benefits charged to such experience
15 account.

16 (6) A contributory or reimbursable employer shall be
17 relieved of charges if the employer was previously charged for
18 wages and the same wages are being used a second time to establish
19 a new claim as a result of the October 1, 1988, change in the base
20 period.

21 Sec. 9. Section 48-655, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 48-655. Combined taxes or payments in lieu of
24 contributions unpaid on the date on which they are due and payable,
25 as prescribed by the commissioner, shall bear interest at the rate
26 of one and one-half percent per month from such date until payment,
27 plus accrued interest, is received by the commissioner, except that
28 no interest shall be charged subsequent to the date of the

1 erroneous payment of an amount equal to the amount of the delayed
2 payment into the unemployment trust fund of another state or to the
3 federal government. Interest collected pursuant to this section
4 shall be paid in accordance with subdivision ~~(2)~~ (1)(b) of section
5 48-621. If, after due notice, any employer defaults in any payment
6 of combined taxes or payments in lieu of contributions or interest
7 thereon, the amount due may be collected (1) by civil action in the
8 name of the commissioner and the employer adjudged in default shall
9 pay the costs of such action or (2) by setoff against any state
10 income tax refund due the employer pursuant to sections 77-27,197
11 to 77-27,209. Civil actions brought under this section to collect
12 combined taxes or interest thereon or payments in lieu of
13 contributions or interest thereon from an employer shall be heard
14 by the court at the earliest possible date and shall be entitled to
15 preference upon the calendar of the court over all other civil
16 actions except petitions for judicial review under section 48-638.

17 Sec. 10. Section 81-1201.21, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-1201.21. There is hereby created the Job Training
20 Cash Fund. The fund shall be under the direction of the Department
21 of Economic Development. Money may be transferred to the fund
22 pursuant to subdivision ~~(2)(d)~~ (1)(b)(iv) of section 48-621. The
23 department shall use the fund to provide reimbursements for job
24 training activities, including employee assessment, preemployment
25 training, on-the-job training, training equipment costs, and other
26 reasonable costs related to helping industry and business locate or
27 expand in Nebraska, or to provide upgrade skills training of the
28 existing labor force necessary to adapt to new technology or the

1 introduction of new product lines. Any money in the fund available
2 for investment shall be invested by the state investment officer
3 pursuant to the Nebraska Capital Expansion Act and the Nebraska
4 State Funds Investment Act.

5 Sec. 11. Section 85-1540, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 85-1540. There is hereby created the Nebraska Community
8 College Aid Cash Fund. The fund shall be under the direction of
9 the Nebraska Community College Aid, Grant, and Contract Review
10 Committee. The Legislature may appropriate nongeneral funds and
11 transfers pursuant to subdivision ~~(2)(e)~~ (1)(b)(iii) of section
12 48-621 to the fund. The fund shall be used to provide aid, grants,
13 or contracts to the community colleges for the purposes of funding
14 grants for applied technology and occupational faculty training,
15 instructional equipment upgrades, employee assessment,
16 preemployment training, employment training, and dislocated worker
17 programs benefiting the State of Nebraska. Any money in the fund
18 available for investment shall be invested by the state investment
19 officer pursuant to the Nebraska Capital Expansion Act and the
20 Nebraska State Funds Investment Act.

21 Sec. 12. Original sections 48-606.01, 48-617, 48-618,
22 48-619, 48-628, 48-628.03, 48-652, 48-655, 81-1201.01, and 85-1540,
23 Reissue Revised Statutes of Nebraska, and section 48-621, Revised
24 Statutes Supplement, 1999, are repealed.