

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1020**

Introduced by Lathrop, 12.

Read first time January 20, 2010

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Employment Security Law; to amend  
2 section 48-627, Revised Statutes Cumulative Supplement,  
3 2008; to change provisions relating to benefit  
4 eligibility; and to repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 48-627, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

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

6           (1) He or she has registered for work at, and thereafter  
7 continued to report at, an employment office in accordance with  
8 such rules and regulations as the commissioner may prescribe,  
9 except that the commissioner may, by rule and regulation, waive or  
10 alter either or both of the requirements of this subdivision as to  
11 individuals attached to regular jobs and as to such other types of  
12 cases or situations, with respect to which he or she finds that  
13 compliance with such requirements, would be oppressive, or would  
14 be inconsistent with the purposes of the Employment Security Law,  
15 except that no such rule or regulation shall conflict with section  
16 48-623;

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

19           (3) He or she is able to work and is available for  
20 work. No individual, who is otherwise eligible, shall be deemed  
21 ineligible, or unavailable for work, because he or she is on  
22 vacation without pay during such week, if such vacation is not  
23 the result of his or her own action as distinguished from any  
24 collective action by a collective-bargaining agent or other action  
25 beyond his or her individual control, and regardless of whether he

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

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

19 (5) For any benefit year beginning on or before December  
20 31, 2005, he or she has, within his or her base period, been paid  
21 a total sum of wages for employment by employers equal to not  
22 less than one thousand six hundred dollars, of which sum at least  
23 eight hundred dollars has been paid in each of two quarters in  
24 his or her base period, and subsequent to filing the claim which  
25 establishes the previous benefit year, the individual has insured

1 work in at least four weeks. For any benefit year beginning on  
2 or after January 1, 2006, he or she has, within his or her base  
3 period, been paid a total sum of wages for employment by employers  
4 equal to not less than two thousand five hundred dollars, of which  
5 sum at least eight hundred dollars has been paid in each of two  
6 quarters in his or her base period, and subsequent to filing the  
7 claim which establishes the previous benefit year, the individual  
8 has earned wages in insured work of at least six times his or  
9 her weekly benefit amount for the previous benefit year. Commencing  
10 January 1, 2007, and each January 1 thereafter, the amount which an  
11 individual is required to earn within his or her base period shall  
12 be adjusted annually. The adjusted amount shall be equal to the  
13 then current amount adjusted by the cumulative percentage change in  
14 the Consumer Price Index for All Urban Consumers published by the  
15 Federal Bureau of Labor Statistics for the one-year period ending  
16 on the previous September 30. For the purposes of this subdivision,  
17 (a) wages shall be counted as wages for insured work for benefit  
18 purposes with respect to any benefit year only if such benefit year  
19 begins subsequent to the date on which the employer, by whom such  
20 wages were paid, has satisfied the conditions of section 48-603  
21 or subsection (3) of section 48-661, with respect to becoming an  
22 employer, and (b) with respect to weeks of unemployment beginning  
23 on or after January 1, 1978, wages for insured work for benefit  
24 purposes with respect to any benefit year shall include wages  
25 paid for services as defined by subdivision (4) (a), (b), (c), or

1 (d) of section 48-604 to the extent that such services were not  
2 services in employment under subdivision (4)(a) of section 48-604  
3 or section 48-661 immediately prior to September 2, 1977, even  
4 though the employer by whom such wages were paid had not satisfied  
5 the conditions of subdivision (8), (9), (10), or (11) of section  
6 48-603 with respect to becoming an employer at the time such wages  
7 were paid except to the extent that assistance under Title II of  
8 the federal Emergency Jobs and Unemployment Assistance Act of 1974  
9 was paid on the basis of such services; and

10 (6) He or she is participating in reemployment services  
11 at no cost to such individual as directed by the commissioner,  
12 such as job search assistance services, if the individual has been  
13 determined to be likely to exhaust regular benefits and to need  
14 reemployment services pursuant to a profiling system established  
15 by rule and regulation of the commissioner which is in compliance  
16 with section 303(j)(1) of the federal Social Security Act, unless  
17 the commissioner determines that: (a) The individual has completed  
18 such services; or (b) there is justifiable cause for the claimant's  
19 failure to participate in such services.

20 Sec. 2. Original section 48-627, Revised Statutes  
21 Cumulative Supplement, 2008, is repealed.