

AMENDMENTS TO LB172

Introduced by Albrecht, 17.

1 1. Strike original sections 27 and 42 and insert the following new
2 sections:

3 Sec. 27. Section 48-626, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 48-626 (1) For any benefit year beginning before October 1, 2018,
6 any ~~Any~~ otherwise eligible individual shall be entitled during any
7 benefit year to a total amount of benefits equal to whichever is the
8 lesser of (a) (1) ~~(a) (1)~~ twenty-six times his or her benefit amount or (b) (2)
9 one-third of his or her wages in the employment of each employer per
10 calendar quarter of his or her base period; except that when any
11 individual has been separated from his or her employment with a base
12 period employer under the circumstances under which he or she was or
13 could have been determined disqualified under section 40 or 42 of this
14 act subdivision (1) or (2) of section 48-628, the total benefit amount
15 based on the employment from which he or she was so separated shall be
16 reduced by an amount equal to the number of weeks for which he or she is
17 or would have been disqualified had he or she filed a claim immediately
18 after the separation, multiplied by his or her weekly benefit amount, but
19 not more than one reduction may be made for each separation. In no event
20 shall the benefit amount based on employment for any employer be reduced
21 to less than one benefit week when the individual was or could have been
22 determined disqualified under subdivision (1) of section 42 of this act
23 48-628.

24 (2) For any benefit year beginning on or after October 1, 2018, any
25 otherwise eligible individual shall be entitled during any benefit year
26 to a total amount of benefits equal to whichever is the lesser of (a)
27 twenty-six times his or her weekly benefit amount or (b) one-third of his

1 or her wages in the employment of each employer per calendar quarter of
2 his or her base period; except that when any individual has been
3 separated from his or her employment with a base period employer under
4 circumstances under which he or she was or could have been determined
5 disqualified under section 40 or 42 of this act, the total benefit amount
6 based on the employment from which he or she was so separated shall be
7 reduced by an amount determined pursuant to subsection (3) of this
8 section, but not more than one reduction may be made for each separation.
9 In no event shall the benefit amount based on employment for any employer
10 be reduced to less than one benefit week when the individual was or could
11 have been determined disqualified under section 42 of this act.

12 (3) For purposes of determining the reduction of benefits described
13 in subsection (2) of this section:

14 (a) If the claimant has been separated from his or her employment
15 under circumstances under which he or she was or could have been
16 determined disqualified under section 42 of this act, his or her total
17 benefit amount shall be reduced by:

18 (i) Two times his or her weekly benefit amount if he or she left
19 work voluntarily for the sole purpose of accepting previously secured,
20 permanent, full-time, insured work, which he or she does accept, which
21 offers a reasonable expectation of betterment of wages or working
22 conditions, or both, and for which he or she earns wages payable to him
23 or her; or

24 (ii) Thirteen times his or her weekly benefit amount if he or she
25 left work voluntarily without good cause for any reason other than that
26 described in subdivision (3)(a)(i) of this section; and

27 (b) If the claimant has been separated from his or her employment
28 under circumstances under which he or she was or could have been
29 determined disqualified under section 40 of this act, his or her total
30 benefit amount shall be reduced by fourteen times his or her weekly
31 benefit amount.

1 (4) For purposes of sections 48-623 to 48-626, wages shall be
2 counted as wages for insured work for benefit purposes with respect to
3 any benefit year only if such benefit year begins subsequent to the date
4 on which the employer by whom such wages were paid has satisfied the
5 conditions of section 48-603 or subsection (3) of section 48-661 with
6 respect to becoming an employer.

7 (5) In order to determine the benefits due under this section and
8 sections 48-624 and 48-625, each employer shall make reports, in
9 conformity with reasonable rules and regulations adopted and promulgated
10 by the commissioner, of the wages of any claimant. If any ~~such~~ employer
11 ~~fails shall fail~~ to make such a report within the time prescribed, the
12 commissioner may accept the statement of such claimant as to his or her
13 wages, and any benefit payments based on such statement of earnings, in
14 the absence of fraud or collusion, ~~shall will~~ be final as to the amount.

15 Sec. 42. An individual shall be disqualified for benefits:

16 (1) For any benefit year beginning before October 1, 2018:

17 (a) For the week in which he or she has left work voluntarily
18 without good cause, if so found by the commissioner, and for the thirteen
19 weeks immediately thereafter. For purposes of this subdivision, a
20 temporary employee of a temporary help firm has left work voluntarily
21 without good cause if the temporary employee does not contact the
22 temporary help firm for reassignment upon completion of an assignment and
23 the temporary employee has been advised by the temporary help firm of his
24 or her obligation to contact the temporary help firm upon completion of
25 assignments and has been advised by the temporary help firm that the
26 temporary employee may be denied benefits for failure to do so; or

27 (b) For the week in which he or she has left work voluntarily for
28 the sole purpose of accepting previously secured, permanent, full-time,
29 insured work, if so found by the commissioner, and for the two weeks
30 immediately thereafter. For this subdivision to apply, such work shall:

31 (i) Be accepted by the individual;

1 (ii) Offer a reasonable expectation of betterment of wages or
2 working conditions, or both; and

3 (iii) Enable the individual to earn wages payable to him or her; or

4 (2) For any benefit year beginning on or after October 1, 2018, for
5 the week in which he or she has left work voluntarily without good cause,
6 if so found by the commissioner, and for all subsequent weeks until the
7 individual has earned wages in insured work in an amount of at least four
8 times his or her weekly benefit amount and has separated from the most
9 recent subsequent employment under nondisqualifying conditions. For
10 purposes of this subdivision, a temporary employee of a temporary help
11 firm has left work voluntarily without good cause if the temporary
12 employee does not contact the temporary help firm for reassignment upon
13 completion of an assignment and the temporary employee has been advised
14 by the temporary help firm of his or her obligation to contact the
15 temporary help firm upon completion of assignments and has been advised
16 by the temporary help firm that the temporary employee may be denied
17 benefits for failure to do so.

18 2. On page 4, line 12, strike the comma and show as stricken.

19 3. On page 54, reinstate lines 10 through 13.

20 4. On page 59, line 23, after the period insert "If such adjusted
21 amount is not a whole dollar amount, the adjusted amount shall be rounded
22 down to the nearest whole dollar amount.".

23 5. On page 88, line 11, strike "delivering" and insert "electronic
24 notice" and reinstate the stricken "by"; and in line 12 after the period
25 insert "A claimant shall elect to receive either electronic notice or
26 mailed notice when he or she files a new claim or establishes a new
27 benefit year. A claimant may change his or her election at any time.".

28 6. On page 124, line 31, strike "sections 64 to 67" and insert
29 "section 65".

30 7. On page 133, line 19, strike the new matter.

31 8. On page 137, line 7, strike "65" and insert "66".