

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 171

Introduced by Hansen, M., 26.

Read first time January 08, 2021

Committee: Business and Labor

1 A BILL FOR AN ACT relating to the Employment Security Law; to amend
2 sections 48-624, 48-626, and 48-628.17, Revised Statutes Cumulative
3 Supplement, 2020; to change provisions relating to weekly benefit
4 amounts and maximum annual amounts as prescribed; to eliminate
5 obsolete language; to harmonize provisions; to provide an operative
6 date; and to repeal the original sections.

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

1 Section 1. Section 48-624, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 48-624 ~~For any benefit year beginning on or after January 1, 2018:~~

4 (1) Subject to subsection (2) of this section, an An individual's
5 weekly benefit amount shall be one-half of his or her average weekly wage
6 rounded down to the nearest even whole dollar amount, but shall not
7 exceed one-half of the state average weekly wage as annually determined
8 under section 48-121.02. ~~;~~

9 (2) An individual's weekly benefit amount determined under
10 subsection (1) of this section shall be increased by five percent for
11 each dependent of the individual up to a maximum increase of fifteen
12 percent. For purposes of this subsection, dependent means (a) a child
13 under the age of nineteen years, (b) a child who is a full-time student
14 under the age of twenty-six years and who is financially dependent upon
15 the individual, or (c) a child of any age who is medically certified as
16 disabled and dependent upon the individual.

17 (3) ~~(2)~~ For purposes of this section, an individual's average weekly
18 wage shall equal the wages paid for insured work in the highest quarter
19 of the base period divided by thirteen. ~~;~~ ~~and~~

20 (4) ~~(3)~~ Any change in the weekly benefit amounts prescribed in this
21 section or in the maximum annual benefit amount prescribed in section
22 48-626 shall be applicable for the calendar year following the annual
23 determination made pursuant to section 48-121.02.

24 Sec. 2. Section 48-626, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 48-626 ~~(1) For any benefit year beginning before October 1, 2018,~~
27 ~~any otherwise eligible individual shall be entitled during any benefit~~
28 ~~year to a total amount of benefits equal to whichever is the lesser of~~
29 ~~(a) twenty-six times his or her benefit amount or (b) one third of his or~~
30 ~~her wages in the employment of each employer per calendar quarter of his~~
31 ~~or her base period; except that when any individual has been separated~~

1 ~~from his or her employment with a base period employer under the~~
2 ~~circumstances under which he or she was or could have been determined~~
3 ~~disqualified under section 48-628.10 or 48-628.12, the total benefit~~
4 ~~amount based on the employment from which he or she was so separated~~
5 ~~shall be reduced by an amount equal to the number of weeks for which he~~
6 ~~or she is or would have been disqualified had he or she filed a claim~~
7 ~~immediately after the separation, multiplied by his or her weekly benefit~~
8 ~~amount, 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 48-628.12.~~

12 ~~(1) Any~~ (2) For any benefit year beginning on or after October 1,
13 2018, any otherwise eligible individual shall be entitled during any
14 benefit year to a total amount of benefits equal to whichever is the
15 lesser of (a) twenty-six times his or her weekly benefit amount as
16 determined under section 48-624, excluding the increase allowed in
17 subsection (2) of section 48-624, or (b) one-third of his or her wages in
18 the employment of each employer per calendar quarter of his or her base
19 period; except that when any individual has been separated from his or
20 her employment with a base period employer under circumstances under
21 which he or she was or could have been determined disqualified under
22 section 48-628.10 or 48-628.12, the total benefit amount based on the
23 employment from which he or she was so separated shall be reduced by an
24 amount determined pursuant to subsection (2) ~~(3)~~ of this section, but not
25 more than one reduction may be made for each separation. In no event
26 shall the benefit amount based on employment for any employer be reduced
27 to less than one benefit week when the individual was or could have been
28 determined disqualified under section 48-628.12.

29 (2) ~~(3)~~ For purposes of determining the reduction of benefits
30 described in subsection (1) ~~(2)~~ of this section:

31 (a) If the claimant has been separated from his or her employment

1 under circumstances under which he or she was or could have been
2 determined disqualified under section 48-628.12, his or her total benefit
3 amount shall be reduced by:

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

10 (ii) Thirteen times his or her weekly benefit amount if he or she
11 left work voluntarily without good cause for any reason other than that
12 described in subdivision ~~(2)(a)(i)~~ ~~(3)(a)(i)~~ of this section; and

13 (b) If the claimant has been separated from his or her employment
14 under circumstances under which he or she was or could have been
15 determined disqualified under section 48-628.10, his or her total benefit
16 amount shall be reduced by fourteen times his or her weekly benefit
17 amount.

18 ~~(3)~~ ~~(4)~~ For purposes of sections 48-623 to 48-626, wages shall be
19 counted as wages for insured work for benefit purposes with respect to
20 any benefit year only if such benefit year begins subsequent to the date
21 on which the employer by whom such wages were paid has satisfied the
22 conditions of section 48-603 or subsection (3) of section 48-661 with
23 respect to becoming an employer.

24 ~~(4)~~ ~~(5)~~ In order to determine the benefits due under this section
25 and sections 48-624 and 48-625, each employer shall make reports, in
26 conformity with reasonable rules and regulations adopted and promulgated
27 by the commissioner, of the wages of any claimant. If any employer fails
28 to make such a report within the time prescribed, the commissioner may
29 accept the statement of such claimant as to his or her wages, and any
30 benefit payments based on such statement of earnings, in the absence of
31 fraud or collusion, shall be final as to the amount.

1 Sec. 3. Section 48-628.17, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 48-628.17 (1) In addition to any other unemployment benefits to
4 which an individual is entitled under the Employment Security Law, an
5 individual who has exhausted all regular unemployment benefits for which
6 he or she has been determined eligible shall continue to be eligible for
7 up to twenty-six additional weeks of unemployment benefits if such
8 individual:

9 (a)(i) Was involuntarily separated from employment as a result of a
10 permanent reduction of operations at the individual's place of employment
11 or (ii) is unemployed as the result of a separation from a declining
12 occupation;

13 (b) Is enrolled and making satisfactory progress in a (i) training
14 program approved for him or her by the commissioner or (ii) job training
15 program authorized under the federal Workforce Innovation and Opportunity
16 Act, as amended;

17 (c) Is receiving training which is preparing the individual for
18 entry into a high-demand occupation;

19 (d) Is enrolled in training no later than the end of the benefit
20 year established with respect to the separation that makes the individual
21 eligible for the training benefit. Individuals shall be notified of the
22 enrollment requirement at the time of their initial determination of
23 eligibility for regular benefits; and

24 (e) Is not receiving similar stipends or other training allowances
25 for nontraining costs. Similar stipend means an amount provided under a
26 program with similar aims, such as providing training to increase
27 employability, and in approximately the same amounts.

28 (2) The amount of unemployment benefits payable to an individual for
29 a week of unemployment under this section shall be equal to the amount of
30 unemployment benefits which he or she has been determined eligible for
31 under section 48-624 less any deductions or offsets authorized under the

1 Employment Security Law.

2 (3) If an individual begins to receive unemployment benefits under
3 this section while enrolled in a training program described in subsection
4 (1) of this section during a benefit year, such individual shall continue
5 to receive such benefits so long as he or she continues to make
6 satisfactory progress in such training program, except that such benefits
7 shall not exceed twenty-six times the individual's weekly benefit amount
8 for the most recent benefit year as determined under section 48-624,
9 excluding the increase allowed in subsection (2) of section 48-624.

10 (4) No benefits shall be payable under this section until the
11 individual has exhausted all (a) regular unemployment benefits, (b)
12 extended benefits as defined in subdivision (1)(b) of section 48-628.14,
13 and (c) unemployment benefits paid entirely from federal funds to which
14 he or she is entitled, including, but not limited to, trade readjustment
15 assistance, emergency unemployment compensation, or other similar
16 federally funded unemployment benefits.

17 (5) For purposes of this section, regular unemployment benefits
18 means all unemployment benefits for which an individual is eligible
19 payable under sections 48-624 to 48-626, extended unemployment benefits
20 payable under section 48-628.14, and any unemployment benefits funded
21 solely by the federal government.

22 Sec. 4. This act becomes operative on January 1, 2022.

23 Sec. 5. Original sections 48-624, 48-626, and 48-628.17, Revised
24 Statutes Cumulative Supplement, 2020, are repealed.