

March 15, 1982

LB 765

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I know this amounts to a consensus bill from the committee and I know very few who oppose the bill but I am one who does. It is not because I don't want to see higher unemployment compensation benefits. I think that is fair. I think adjustments in the base period are probably long overdue. I made the suggestion, as a matter of fact, to the committee myself last year and to the advisory labor committee in the Department of Labor to do exactly that. So I have no cause with that concept. However, we add to Nebraska statutes a pernicious doctrine I think in LB 765 which is the requalifying system making oneself eligible for unemployment compensation. Requalifying says in the event you fall into one of three categories when you apply for unemployment compensation; you quit voluntarily without good cause, you were fired for misconduct, or you haven't been able to find suitable work and haven't made a search for the suitable work. You may not be eligible for unemployment until you have requalified for a certain number of qualifying wages which means you have got to go back to work. So the Catch 22 is you get out of work for one of these circumstances and you can't get unemployment compensation until you go back to work and earn some credits which you then would be able to draw on in the event you were released from work but certainly not for one of these mechanisms. I mean if you then quit, you couldn't utilize it because, of course, that would be quitting without good cause. Why, why should one object to the requalifying principle? The requalifying principle is simply a way to do what we have never been able to do before and that is to bring an end to unemployment compensation benefits for those kinds of situations, simply writing them off. Requalification, in essence, brings to an end unemployment compensation for those three circumstances. But what are those three circumstances, voluntarily quitting without good cause? I can understand why those of you here would object to that, why people who were drawing such benefits might meet the calumny of the body. However, that has been very narrowly interpreted. "Good cause" is not what maybe you and I would agree to be good cause but which the court has said only arises in cases of the contract. In other words, the breach of the contract or unsafe working conditions or the like. What isn't covered in there as far as good cause are quitting because of problems with child care in the homes, problems with transportation that have changed, perhaps a spouse who has a new job and you quit to follow your spouse to a new place of business where you intend then to look for a job and in fact don't find one and apply for unemployment compensation but in fact you don't