

CORRECTED COPY

LEGISLATIVE BILL 47

Approved by the Governor February 15, 1993

Introduced by Schimek, 27

AN ACT relating to employment security; to amend section 48-628.03, Reissue Revised Statutes of Nebraska, 1943; to suspend provisions relating to extended benefits as provided; to repeal the original section; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-628.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

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

(3) For purposes of this section, the term suitable work shall mean, with respect to any individual, any work which is within such individual's capabilities and for which the gross average weekly remuneration payable for the work exceeds the sum of the individual's average weekly benefit amount as determined under subdivision (4) ~~(9)(c)~~ of section 48-628.02, plus the amount, if any, of supplemental unemployment benefits as defined in section 501(c)(17)(d) of the Internal Revenue Code of ~~1954~~ 1986, payable to such individual for such week. Such work must also pay wages equal to the higher of the federal minimum wage or the applicable state or local minimum wage. No individual shall be denied extended benefits for failure to accept an offer or referral to any job which meets the definition of suitability contained in this subsection if (a) the position was not offered to such individual in writing or was not listed with the employment service; ~~;~~ (b) such failure could not result in a denial of benefits under the definition of suitable work for regular benefit claimants in subdivision (c) of section 48-628, to the extent that the criteria of suitability in that section are not inconsistent

with the provisions of this subsection, † or (c) the individual furnishes satisfactory evidence to the commissioner that his or her prospects for obtaining work in his or her customary occupation within a reasonably short period are good. If such evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable with respect to such individual shall be made in accordance with the definition of suitable work in subdivision (c) of section 48-628 without regard to the definition specified by this subsection.

(4) Notwithstanding the provisions of subsection (3) of this section to the contrary, no work shall be deemed to be suitable work for an individual which does not accord with the labor standard provisions set forth under subdivision (c)(2) of section 48-628, nor shall an individual be denied benefits if such benefits would be deniable by reason of the provision set forth in subdivision (c)(3) of section 48-628.

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

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

(7) An individual shall not be eligible to receive extended benefits with respect to any week of unemployment in his or her eligibility period if such individual has been disqualified for benefits under ~~the provisions of~~ subdivision (a), (b), or (c) of section 48-628 unless such individual has earned wages for services performed in subsequent employment in an amount not less than four hundred dollars.

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

Sec. 2. That original section 48-628.03, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.