

AMENDMENTS TO LB203

Introduced by Albrecht, 17.

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

3           Section 1. 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 ~~(b) (2)~~ 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 subdivision (1)(a) (1) ~~(1)(a) (1)~~ or  
14 (2) of section 48-628, the total benefit amount based on the employment  
15 from which he or she was so separated shall be reduced by an amount equal  
16 to the number of weeks for which he or she is or would have been  
17 disqualified had he or she filed a claim immediately after the  
18 separation, multiplied by his or her weekly benefit amount, but not more  
19 than one reduction may be made for each separation. In no event shall the  
20 benefit amount based on employment for any employer be reduced to less  
21 than one benefit week when the individual was or could have been  
22 determined disqualified under subdivision (1)(a) (1) ~~(1)(a) (1)~~ of section 48-628.

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

1 his or her base period; except that when any individual has been  
2 separated from his or her employment with a base period employer under  
3 circumstances under which he or she was or could have been determined  
4 disqualified under subdivision (1)(b) or (2) of section 48-628, the total  
5 benefit amount based on the employment from which he or she was so  
6 separated shall be reduced by an amount determined pursuant to subsection  
7 (3) of this section, but not more than one reduction may be made for each  
8 separation. In no event shall the benefit amount based on employment for  
9 any employer be reduced to less than one benefit week when the individual  
10 was or could have been determined disqualified under subdivision (1)(b)  
11 of section 48-628.

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 subdivision (1)(b) of section 48-628, his  
17 or her total 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.

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 subdivision (2) of section 48-628, his or  
30 her total benefit amount shall be reduced by fourteen times his or her  
31 weekly 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 by the  
10 commissioner, of the wages of any claimant. If any such employer fails  
11 ~~shall fail~~ to make such 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, will be final as to amount.

15           Sec. 2. Section 48-627, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           48-627 An unemployed individual shall be eligible to receive  
18 benefits with respect to any week, only if the Commissioner of Labor  
19 finds:

20           (1) He or she has registered for work at, and thereafter continued  
21 to report at, an employment office in accordance with such rules and  
22 regulations as the commissioner may prescribe, except that the  
23 commissioner may, by rule and regulation, waive or alter either or both  
24 of the requirements of this subdivision as to individuals attached to  
25 regular jobs and as to such other types of cases or situations, with  
26 respect to which he or she finds that compliance with such requirements,  
27 would be oppressive, or would be inconsistent with the purposes of the  
28 Employment Security Law, except that no such rule or regulation shall  
29 conflict with section 48-623;

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

1           (3) He or she is able to work and is available for work. No  
2 individual, who is otherwise eligible, shall be deemed ineligible, or  
3 unavailable for work, because he or she is on vacation without pay during  
4 such week, if such vacation is not the result of his or her own action as  
5 distinguished from any collective action by a collective-bargaining agent  
6 or other action beyond his or her individual control, and regardless of  
7 whether he or she has not been notified of the vacation at the time of  
8 his or her hiring. An individual who is otherwise eligible shall not be  
9 deemed unavailable for work or failing to engage in an active work search  
10 solely because such individual is seeking part-time work if the majority  
11 of the weeks of work in an individual's base period include part-time  
12 work. For purposes of this subdivision, seeking only part-time work shall  
13 mean seeking less than full-time work having comparable hours to the  
14 individual's part-time work in the base period, except that the  
15 individual must be available for work at least twenty hours per week.  
16 Receipt of a non-service-connected total disability pension by a veteran  
17 at the age of sixty-five or more shall not of itself bar the veteran from  
18 benefits as not able to work. An otherwise eligible individual while  
19 engaged in a training course approved for him or her by the commissioner  
20 shall be considered available for work for the purposes of this section.  
21 An inmate in a penal or custodial institution shall be considered  
22 unavailable for work for purposes of this section;

23           (4) He or she has been unemployed for a waiting period of one week.  
24 No week shall be counted as a week of unemployment for the purpose of  
25 this subdivision (a) unless it occurs within the benefit year, which  
26 includes the week with respect to which he or she claims payment of  
27 benefits, (b) if benefits have been paid with respect thereto, or (c)  
28 unless the individual was eligible for benefits with respect thereto, as  
29 provided in sections 48-627 and 48-628, except for the requirements of  
30 this subdivision and of subdivision (6) of section 48-628;

31           (5)(a) For any benefit year beginning on or after January 1, 2006,

1 he or she has, within his or her base period, been paid a total sum of  
2 wages for employment by employers equal to not less than two thousand  
3 five hundred dollars, of which sum at least eight hundred dollars has  
4 been paid in each of two quarters in his or her base period, and  
5 subsequent to filing the claim which establishes the previous benefit  
6 year, the individual has earned wages in insured work of at least six  
7 times his or her weekly benefit amount for the previous benefit year.

8 (b) For any benefit year beginning on or after July 1, 2011, he or  
9 she has (i) within his or her base period, been paid a total sum of wages  
10 for employment by employers equal to not less than three thousand seven  
11 hundred seventy dollars, of which sum at least one thousand eight hundred  
12 fifty dollars has been paid in one quarter in his or her base period and  
13 eight hundred dollars has been paid in a second quarter of his or her  
14 base period, and (ii) subsequent to filing the claim which establishes  
15 the previous benefit year, earned wages in insured work of at least six  
16 times his or her weekly benefit amount for the previous benefit year.  
17 Commencing January 1, 2012, and each January 1 thereafter, the amount  
18 which an individual is required to earn within his or her base period  
19 shall be adjusted annually. The adjusted amount shall be equal to the  
20 then current amount adjusted by the cumulative percentage change in the  
21 Consumer Price Index for All Urban Consumers published by the Federal  
22 Bureau of Labor Statistics for the one-year period ending on the previous  
23 September 30. If such adjusted amount is not a whole dollar amount, the  
24 adjusted amount shall be rounded down to the nearest whole dollar amount.

25 (c) For the purposes of this subdivision (5), (i) for the  
26 determination of monetary eligibility, wages paid within a base period  
27 shall not include wages from any calendar quarter previously used to  
28 establish a valid claim for benefits, (ii) wages shall be counted as  
29 wages for insured work for benefit purposes with respect to any benefit  
30 year only if such benefit year begins subsequent to the date on which the  
31 employer, by whom such wages were paid, has satisfied the conditions of

1 section 48-603 or subsection (3) of section 48-661, with respect to  
2 becoming an employer, and (iii) with respect to weeks of unemployment  
3 beginning on or after January 1, 1978, wages for insured work for benefit  
4 purposes with respect to any benefit year shall include wages paid for  
5 services as defined by subdivision (4)(a), (b), (c), or (d) of section  
6 48-604 to the extent that such services were not services in employment  
7 under subdivision (4)(a) of section 48-604 or section 48-661 immediately  
8 prior to September 2, 1977, even though the employer by whom such wages  
9 were paid had not satisfied the conditions of subdivision (8), (9), (10),  
10 or (11) of section 48-603 with respect to becoming an employer at the  
11 time such wages were paid except to the extent that assistance under  
12 Title II of the federal Emergency Jobs and Unemployment Assistance Act of  
13 1974 was paid on the basis of such services; and

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

23 Sec. 3. Section 48-628, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 48-628 An individual shall be disqualified for benefits:

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

27 (i) For the week in which he or she has left work voluntarily  
28 without good cause, if so found by the commissioner, and for the thirteen  
29 weeks which immediately follow such week. A temporary employee of a  
30 temporary help firm has left work voluntarily without good cause if the  
31 temporary employee does not contact the temporary help firm for

1 reassignment upon completion of an assignment and the temporary employee  
2 has been advised by the temporary help firm of his or her obligation to  
3 contact the temporary help firm upon completion of assignments and has  
4 been advised by the temporary help firm that the temporary employee may  
5 be denied benefits for failure to do so; or

6 (ii) (b) For the week in which he or she has left work voluntarily  
7 for the sole purpose of accepting previously secured, permanent, full-  
8 time, insured work, which he or she does accept, which offers a  
9 reasonable expectation of betterment of wages or working conditions, or  
10 both, and for which he or she earns wages payable to him or her, if so  
11 found by the commissioner, and for the two weeks which immediately follow  
12 such week; or

13 (b) For any benefit year beginning on or after October 1, 2018, for  
14 the week in which he or she has left work voluntarily without good cause,  
15 if so found by the commissioner, and for all subsequent weeks until the  
16 individual has earned wages in insured work in an amount of at least four  
17 times his or her weekly benefit amount and has separated from the most  
18 recent subsequent employment under nondisqualifying conditions. A  
19 temporary employee of a temporary help firm has left work voluntarily  
20 without good cause if the temporary employee does not contact the  
21 temporary help firm for reassignment upon completion of an assignment and  
22 the temporary employee has been advised by the temporary help firm of his  
23 or her obligation to contact the temporary help firm upon completion of  
24 assignments and has been advised by the temporary help firm that the  
25 temporary employee may be denied benefits for failure to do so;

26 (2) For the week in which he or she has been discharged for  
27 misconduct connected with his or her work, if so found by the  
28 commissioner, and for the fourteen weeks which immediately follow such  
29 week. If the commissioner finds that such individual's misconduct was  
30 gross, flagrant, and willful, or was unlawful, the commissioner shall  
31 totally disqualify such individual from receiving benefits with respect

1 to wage credits earned prior to discharge for such misconduct. In  
2 addition to the fourteen-week benefit disqualification assessed under  
3 this subdivision, the commissioner shall cancel all wage credits earned  
4 as a result of employment with the discharging employer if the  
5 commissioner finds that the individual was discharged for misconduct in  
6 connection with the work which was not gross, flagrant, and willful or  
7 unlawful but which included being under the influence of any intoxicating  
8 beverage or being under the influence of any controlled substance listed  
9 in section 28-405 not prescribed by a physician licensed to practice  
10 medicine or surgery when the individual is so under the influence on the  
11 worksite or while engaged in work for the employer;

12 (3)(a) For any week of unemployment in which he or she has failed,  
13 without good cause, to apply for available, suitable work when so  
14 directed by the employment office or the commissioner, to accept suitable  
15 work offered him or her, or to return to his or her customary self-  
16 employment, if any, and the commissioner so finds, and for the twelve  
17 weeks which immediately follow such week, and his or her total benefit  
18 amount to which he or she is then entitled shall be reduced by an amount  
19 equal to the number of weeks for which he or she has been disqualified by  
20 the commissioner.

21 (b) In determining whether or not any work is suitable for an  
22 individual, the commissioner shall consider the degree of risk involved  
23 to the individual's health, safety, and morals, his or her physical  
24 fitness and prior training, his or her experience and prior earnings, his  
25 or her length of unemployment and prospects for securing local work in  
26 his or her customary occupation, and the distance of the available work  
27 from his or her residence.

28 (c) Notwithstanding any other provisions of the Employment Security  
29 Law, no work shall be deemed suitable and benefits shall not be denied  
30 under such law to any otherwise eligible individual for refusing to  
31 accept new work under any of the following conditions: (i) If the

1 position offered is vacant due directly to a strike, lockout, or other  
2 labor dispute; (ii) if the wages, hours, or other conditions of the work  
3 offered are substantially less favorable to the individual than those  
4 prevailing for similar work in the locality; or (iii) if, as a condition  
5 of being employed, the individual would be required to join a company  
6 union or to resign from or refrain from joining any bona fide labor  
7 organization.

8 (d) Notwithstanding any other provisions in subdivision (3) of this  
9 section, no otherwise eligible individual shall be denied benefits with  
10 respect to any week in which he or she is in training with the approval  
11 of the commissioner, by reason of the application of the provisions in  
12 subdivision (3) of this section relating to failure to apply for or a  
13 refusal to accept suitable work.

14 (e) No individual shall be disqualified for refusing to apply for  
15 available, full-time work or accept full-time work under subdivision (3)  
16 (a) of this section solely because such individual is seeking part-time  
17 work if the majority of the weeks of work in an individual's base period  
18 include part-time work. For purposes of this subdivision, seeking only  
19 part-time work shall mean seeking less than full-time work having  
20 comparable hours to the individual's part-time work in the base period,  
21 except that the individual must be available for work at least twenty  
22 hours per week;

23 (4) For any week with respect to which the commissioner finds that  
24 his or her total unemployment is due to a stoppage of work which exists  
25 because of a labor dispute at the factory, establishment, or other  
26 premises at which he or she is or was last employed, except that this  
27 subdivision shall not apply if it is shown to the satisfaction of the  
28 commissioner that (a) the individual is not participating in, financing,  
29 or directly interested in the labor dispute which caused the stoppage of  
30 work and (b) he or she does not belong to a grade or class of workers of  
31 which, immediately before the commencement of the stoppage, there were

1 members employed at the premises at which the stoppage occurs, any of  
2 whom are participating, financing, or directly interested in the dispute.  
3 If in any case, separate branches of work, which are commonly conducted  
4 as separate businesses in separate premises, are conducted in separate  
5 departments of the same premises, each such department shall, for the  
6 purposes of this subdivision, be deemed to be a separate factory,  
7 establishment, or other premises;

8 (5) For any week with respect to which he or she is receiving or has  
9 received remuneration in the form of (a) wages in lieu of notice, or a  
10 dismissal or separation allowance, (b) compensation for temporary  
11 disability under the workers' compensation law of any state or under a  
12 similar law of the United States, (c) retirement or retired pay, pension,  
13 annuity, or other similar periodic payment under a plan maintained or  
14 contributed to by a base period or chargeable employer, or (d) a gratuity  
15 or bonus from an employer, paid after termination of employment, on  
16 account of prior length of service, or disability not compensated under  
17 the workers' compensation law. Such payments made in lump sums shall be  
18 prorated in an amount which is reasonably attributable to such week. If  
19 the prorated remuneration is less than the benefits which would otherwise  
20 be due, he or she shall be entitled to receive for such week, if  
21 otherwise eligible, benefits reduced by the amount of such remuneration.  
22 The prorated remuneration shall be considered wages for the quarter to  
23 which it is attributable. Military service-connected disability  
24 compensation payable under 38 U.S.C. chapter 11 and primary insurance  
25 benefits payable under Title II of the Social Security Act, as amended,  
26 or similar payments under any act of Congress shall not be deemed to be  
27 disqualifying or deductible from the benefit amount. No deduction shall  
28 be made for the part of any retirement pension which represents return of  
29 payments made by the individual. In the case of a transfer by an  
30 individual or his or her employer of an amount from one retirement plan  
31 to a second qualified retirement plan under the Internal Revenue Code,

1 the amount transferred shall not be deemed to be received by the claimant  
2 until actually paid from the second retirement plan to the claimant. No  
3 deduction shall be made for any benefit received under a supplemental  
4 unemployment benefit plan described in subdivision (29)(g) of section  
5 48-602;

6 (6) For any week with respect to which or a part of which he or she  
7 has received or is seeking unemployment benefits under an unemployment  
8 compensation law of any other state or of the United States, except that  
9 if the appropriate agency of such other state or of the United States  
10 finally determines that he or she is not entitled to such unemployment  
11 benefits, this disqualification shall not apply;

12 (7) For any week of unemployment if such individual is a student.  
13 For the purpose of this subdivision, student shall mean an individual  
14 registered for full attendance at and regularly attending an established  
15 school, college, or university, unless the major portion of his or her  
16 wages for insured work during his or her base period was for services  
17 performed while attending school, except that attendance for training  
18 purposes under a plan approved by the commissioner for such individual  
19 shall not be disqualifying;

20 (8) For any week of unemployment if benefits claimed are based on  
21 services performed:

22 (a) In an instructional, research, or principal administrative  
23 capacity for an educational institution, if such week commences during  
24 the period between two successive academic years or terms, or when an  
25 agreement provides instead for a similar period between two regular, but  
26 not successive, terms during such period, if such individual performs  
27 such services in the first of such academic years or terms and if there  
28 is a contract or reasonable assurance that such individual will perform  
29 services in any such capacity for any educational institution in the  
30 second of such academic years or terms;

31 (b) In any other capacity for an educational institution, if such

1 week commences during a period between two successive academic years or  
2 terms, if such individual performs such services in the first of such  
3 academic years or terms, and if there is a reasonable assurance that such  
4 individual will perform such services in the second of such academic  
5 years or terms, except that if benefits are denied to any individual for  
6 any week under subdivision (8)(b) of this section and such individual was  
7 not offered an opportunity to perform such services for the educational  
8 institution for the second of such academic years or terms, such  
9 individual shall be entitled to a retroactive payment of the benefits for  
10 each week for which the individual filed a timely claim for benefits and  
11 for which benefits were denied solely by reason of subdivision (8)(b) of  
12 this section;

13 (c) In any capacity described in subdivision (8)(a) or (b) of this  
14 section if such week commences during an established and customary  
15 vacation period or holiday recess if such individual performs such  
16 services in the period immediately before such vacation period or holiday  
17 recess, and there is a reasonable assurance that such individual will  
18 perform such services in the period immediately following such vacation  
19 period or holiday recess;

20 (d) In any capacity described in subdivision (8)(a) or (b) of this  
21 section in an educational institution while in the employ of an  
22 educational service agency, and such individual shall be disqualified as  
23 specified in subdivisions (8)(a), (b), and (c) of this section. As used  
24 in this subdivision, educational service agency shall mean a governmental  
25 agency or governmental entity which is established and operated  
26 exclusively for the purpose of providing services to one or more  
27 educational institutions; and

28 (e) In any capacity described in subdivision (8)(a) or (b) of this  
29 section in an educational institution if such services are provided to or  
30 on behalf of the educational institution while in the employ of an  
31 organization or entity described in section 3306(c)(7) or 3306(c)(8) of

1 the Federal Unemployment Tax Act, 26 U.S.C. 3306(c)(7) or (8), and such  
2 individual shall be disqualified as specified in subdivisions (8)(a),  
3 (b), and (c) of this section;

4 (9) For any week of unemployment benefits if substantially all the  
5 services upon which such benefits are based consist of participating in  
6 sports or athletic events or training or preparing to so participate, if  
7 such week of unemployment begins during the period between two successive  
8 sport seasons or similar periods, if such individual performed such  
9 services in the first of such seasons or similar periods, and if there is  
10 a reasonable assurance that such individual will perform such services in  
11 the later of such seasons or similar periods;

12 (10) For any week of unemployment benefits if the services upon  
13 which such benefits are based are performed by an alien unless such alien  
14 is an individual who was lawfully admitted for permanent residence at the  
15 time such services were performed, was lawfully present for purposes of  
16 performing such services, or was permanently residing in the United  
17 States under color of law at the time such services were performed,  
18 including an alien who was lawfully present in the United States as a  
19 result of the application of section 212(d)(5) of the Immigration and  
20 Nationality Act, 8 U.S.C. 1182(d)(5). Any data or information required of  
21 individuals applying for benefits to determine whether benefits are not  
22 payable to them because of their alien status shall be uniformly required  
23 from all applicants for benefits. In the case of an individual whose  
24 application for benefits would otherwise be approved, no determination  
25 that benefits to such individual are not payable because of his or her  
26 alien status shall be made except upon a preponderance of the evidence;

27 (11) Notwithstanding any other provisions of the Employment Security  
28 Law, no otherwise eligible individual shall be denied benefits for any  
29 week because he or she is in training approved under section 236(a)(1) of  
30 the federal Trade Act of 1974, 19 U.S.C. 2296(a)(1), nor shall such  
31 individual be denied benefits by reason of leaving work to enter such

1 training, if the work left is not suitable employment, or because of the  
2 application to any such week in training of provisions of the Employment  
3 Security Law, or any applicable federal unemployment compensation law,  
4 relating to availability for work, active search for work, or refusal to  
5 accept work. For purposes of this subdivision, suitable employment shall  
6 mean, with respect to an individual, work of a substantially equal or  
7 higher skill level than the individual's past adversely affected  
8 employment, as defined for purposes of the federal Trade Act of 1974, and  
9 wages for such work at not less than eighty percent of the individual's  
10 average weekly wage as determined for purposes of such act;

11 (12) For any week during which the individual is on a leave of  
12 absence; and

13 (13) For any week of unemployment benefits or for waiting week  
14 credit if he or she has been disqualified from the receipt of benefits  
15 pursuant to section 48-663.01 two or more times in the five-year period  
16 immediately prior to filing his or her most recent claim. This  
17 subdivision shall not apply if the individual has repaid in full any  
18 overpayments established in conjunction with the disqualifications  
19 assessed under section 48-663.01 during that five-year period.

20 Sec. 4. Section 48-632, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 48-632 (1) Notice of a determination upon a claim shall be promptly  
23 given to the claimant by ~~delivery thereof~~ electronic notice or by mailing  
24 such notice to his or her last-known address. A claimant shall elect to  
25 receive either electronic notice or mailed notice when he or she files a  
26 new claim or establishes a new benefit year. A claimant may change his or  
27 her election at any time. In addition, notice of any determination,  
28 together with the reasons therefor, shall be promptly given in the same  
29 manner to any employer from whom claimant received wages on or after the  
30 first day of the base period for his or her most recent claim, and who  
31 has indicated prior to the determination, in such manner as required by

1 rule and regulation of the commissioner, that such individual may be  
2 ineligible or disqualified under any provision of the Employment Security  
3 Law. An employer shall provide information to the department in respect  
4 to the request for information within ten days after the mailing or  
5 electronic transmission of a request.

6 (2) If the employer provided information pursuant to subsection (7)  
7 of section 48-652 on the claim establishing the previous benefit year but  
8 did not receive a determination because of no involvement of base period  
9 wages and there are wages from that employer in the base period for the  
10 most recent claim, the employer shall be provided the opportunity to  
11 provide new information that such individual may be ineligible or  
12 disqualified under any provision of the Employment Security Law on the  
13 current claim. This subsection shall not apply to employers who did not  
14 receive a determination because the separation was determined to result  
15 from a lack of work.

16 (3) On or after October 1, 2012, if an employer fails to provide  
17 information to the department within the time period specified in  
18 subsection (1) of this section, the employer shall forfeit any appeal  
19 rights otherwise available pursuant to section 48-634.

20 Sec. 5. Original sections 48-626, 48-627, and 48-628, Reissue  
21 Revised Statutes of Nebraska, and section 48-632, Revised Statutes  
22 Cumulative Supplement, 2016, are repealed.