

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB197

Hearing Date: Monday January 27, 2025
Committee On: Business and Labor
Introducer: Storm
One Liner: Change provisions relating to disqualification for benefits, claim determinations, and claim redeterminations under the Employment Security Law

Roll Call Vote - Final Committee Action:

Advanced to General File

Vote Results:

Aye: 7 Senators Hansen, Ibach, Kauth, McKeon, McKinney, Raybould, Sorrentino

Nay:

Absent:

Present Not Voting:

Testimony:

Proponents:

Senator Jared Storm
Katie Thurber
Ryan McIntosh

Representing:

Opening Presenter
Nebraska Department of Labor
National Federation of Independent Business, NE
Grocery Industry Association

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 197 would amend Neb. Rev. Stat. § 48-628.09, 48-630, and 48-631, statutes found within the Employment Security Law (Law). The Law is currently located at Neb. Rev. Stat. §§ 48-601 to 48-683.

The Law was intended to protect the rights of employers and employees. The Law was designed to define employment and define what constituted unfair labor practices. The Law also defines who is eligible for unemployment insurance benefits and what those benefits entail.

The Law currently states that benefits are disqualified if the worker is determined by the commissioner to be engaged in a stoppage of work due to a labor dispute at the location where the worker last worked. It also allows for the dividing out of separate portions of a particular business to be treated as separate locations for purposes of a labor dispute.



The Law currently has a representative of the Department of Labor, who was designated by the commissioner as an “adjudicator”, make determination regarding eligibility or ineligibility for benefits. The proposed change would broaden the decision-making authority to the department as a whole. The change in the law will allow the Department to use an automated system for making many initial determinations where the facts are not in dispute to expedite decision making for the benefit of both employers and employees. This automated system would not be used when there are factual disputes as part of the determination process.

The Law currently allows for an adjudicator to reconsider determinations if they find certain conditions have been met. The new process would have an adjudicator appointed only for the process of redetermination and an additional possible criterion has been added. The additional criterion is a review conducted as part of a benefit accuracy measurement as federally defined that has determined an error has been made.

Finally, a section about allowing all claims arising out of the same alleged labor dispute has been moved from the struck section regarding adjudicator duties to the area regarding benefits and labor disputes under 48-628.09.

Section-by-Section Summary:

Section 1: Amends Neb. Rev. Stat. § 48-628.09 to state that all claims arising out of the same alleged labor dispute may be considered at the same time. This language was originally in 48-630, but Section 2 would strike it.

Section 2: Amends Neb. Rev. Stat. § 48-630 to have the determinations be made by the Department of Labor as a whole, rather than a specific adjudicator appointed by the commissioner. As the adjudicator position is being eliminated, their need to transmit their findings to the commissioner has similarly been eliminated.

Section 3: Amends Neb. Rev. Stat. § 48-631 to create an adjudicator position but only for redeterminations of benefits. An additional redetermination criterion is added to include an error being found during a review conducted as part of the benefit accuracy measurement program under 20 C.F.R. part 692.

Section 4: Repeals the original sections being amended.

Kathleen Kauth, Chairperson

