

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 567

FINAL READING

Introduced by Business and Labor Committee: Hansen, B., 16, Chairperson;
Blood, 3; Gragert, 40; Halloran, 33; Hansen, M., 26.

Read first time January 19, 2021

Committee: Business and Labor

1 A BILL FOR AN ACT relating to the Employment Security Law; to amend
2 sections 48-625 and 48-626, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to payment of weekly benefits and maximum
4 annual benefit amounts; to harmonize provisions; and to repeal the
5 original sections.

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

1 Section 1. Section 48-625, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-625 (1) Except as provided in subsection (4) of this section,
4 each ~~Each~~ eligible individual who is unemployed in any week shall be paid
5 with respect to such week a benefit in an amount equal to his or her full
6 weekly benefit amount if he or she has wages payable to him or her with
7 respect to such week equal to one-fourth of such benefit amount or less.
8 In the event he or she has wages payable to him or her with respect to
9 such week greater than one-fourth of such benefit amount, he or she shall
10 be paid with respect to that week an amount equal to the individual's
11 weekly benefit amount less that part of wages payable to the individual
12 with respect to that week in excess of one-fourth of the individual's
13 weekly benefit amount. In the event there is any deduction from such
14 individual's weekly benefit amount because of earned wages pursuant to
15 this subsection or as a result of the application of section 48-628.02,
16 the resulting benefit payment, if not an exact dollar amount, shall be
17 computed to the next lower dollar amount.

18 (2) Any amount of unemployment compensation payable to any
19 individual for any week, if not an even dollar amount, shall be rounded
20 to the next lower full dollar amount.

21 (3) The percentage of benefits and the percentage of extended
22 benefits which are federally funded may be adjusted in accordance with
23 the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law
24 99-177.

25 (4) To the extent authorized under federal law, if an individual is
26 eligible for an equal or greater weekly benefit amount under a federal
27 unemployment program than the weekly benefit amount which the individual
28 is eligible for under the Employment Security Law, the commissioner shall
29 suspend the payment of state unemployment benefits to such individual
30 while such individual is receiving the federal unemployment benefit. Such
31 suspension shall terminate upon the individual's exhaustion of benefits

1 available under the federal unemployment program. An individual shall not
2 be eligible to receive the federal weekly benefit and the state
3 unemployment weekly benefit during the same week. This subsection shall
4 not apply to any federal unemployment benefit which is paid in addition
5 to the state weekly benefit amount.

6 Sec. 2. Section 48-626, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 ~~48-626 (1) For any benefit year beginning before October 1, 2018,~~
9 ~~any otherwise eligible individual shall be entitled during any benefit~~
10 ~~year to a total amount of benefits equal to whichever is the lesser of~~
11 ~~(a) twenty-six times his or her benefit amount or (b) one-third of his or~~
12 ~~her wages in the employment of each employer per calendar quarter of his~~
13 ~~or her base period; except that when any individual has been separated~~
14 ~~from his or her employment with a base period employer under the~~
15 ~~circumstances under which he or she was or could have been determined~~
16 ~~disqualified under section 48-628.10 or 48-628.12, the total benefit~~
17 ~~amount based on the employment from which he or she was so separated~~
18 ~~shall be reduced by an amount equal to the number of weeks for which he~~
19 ~~or she is or would have been disqualified had he or she filed a claim~~
20 ~~immediately after the separation, multiplied by his or her weekly benefit~~
21 ~~amount, but not more than one reduction may be made for each separation.~~
22 ~~In no event shall the benefit amount based on employment for any employer~~
23 ~~be reduced to less than one benefit week when the individual was or could~~
24 ~~have been determined disqualified under section 48-628.12.~~

25 (1) (2) For any benefit year beginning before the effective date of
26 this act on or after October 1, 2018, any otherwise eligible individual
27 shall be entitled during any benefit year to a total amount of benefits
28 equal to whichever is the lesser of (a) twenty-six times his or her
29 weekly benefit amount or (b) one-third of his or her wages in the
30 employment of each employer per calendar quarter of his or her base
31 period; except that when any individual has been separated from his or

1 her employment with a base period employer under circumstances under
2 which he or she was or could have been determined disqualified under
3 section 48-628.10 or 48-628.12, the total benefit amount based on the
4 employment from which he or she was so separated shall be reduced by an
5 amount determined pursuant to subsection (2) ~~(3)~~ of this section, but not
6 more than one reduction may be made for each separation. In no event
7 shall the benefit amount based on employment for any employer be reduced
8 to less than one benefit week when the individual was or could have been
9 determined disqualified under section 48-628.12.

10 (2) ~~(3)~~ For purposes of determining the reduction of benefits
11 described in subsection (1) ~~(2)~~ of this section:

12 (a) If the claimant has been separated from his or her employment
13 under circumstances under which he or she was or could have been
14 determined disqualified under section 48-628.12, his or her total benefit
15 amount shall be reduced by:

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

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

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

30 (3) For any benefit year beginning on or after the effective date of
31 this act, any otherwise eligible individual shall be entitled during any

1 benefit year to a total amount of benefits equal to whichever is the
2 lesser of (a) twenty-six times his or her weekly benefit amount or (b)
3 one-third of his or her wages in the employment of each employer per
4 calendar quarter of his or her base period; except that when any
5 individual has been separated from his or her employment with the most
6 recent insured employer under circumstances under which he or she was or
7 could have been determined disqualified under section 48-628.10 or
8 48-628.12, the total benefit amount based on the employment from which he
9 or she was so separated shall be reduced by an amount determined pursuant
10 to subsection (4) of this section, but not more than one reduction may be
11 made for such separation. In no event shall the benefit amount based on
12 employment for any employer be reduced to less than one benefit week when
13 the individual was or could have been determined disqualified under
14 section 48-628.12.

15 (4) For purposes of determining the reduction of benefits described
16 in subsection (3) of this section:

17 (a) If the claimant has been separated from his or her employment
18 under circumstances under which he or she was or could have been
19 determined disqualified under section 48-628.12, his or her total benefit
20 amount shall be reduced by thirteen times his or her weekly benefit
21 amount if he or she left work voluntarily without good cause; and

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

27 (5) ~~(4)~~ For purposes of sections 48-623 to 48-626, wages shall be
28 counted as wages for insured work for benefit purposes with respect to
29 any benefit year only if such benefit year begins subsequent to the date
30 on which the employer by whom such wages were paid has satisfied the
31 conditions of section 48-603 or subsection (3) of section 48-661 with

1 respect to becoming an employer.

2 (6) ~~(5)~~ In order to determine the benefits due under this section
3 and sections 48-624 and 48-625, each employer shall make reports, in
4 conformity with reasonable rules and regulations adopted and promulgated
5 by the commissioner, of the wages of any claimant. If any employer fails
6 to make such a report within the time prescribed, the commissioner may
7 accept the statement of such claimant as to his or her wages, and any
8 benefit payments based on such statement of earnings, in the absence of
9 fraud or collusion, shall be final as to the amount.

10 Sec. 3. Original sections 48-625 and 48-626, Reissue Revised
11 Statutes of Nebraska, are repealed.