

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1170

Introduced by Riepe, 12; Ballard, 21; Brandt, 32; Holdcroft, 36; Hughes,
24; Jacobson, 42; Lippincott, 34; von Gillern, 4.

Read first time January 11, 2024

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Employment Security Law; to amend
- 2 sections 48-628 and 48-628.10, Reissue Revised Statutes of Nebraska,
- 3 and section 48-626, Revised Statutes Cumulative Supplement, 2022; to
- 4 change provisions relating to maximum annual benefit amounts and
- 5 periods of disqualification for benefits; to eliminate obsolete
- 6 provisions; to harmonize provisions; to provide an operative date;
- 7 and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-626, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 ~~48-626 (1) For any benefit year beginning before July 21, 2022, any~~
4 ~~otherwise eligible individual shall be entitled during any benefit year~~
5 ~~to a total amount of benefits equal to whichever is the lesser of (a)~~
6 ~~twenty-six times his or her weekly benefit amount or (b) one-third of his~~
7 ~~or her wages in the employment of each employer per calendar quarter of~~
8 ~~his or her base period; except that when any individual has been~~
9 ~~separated from his or her employment with a base period employer under~~
10 ~~circumstances under which he or she was or could have been determined~~
11 ~~disqualified under section 48-628.10 or 48-628.12, the total benefit~~
12 ~~amount based on the employment from which he or she was so separated~~
13 ~~shall be reduced by an amount determined pursuant to subsection (2) of~~
14 ~~this section, but not more than one reduction may be made for each~~
15 ~~separation. In no event shall the benefit amount based on employment for~~
16 ~~any employer be reduced to less than one benefit week when the individual~~
17 ~~was or could have been determined disqualified under section 48-628.12.~~

18 ~~(2) For purposes of determining the reduction of benefits described~~
19 ~~in subsection (1) of this section:~~

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

24 ~~(i) Two times his or her weekly benefit amount if he or she left~~
25 ~~work voluntarily for the sole purpose of accepting previously secured,~~
26 ~~permanent, full-time, insured work, which he or she does accept, which~~
27 ~~offers a reasonable expectation of betterment of wages or working~~
28 ~~conditions, or both, and for which he or she earns wages payable to him~~
29 ~~or her; or~~

30 ~~(ii) Thirteen times his or her weekly benefit amount if he or she~~
31 ~~left work voluntarily without good cause for any reason other than that~~

1 ~~described in subdivision (2)(a)(i) of this section; and~~

2 ~~(b) If the claimant has been separated from his or her employment~~
3 ~~under circumstances under which he or she was or could have been~~
4 ~~determined disqualified under section 48-628.10, his or her total benefit~~
5 ~~amount shall be reduced by fourteen times his or her weekly benefit~~
6 ~~amount.~~

7 (1) ~~(3)~~ For any benefit year beginning before the operative date of
8 this act ~~on or after July 21, 2022~~, any otherwise eligible individual
9 shall be entitled during any benefit year to a total amount of benefits
10 equal to whichever is the lesser of (a) twenty-six times his or her
11 weekly benefit amount or (b) one-third of his or her wages in the
12 employment of each employer per calendar quarter of his or her base
13 period; except that when any individual has been separated from his or
14 her employment with the most recent insured employer under circumstances
15 under which he or she was or could have been determined disqualified
16 under section 48-628.10 or 48-628.12, the total benefit amount based on
17 the employment from which he or she was so separated shall be reduced by
18 an amount determined pursuant to subsection (2) ~~(4)~~ of this section, but
19 not more than one reduction may be made for such separation. In no event
20 shall the benefit amount based on employment for any employer be reduced
21 to less than one benefit week when the individual was or could have been
22 determined disqualified under section 48-628.12.

23 (2) ~~(4)~~ For purposes of determining the reduction of benefits
24 described in subsection (1) ~~(3)~~ of this section:

25 (a) 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 48-628.12, his or her total benefit
28 amount shall be reduced by thirteen times his or her weekly benefit
29 amount if he or she left work voluntarily without good cause; and

30 (b) If the claimant has been separated from his or her employment
31 under circumstances under which he or she was or could have been

1 determined disqualified under section 48-628.10, his or her total benefit
2 amount shall be reduced by fourteen times his or her weekly benefit
3 amount.

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

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

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

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

30 (5) For purposes of sections 48-623 to 48-626, wages shall be
31 counted as wages for insured work for benefit purposes with respect to

1 any benefit year only if such benefit year begins subsequent to the date
2 on which the employer by whom such wages were paid has satisfied the
3 conditions of section 48-603 or subsection (3) of section 48-661 with
4 respect to becoming an employer.

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

13 Sec. 2. Section 48-628, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 48-628 (1)(a) This subdivision applies for benefit years beginning
16 before the operative date of this act. ~~(1)~~ An individual shall be
17 disqualified for benefits for any week of unemployment in which the
18 commissioner finds he or she has failed, without good cause, to apply for
19 available, suitable work when so directed by the employment office or the
20 commissioner, to accept suitable work offered him or her, or to return to
21 his or her customary self-employment, if any, and for the twelve weeks
22 immediately thereafter. The total benefit amount to which he or she is
23 then entitled shall be reduced by an amount equal to the number of weeks
24 for which he or she has been disqualified by the commissioner.

25 (b) This subdivision applies for benefit years beginning on and
26 after the operative date of this act. An individual shall be disqualified
27 for benefits for any week of unemployment in which the commissioner finds
28 he or she has failed, without good cause, to apply for available,
29 suitable work when so directed by the employment office or the
30 commissioner, to accept suitable work offered him or her, or to return to
31 his or her customary self-employment, if any, and for the eight weeks

1 immediately thereafter. The total benefit amount to which he or she is
2 then entitled shall be reduced by an amount equal to the number of weeks
3 for which he or she has been disqualified by the commissioner.

4 (2) In determining whether or not any work is suitable for an
5 individual, the commissioner shall consider the following:

6 (a) The degree of risk involved to the individual's health, safety,
7 and morals;

8 (b) His or her physical fitness and prior training;

9 (c) His or her experience and prior earnings;

10 (d) His or her length of unemployment and prospects for securing
11 local work in his or her customary occupation; and

12 (e) The distance of the available work from his or her residence.

13 (3) Notwithstanding any other provisions of the Employment Security
14 Law, no work shall be deemed suitable and benefits shall not be denied
15 under such law to any otherwise eligible individual for refusing to
16 accept new work under any of the following conditions:

17 (a) If the position offered is vacant due directly to a strike,
18 lockout, or other labor dispute;

19 (b) If the wages, hours, or other conditions of the work offered are
20 substantially less favorable to the individual than those prevailing for
21 similar work in the locality; or

22 (c) If, as a condition of being employed, the individual would be
23 required to join a company union or to resign from or refrain from
24 joining any bona fide labor organization.

25 (4) Notwithstanding any other provisions in this section relating to
26 failure to apply for or a refusal to accept suitable work, no otherwise
27 eligible individual shall be denied benefits with respect to any week in
28 which he or she is in training with the approval of the commissioner.

29 (5) No individual shall be disqualified for refusing to apply for
30 available, full-time work or accept full-time work under subsection (1)
31 of this section solely because such individual is seeking part-time work

1 if the majority of the weeks of work in an individual's base period
2 include part-time work. For purposes of this subsection, seeking only
3 part-time work shall mean seeking less than full-time work having
4 comparable hours to the individual's part-time work in the base period,
5 except that the individual must be available for work at least twenty
6 hours per week.

7 Sec. 3. Section 48-628.10, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 48-628.10 (1)(a) This subdivision applies for benefit years
10 beginning before the operative date of this act. (1) An individual shall
11 be disqualified for benefits for the week in which he or she has been
12 discharged for misconduct connected with his or her work, if so found by
13 the commissioner, and for the fourteen weeks immediately thereafter.

14 (b) This subdivision applies for benefit years beginning on and
15 after the operative date of this act. An individual shall be disqualified
16 for benefits for the week in which he or she has been discharged for
17 misconduct connected with his or her work, if so found by the
18 commissioner, and for the nine weeks immediately thereafter.

19 (2) If the commissioner finds that the individual was discharged for
20 misconduct that was not gross, flagrant, and willful or unlawful but
21 which included being under the influence of any intoxicating beverage or
22 any controlled substance listed in section 28-405 not prescribed by a
23 physician licensed to practice medicine or surgery while the individual
24 is on the worksite or while the individual is engaged in work for the
25 employer, the commissioner shall cancel all wage credits earned as a
26 result of employment with the discharging employer.

27 (3) If the commissioner finds that the individual's misconduct was
28 gross, flagrant, and willful, or was unlawful, the commissioner shall
29 totally disqualify such individual from receiving benefits with respect
30 to wage credits earned prior to discharge for such misconduct.

31 Sec. 4. This act becomes operative on January 1, 2025.

1 Sec. 5. Original sections 48-628 and 48-628.10, Reissue Revised
2 Statutes of Nebraska, and section 48-626, Revised Statutes Cumulative
3 Supplement, 2022, are repealed.