

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 428

Introduced by Friesen, 34.

Read first time January 18, 2019

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Employment Security Law; to amend
- 2 section 48-627, Revised Statutes Cumulative Supplement, 2018; to
- 3 change provisions relating to eligibility for benefits; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-627, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 48-627 An unemployed individual shall be eligible to receive
4 benefits with respect to any week, only if the Commissioner of Labor
5 finds:

6 (1) He or she has registered for work at an employment office, is
7 actively searching for work, and thereafter reports at an employment
8 office in accordance with such rules and regulations as the commissioner
9 may adopt and promulgate. The commissioner may, by rule and regulation,
10 waive or alter any of the requirements of this subdivision as to
11 individuals attached to regular jobs and as to such other types of cases
12 or situations if the commissioner finds that compliance with such
13 requirements would be oppressive or inconsistent with the purposes of the
14 Employment Security Law. The commissioner shall waive the requirements of
15 this subdivision, for a period of not less than one hundred twenty days,
16 in the case of an individual attached to a regular job with an employer
17 with a North American Industry Classification System code of 237310,
18 Highway, Street, and Bridge Construction;

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

21 (3)(a) He or she is able to work and is available for work.

22 (b) No individual, who is otherwise eligible, shall be deemed
23 ineligible, or unavailable for work, because he or she is on vacation
24 without pay during such week, if such vacation is not the result of his
25 or her own action as distinguished from any collective action by a
26 collective-bargaining agent or other action beyond his or her individual
27 control, and regardless of whether he or she was notified of the vacation
28 at the time of his or her hiring.

29 (c) An individual who is otherwise eligible shall not be deemed
30 unavailable for work or failing to engage in an active work search solely
31 because such individual is seeking part-time work if the majority of the

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

6 (d) Receipt of a non-service-connected total disability pension by a
7 veteran at the age of sixty-five or more shall not of itself bar the
8 veteran from benefits as not able to work.

9 (e) An otherwise eligible individual while engaged in a training
10 course approved for him or her by the commissioner shall be considered
11 available for work for the purposes of this section.

12 (f) An inmate sentenced to and in custody of a penal or custodial
13 institution shall be considered unavailable for work for purposes of this
14 section;

15 (4) He or she has been unemployed for a waiting period of one week.
16 No week shall be counted as a week of unemployment for the purpose of
17 this subdivision (a) unless it occurs within the benefit year, which
18 includes the week with respect to which he or she claims payment of
19 benefits, (b) if benefits have been paid with respect thereto, or (c)
20 unless the individual was eligible for benefits with respect thereto, as
21 provided in sections 48-627, 48-627.01, 48-628, and 48-628.02 to
22 48-628.12, except for the requirements of this subdivision; and

23 (5) He or she is participating in reemployment services at no cost
24 to such individual as directed by the commissioner, such as job search
25 assistance services, if the individual has been determined to be likely
26 to exhaust regular benefits and to need reemployment services pursuant to
27 a profiling system established by rule and regulation of the commissioner
28 which is in compliance with section 303(j)(1) of the federal Social
29 Security Act, unless the commissioner determines that:

30 (a) The individual has completed such services; or

31 (b) There is justifiable cause for the claimant's failure to

1 participate in such services.

2 Sec. 2. Original section 48-627, Revised Statutes Cumulative

3 Supplement, 2018, is repealed.