

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 567

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:

- 1 A BILL FOR AN ACT relating to the Employment Security Law; to amend
- 2 section 48-626, Revised Statutes Cumulative Supplement, 2020; to
- 3 change provisions relating to the maximum annual amount of benefits;
- 4 to harmonize provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-626, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 48-626 ~~(1) For any benefit year beginning before October 1, 2018,~~
4 ~~any otherwise eligible individual shall be entitled during any benefit~~
5 ~~year to a total amount of benefits equal to whichever is the lesser of~~
6 ~~(a) twenty-six times his or her benefit amount or (b) one-third of his or~~
7 ~~her wages in the employment of each employer per calendar quarter of his~~
8 ~~or her base period; except that when any individual has been separated~~
9 ~~from his or her employment with a base period employer under the~~
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 equal to the number of weeks for which he~~
14 ~~or she is or would have been disqualified had he or she filed a claim~~
15 ~~immediately after the separation, multiplied by his or her weekly benefit~~
16 ~~amount, but not more than one reduction may be made for each separation.~~
17 ~~In no event shall the benefit amount based on employment for any employer~~
18 ~~be reduced to less than one benefit week when the individual was or could~~
19 ~~have been determined disqualified under section 48-628.12.~~

20 (1) ~~(2)~~ For any benefit year beginning before ~~on or after~~ October 1,
21 2021 ~~2018~~, any otherwise eligible individual shall be entitled during any
22 benefit year to a total amount of benefits equal to whichever is the
23 lesser of (a) twenty-six times his or her weekly benefit amount or (b)
24 one-third of his or her wages in the employment of each employer per
25 calendar quarter of his or her base period; except that when any
26 individual has been separated from his or her employment with a base
27 period employer under circumstances under which he or she was or could
28 have been determined disqualified under section 48-628.10 or 48-628.12,
29 the total benefit amount based on the employment from which he or she was
30 so separated shall be reduced by an amount determined pursuant to
31 subsection (2) ~~(3)~~ of this section, but not more than one reduction may

1 be made for each separation. In no event shall the benefit amount based
2 on employment for any employer be reduced to less than one benefit week
3 when the individual was or could have been determined disqualified under
4 section 48-628.12.

5 ~~(2)~~ ~~(3)~~ For purposes of determining the reduction of benefits
6 described in subsection ~~(1)~~ ~~(2)~~ of this section:

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

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

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

20 (b) 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 48-628.10, his or her total benefit
23 amount shall be reduced by fourteen times his or her weekly benefit
24 amount.

25 (3) For any benefit year beginning on or after October 1, 2021, any
26 otherwise eligible individual shall be entitled during any benefit year
27 to a total amount of benefits equal to whichever is the lesser of (a)
28 twenty-six times his or her weekly benefit amount or (b) one-third of his
29 or her wages in the employment of each employer per calendar quarter of
30 his or her base period; except that when any individual has been
31 separated from his or her employment with the most recent insured

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

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

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

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

21 (5) ~~(4)~~ For purposes of sections 48-623 to 48-626, wages shall be
22 counted as wages for insured work for benefit purposes with respect to
23 any benefit year only if such benefit year begins subsequent to the date
24 on which the employer by whom such wages were paid has satisfied the
25 conditions of section 48-603 or subsection (3) of section 48-661 with
26 respect to becoming an employer.

27 (6) ~~(5)~~ In order to determine the benefits due under this section
28 and sections 48-624 and 48-625, each employer shall make reports, in
29 conformity with reasonable rules and regulations adopted and promulgated
30 by the commissioner, of the wages of any claimant. If any employer fails
31 to make such a report within the time prescribed, the commissioner may

1 accept the statement of such claimant as to his or her wages, and any
2 benefit payments based on such statement of earnings, in the absence of
3 fraud or collusion, shall be final as to the amount.

4 Sec. 2. Original section 48-626, Revised Statutes Cumulative
5 Supplement, 2020, is repealed.