

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:

- 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.