

NEBRASKA ADMINISTRATIVE CODE

LAST REVISION DATE: January 16, 2012

TITLE 221 - DEPARTMENT OF LABOR

CHAPTER 3 - NOTICE TO EMPLOYER OF CLAIM FILED AND REQUEST FOR WAGE AND SEPARATION INFORMATION

001. This chapter is adopted pursuant to *Neb. Rev. Stat.* §§48-607, 48-612, 48-626 and 48-652.
002. A. When a new claim is filed, the Department shall notify all employers entitled to notice pursuant to *Neb. Rev. Stat.* §48-632(2), all current quarter employers and ~~the~~ all employers for the preceding five quarters, except that no notice need be provided to any employer notified of a prior claim if no wages were received by the claimant from that employer employment with that employer is alleged subsequent to the date of the original claim. Notice to a third party employer representative or agent shall constitute notice to the employer.
- B. ~~When~~ Except when additional notice is required pursuant to *Neb. Rev. Stat.* §48-632(2), when a new claim is filed against an employer who was notified of a prior claim, and employment with that employer subsequent to the date of the original claim is not alleged, chargeability shall be determined by the chargeability determination made on the prior claim.
003. When an individual who has previously established a benefit year renews his or her claim for benefits and alleges new employment, the Department shall notify any additional intervening employer.
004. A. (1) The notification of a new claim filed or renewed claim shall be on a form prescribed and/or approved by the Commissioner and shall request ~~a complete statement of~~ accurate and adequate information concerning any facts that may defer or deny benefits to the individual including allegations of misconduct or voluntary quits by the claimant and any additional information as the Department may deem necessary and request.
- (2) ~~Each~~ For all claims filed on or before September 29, 2012, each employer or its third party employer representative or agent notified shall promptly complete the form including all information required under subdivision (1) of this subsection and return it so as to be received by the Department in seven days from the date mailed or sent electronically.
- (3) For all claims filed on or after September 30, 2012 each employer notified or its third party employer representative or agent shall promptly complete the form including all information required under subdivision (1) of this subsection and return it so as to be received by the Department in ten days from the date mailed or sent electronically.
- (4) The Commissioner may require third party employer representatives and agents of employers to accept notices and provide responses in an electronic format designated by the Commissioner.

- B. (1) For all claims filed on or before September 29, 2012, regardless ~~Regardless~~ of any finding or disqualification of benefits, in order for a contributory employer not to have its account charged for benefits under *Neb. Rev. Stat. §48-652(3)*, a the contributory employer or its third party employer representative or agent must provide the information requested pursuant to subsection (A) of this section within seven days of the date the request was mailed or electronically transmitted to the contributory employer or its third party employer representative or agent.
- (2) For all claims filed on or after September 30, 2012, regardless of any finding or disqualification of benefits, in order for a contributory employer not to have its account charged for benefits under *Neb. Rev. Stat. §48-652(3)*, the contributory employer or its third party employer representative or agent must provide the information requested pursuant to subsection (A) of this section within ten days of the date the request was mailed or electronically transmitted to the contributory employer or its third party representative or employer.
005. If an individual has been employed by two or more employers in any quarter of the base period and the chronological order of employment is not definite, periods of employment within such calendar quarter shall be chargeable without regard to chronological order by the Department in a manner determined to be fair and equitable for all affected employers.
006. (1) _____ If a claimant maintains that he or she has been paid wages during a calendar quarter from an employer who has not reported wages earned by the claimant during such quarter, whether due to the employer having failed to report wages for the claimant for that quarter or the quarterly wage report for that quarter not yet being due, the Commissioner may request a special wage report from the employer specific to the claimant.
- (2) If the employer or its third party employer representative or agent fails to respond to the special wage report request within seven days of the date of the mailing of the request, the Commissioner may accept a statement from the claimant as to the amount of wages paid to him or her during the quarter. Absent fraud or collusion, benefit payments based upon such a claimant's statement of earnings will be conclusive as to wages earned during that quarter.
- (3) An employer or its third party employer representative or agent who files a quarterly wage report or amended quarterly wage report including wages earned by the claimant within seven days of the mailing date of the special wage report request shall be deemed to have timely responded to the request.