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NEBRASKA ADMINISTRATIVE CODE

Peter Ricketts
TITLE 219
PETER RICKETTS
GOVERNOR

DEPARTMENT OF LABOR

CHAPTER 4 - CLAIMANT'S AVAILABILITY / WORK SEARCH REQUIREMENTS

001. This chapter is adopted pursuant to *Neb. Rev. Stat.* §§48-607, 48-627, 48-628.03 and 48-628.15.

002. This chapter shall be effective July 12, 2020.

003. In order to establish his or her availability for work in the job market to which he or she is attached, a claimant shall register for work and engage in an active work search.

004. A. A claimant attached to a Nebraska job market shall register for work with the Nebraska Department of Labor's division of employment services. Claimants not attached to a Nebraska job market shall register with the employment service office in the state of their residence.

B. 1. In order to complete his or her registration for work, a claimant attached to a Nebraska job market shall be required to create an active, online, and searchable resume in the Nebraska Department of Labor's web application for Reemployment and Benefit services in order to initially apply for benefits.

2. In order to remain registered for work and eligible for benefits, any claimant for whom the work search requirement has not been waived pursuant to 219 NAC 4(007) shall continuously maintain an active, online and searchable resume on the Nebraska Department of Labor's web application for Reemployment and Benefit services.

005. A. In order for a claimant to be "available for work" within the meaning of *Neb. Rev. Stat.* §48-627(3), a claimant for whom the work search requirement has not been waived pursuant to 219 NAC 4(007) must actively seek work in accordance with the provisions of this Chapter. (See also, 20 C.F.R. § 604.5 and 42 U.S.C.A. 503.)

B. A claimant, for whom the work search requirement has not been waived pursuant to 219 NAC 4(007), shall be required to make an active and earnest search for work that is reasonably calculated to result in the earliest possible reemployment of the claimant. An active and earnest search for work shall include five reemployment activities each benefit week. At least two of a claimant's five reemployment activities each benefit week shall be applications for permanent employment. Applications for employment shall be made in a method accepted by the employer.

C. The following items will count as a reemployment activity as used in paragraph 004(B) above:

1. Attending a Nebraska Reemployment Services Session with the Nebraska Department of Labor.

2. Conducting work searches using internet job banks as well as professional/trade publications (the URL for the site searched and the date the web site was accessed shall be provided to the Department of Labor).
 3. Applying to a job posting through the Nebraska Department of Labor's web application for reemployment services (NEworks.nebraska.gov).
 4. Applying to a job posting through an internet job bank or directly through an employer's website (proof of the date of application and job applied for shall be shall be provided to the Department of Labor).
 5. Attending a resume writing class for the purpose of preparing or revising a resume for submission to a job posting.
 6. Attending job seeking skills classes, workshops, or job clubs.
 7. Meeting with a career counselor.
 8. Attending a sponsored networking event in your occupational field or industry.
 9. Attending a job fair.
 10. Joining a professional organization in your occupational field or industry.
 11. Taking a civil service exam.
 12. Taking a pre-employment exam, at the request of an employer.
 13. Taking skills and interests tests sponsored by the Department of Labor, a community college or accredited college or university to identify a new occupational field or industry.
 14. Visiting an employer's place of business to fill out a job application.
 15. Telephoning employers to arrange for job interviews.
- D. A claimant shall record each week's work search activities in an electronic web application maintained and verified by the Department of Labor as the Commissioner of Labor shall direct. A claimant shall record reemployment activities (a) during the week in which he or she is looking for work, or (b) at the same time he or she claims for benefits for the benefit week for which the work search was performed. However, a claimant shall not record his or her work search activities after he or she submits a claim for benefits for the benefit week the work searches were performed. A failure to record the reemployment activities in the directed manner will be considered a failure to report, and the claimant shall be ineligible for the week in which he or she failed to report.

- E. Referrals by the Nebraska Department of Labor of job openings matching up with the job skills described in the claimant's resume shall be considered as a direction by the Commissioner to apply for available, suitable work within the meaning of *Neb. Rev. Stat. §48-628.03(3)*.
 - F. Eligibility for benefits of claimants seeking only part-time work is established in *Neb. Rev. Stat. §48-627*.
006. Beginning with the sixth benefit week claimed, a claimant will be required to expand the scope of the job search regarding acceptable hours, wages, conditions, location, and type of work.
007. A. A claimant is considered available for work during the week of unemployment claimed if he or she meets any of the requirements under 20 CFR 604.5(a):
- 1. The individual is available for any work for all or a portion of the week claimed, provided that any limitation placed by the individual on his or her availability does not constitute a withdrawal from the labor market.
 - 2. The individual limits his or her availability to work which is suitable for such individual as determined under *Neb. Rev. Stat. §48-628*.
 - 3. The individual is on temporary lay-off and is available to work only for the employer that has temporarily laid-off the individual.
- B. A claimant is considered able to work during the week of unemployment claimed if he or she meets the requirements under 20 CFR 604.4:
- 1. The individual is able to work for all or a portion of the week claimed, provided any limitation on his or her ability to work does not constitute a withdrawal from the labor market; or
 - 2. If an individual has previously demonstrated his or her ability to work and availability for work following the most recent separation from employment, the Nebraska Department of Labor may consider the individual able to work during the week of unemployment claimed despite the individual's illness or injury, unless the individual has refused an offer of suitable work due to such illness or injury.
- C. A claimant will not be considered unavailable for employment if he or she has a "duty before any court under a lawfully issued summons" during the week of unemployment claimed. See, 20 CFR 604.5(b).
008. The Commissioner may waive the requirement that an applicant search for work if:
- A. The applicant is attached to a regular job or industry;
 - B. The applicant is eligible for referral as a member in good standing in a labor union which has a union hiring hall;

- C. Compliance would be oppressive or inconsistent with the purpose of the Nebraska Employment Security Law;
- D. The applicant is attending training approved by the Commissioner pursuant to 225 NAC 1;
- E. The applicant is attending training funded in whole or part pursuant to *Neb. Rev. Stat.* §48-622.02; or
- F. If during the week of application, the applicant is employed in an affected unit included within an approved short-time compensation plan.

009. A claimant shall be ineligible for benefits if the claimant fails to report for required reemployment services. As directed by the Commissioner, any claimant who has been determined to be likely to exhaust regular benefits must participate in reemployment services pursuant to a profiling system established by the Commissioner pursuant to *Neb. Rev. Stat.* §48-627(6), §303(j)(1) of the Federal Social Security Act, and 219 NAC 17. The Commissioner may waive participation in such reemployment services if the Commissioner determines that:

- A. The claimant has completed such services; or
- B. There is justifiable cause for the claimant's failure to participate in such services.

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TITLE 219 - DEPARTMENT OF LABOR

CHAPTER 20 - EXTENDED BENEFITS

001. This chapter is adopted pursuant to *Neb. Rev. Stat.* §48-628.15.
002. As used in *Neb. Rev. Stat.* §48-628.15(5), a systematic and sustained effort to obtain work means:
- A. Five reemployment activities completed per benefit week. At least three of a claimant's five reemployment activities each benefit week shall be applications for permanent employment. Each application for employment shall be for suitable work as defined by *Neb. Rev. Stat.* §48-628.15(5). Applications for suitable work shall be made in a method accepted by the employer.
 - B. The following items will count as a reemployment activity as used in paragraph 002(A) above:
 - 1. Conducting work searches using internet job banks as well as professional/trade publications (the URL for the site searched and the date the web site was accessed shall be provided to the Nebraska Department of Labor).
 - 2. Applying to a job posting through the Nebraska Department of Labor's web application for reemployment services (NEworks.nebraska.gov).
 - 3. Applying to a job posting through an internet job bank or directly through an employer's website (proof of the date of application and job applied for shall be shall be provided to the Nebraska Department of Labor).
 - 4. Attending a resume writing class for the purpose of preparing or revising a resume for submission to a job posting.
 - 5. Attending job seeking skills classes, workshops, or job clubs.
 - 6. Meeting with a career counselor.
 - 7. Taking a civil service exam.
 - 8. Taking a pre-employment exam, at the request of an employer.
 - 9. Visiting an employer's place of business to fill out a job application.

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