



NOTICE OF PUBLIC HEARING

Pursuant to *Neb. Rev. Stat.* §84-907, notice is given of a public hearing to be held before the Nebraska Department of Labor (NDOL) on Wednesday, September 16, 2020 at 9:00 a.m. at the Nebraska Department of Labor, 500 South 16th Street, 2nd Floor Conference Room, Lincoln, Nebraska on September 16, 2020 at 9:00 a.m.

The NDOL will receive testimony and evidence concerning the adoption of proposed amendments regarding unemployment insurance benefits:

- 219 NAC 2 – Claims for Benefits
- 219 NAC 4 – Claimant’s Availability / Work Search Requirements
- 219 NAC 20 – Extended Benefits

219 NAC 2 amends the due date for filing a weekly claim for unemployment insurance benefits from Friday to Saturday following the most recent week ending date. Removes unnecessary language.

219 NAC 4 makes permanent the emergency regulation for work search requirements for claiming unemployment benefits that were instituted during the COVID-19 pandemic. Clarifies and expands the work search requirements for unemployment insurance benefit eligibility.

219 NAC 20 makes permanent the emergency regulation definition of work search requirements for extended benefits that were instituted during the COVID-19 pandemic.

A draft of the Regulations and their Fiscal Impact Statements may be obtained at the office of the Secretary of State, Regulations Division, Room 343, State Capitol, Lincoln, Nebraska 68509, telephone number (402) 471-2385, or by contacting the NDOL at (402) 471-9912. Copies will also be available at the public hearing.

Interested persons may attend and testify at the hearing. Written comments may be submitted to the NDOL, Office of Legal Counsel, and P.O. Box 94600, Lincoln, NE 68509-4600 up to three days prior to the date of this hearing.

If auxiliary aids or reasonable accommodations are needed for attendance at this hearing, please call (402) 471-9912.

JOHN H. ALBIN
Nebraska Commissioner of Labor

FISCAL IMPACT STATEMENT

Agency:	Nebraska Department of Labor		
Title:	219	Prepared by:	Katie S. Thurber
Chapter:	2	Date prepared:	August 4, 2020
Subject:	Claims for Benefits	Telephone:	402.471.9912

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Increased Costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decreased Costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increased Revenue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decreased Revenue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indeterminable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Provide an Estimated Cost & Description of Impact:

State Agency: n/a

Political Subdivision: n/a

Regulated Public: n/a

If indeterminable, explain why: n/a

NEBRASKA ADMINISTRATIVE CODE

LAST UPDATED: October 10, 2015

TITLE 219 - DEPARTMENT OF LABOR

CHAPTER 2 - CLAIMS FOR BENEFITS

001. This chapter is adopted pursuant to *Neb. Rev. Stat.* §§48-626, 48-627, 48-629, and 48-607.

002. A. ~~For benefit years beginning prior to October 1, 2015, an individual who wants to make a claim for unemployment benefits shall file his or her application for benefits through the Nebraska Department of Labor Claims Center or through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov. The individual shall provide such information as required on the application. Each application shall be signed by electronic signature or handwritten on a form prescribed by the Commissioner.~~

~~For benefit years beginning on or after October 1, 2015, all All claims for unemployment benefits, except claims involving either wages paid by the military or federal government or combined with wages from state(s) other than Nebraska, shall be filed online through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov unless a special accommodation is required or no reasonable access to an office maintained by the Department of Labor is available. Conditions requiring a special accommodation shall include, but not be limited to, language barriers and physical and mental handicaps. If a special accommodation is required, claimants may file an application for benefits through the Nebraska Department of Labor Claims Center. The individual shall provide such information as required on the application. Each application shall be signed or attested to. An application may be signed by electronic signature or handwritten on a form prescribed by the Commissioner.~~

B. When filing a new initial claim, re-opening an existing claim, or filing a subsequent claim for unemployment benefits a claimant shall be required to register for work and create an active, online and searchable resume in the Nebraska Department of Labor's web application for Reemployment and Benefit services in accordance with 219 NAC 4.

C. The initial application for benefits shall be effective Sunday of the week in which the applicant files an application with the Department. The Commissioner, for good cause, may establish a different effective date.

D. A week shall be deemed to be in, within, or during that benefit year which includes the greater part of such week.

003. A. A separate claim for benefits shall be made for each week of unemployment by a method of claiming prescribed by the Commissioner.

B. An individual shall be ineligible for benefits for any week for which the individual fails to demonstrate that the individual engaged in an active and earnest search for work as required under 219 NAC 4.

~~C. If prescribed by the Commissioner, a claim form will be mailed by the Department and shall be completed by the claimant and returned to and received by the Department within ten days of the later of the date mailed or the week ending date which will be stated on the form. A claimant who fails to timely return the claim form shall be ineligible for that week's benefits unless good cause for the late return can be shown. If found ineligible, such~~

~~applicant shall also be ineligible for benefits for any intervening weeks until the week in which the claim form is returned, regardless of cause.~~

~~C.D.~~ An electronic media claim transaction shall be completed by the claimant and received by the Department by the ~~Friday~~ Saturday following the most recent week ending date. The failure of a claimant to timely complete an electronic media transaction shall be the basis for a denial of that week's benefits unless good cause for the late transaction can be shown. Any intervening weeks until the week in which the transaction was completed and received by the Department shall also be denied, regardless of cause.

~~D.E.~~ A claim for benefits shall be filed for waiting week credit even though benefits are not payable for that week.

~~E.F.~~ A claim for benefits shall be filed for each week of eligibility during the time an applicant is awaiting the results of an appeal hearing if the applicant intends to claim benefits during that time period.

004. The Department may direct a claimant to contact one of its offices to meet eligibility or other reporting requirements, or to provide other information as needed in the administration of Nebraska Employment Security Law. Unless good cause is shown, failure to contact the office as directed may result in the denial of benefits beginning with the week the claimant was scheduled to report and ending the Saturday prior to the week in which he/she reports to the Department.
005. In the event that wage information cannot be obtained from an employer, the Department may request that such information be provided by the claimant. The claimant may be required to provide payroll check stubs, W-2's, or other reliable information corroborating the amount of wages stated by the claimant. A failure by the claimant to comply with such a request by the due date on the form shall cause the claim to be processed without the requested wages and may result in a denial of benefits until the week in which the information regarding requested wages is received by the Department.
006. In the event of a major disaster declared by both the Governor of the State of Nebraska and the President, the Commissioner may permit backdating of the effective date of unemployment insurance claims to agree with the effective date of the federal disaster period.
007. Each worker engaged in employment covered by the Nebraska Employment Security Law, including service covered by election of an employer, shall procure a federal social security account number and furnish that number to every employer for whom that worker performs covered employment.
008. Weeks of disqualification assessed pursuant to ~~Neb. Rev. Stat. §48-628~~ and reductions in benefits determined pursuant to the Nebraska Employment Security Law, Neb. Rev. Stat. §§48-601 to 48-683, Neb. Rev. Stat. §48-626 shall be determined in accordance with the number of weeks of disqualification in effect on the applicable date of the most recently filed initial, transitional or additional claim.