

BENEFITS

THE BENEFIT CLAIMS PROCESS

Initial Claim For Benefits

When an individual first contacts the Nebraska Claims Center by telephone or Internet to apply for Unemployment Insurance benefits, an initial claim is filed. Filing an initial claim establishes both the benefit year and the base period for that claim.

Benefit Year

The benefit year is the period during which the worker may be eligible to receive benefits payments. The benefit year begins the Sunday before the claim is filed, and runs for 52 calendar weeks. There is a

maximum of 26 weeks of benefits within a benefit year. There may be less than 26 weeks payable if a disqualification reduces the total unemployment benefit amount. If benefits are exhausted, a new initial claim may not be filed until the benefit year is over. *Neb. Rev. Stat. § 48-602 (3)*

Base Period

The base period is the one-year period for which the worker's earnings are considered in determining benefit eligibility for an initial claim. It is the first four of the last five completed calendar quarters before the initial claim is filed, as shown in the accompanying chart. *Neb. Rev. Stat. § 48-602 (1)*

BASE PERIOD

Oct Nov Dec	Jan Feb Mar	Apr May Jun	Jul Aug Sep	*	Jan Feb Mar			
	Jan Feb Mar	Apr May Jun	Jul Aug Sep	Oct Nov Dec	*	Apr May Jun		
		Apr May Jun	Jul Aug Sep	Oct Nov Dec	Jan Feb Mar	*	Jul Aug Sep	
			Jul Aug Sep	Oct Nov Dec	Jan Feb Mar	Apr May Jun	*	Oct Nov Dec
				Last Year		This Year		

End Box in Each Row Represents Quarter Claim Filed

* Lag Quarter

Base Period (Shaded Area)

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Employment Involved On A Claim

Any employer for whom a claimant has worked since the beginning of the base period may be involved on a claim. Additionally, any period of employment the worker has during the benefit year may result in that employer becoming involved. *Neb. Rev. Stat. § 48-626*

Claim Renewal and Additional Employment

A claim renewal occurs when a worker reopens an established benefit claim during a current benefit year. This follows an interruption in the claims series due to a period of employment or other reasons for ineligibility. *Neb. Admin. Code 221, Chapter 3*

Request To Employer For Separation Information

Each employer involved on a claim is sent a "Request to Employer for Separation Information," Form UI-350. (See Appendix).

This form lists the name and Social Security number of the worker who filed the claim, along with other information related to the claim. The form requests that the employer provides information about the worker's employment and separation. In order to receive potential relief from charges to their experience account in the case of a quit or discharge, employers must complete and return the form, or respond with like information through the "UI Connect" Web application, by the due date printed on the form. An employer may receive more than one "Request to Employer for Separation Information" Form for a particular

worker if that person returns to work and is separated again. More than one separation may also need to be reported on a single Request—for example, if the worker was laid off, was rehired, and then later quits or was discharged, both separations would need to be reported.

The first "Request to Employer for Separation Information" (UI-350) sent to an employer following a separation is the employer's only opportunity to provide information about that particular separation. It is, therefore, very important to return each Request in a timely manner. *Neb. Admin. Code 221, Chapter 3*

Notice Of Claim Filed

When a worker files a new initial claim based on a previous period of employment for which an employer has previously received a "Notice of Adjudicator's Determination," that employer will be notified of the claim on a "Notice of Claim Filed," Form (UI-359) (See Appendix). This form notifies the employer of potential benefits payable based on the employment, and indicates whether the employer's account is chargeable as previously determined, thus the UI359 is not an appealable document. *Neb. Admin. Code 221, Chapter 3*

BENEFIT PAYMENT AMOUNTS

Minimum Earnings For Eligibility

In order to qualify for benefits, a worker must have been paid a minimum of \$2781 from all employment during the base period, effective January 4, 2009. Of this minimum amount, \$800 must have been

paid in each of two different quarters of the base period. Once these minimum requirements are met, the total number of weeks payable on the claim is determined by the total wages paid in the base period. (Total payable is one-third of base wages paid, not to exceed twenty-six weeks.) *Neb. Rev. Stat. § 48-627 (5)*

Weekly Benefit Amount

Unemployment benefits are paid on a weekly basis. The amount of a worker's weekly benefit is determined by the highest quarter of base period wages. The weekly benefit amount for a claim filed is calculated as half of the worker's average weekly wage, not to exceed one-half of the state average weekly wage as determined annually. Therefore, the individual's weekly benefit amount is computed by taking the total wage amount paid to the worker in the highest quarter of their base period, divided by thirteen, then divided again in half, and rounded down to the next even dollar amount. *Neb. Rev. Stat. § 48-624*

Maximum Benefits Payable

The maximum amount of benefits payable on a claim is one third of the total of all base period wages, or twenty-six times the weekly benefit amount, whichever is less. This formula does not include the Extended Benefits which may be paid in times of extremely high unemployment. During a State Extended Benefit period, an employer may be charged for half of the maximum benefit amount. *Neb. Rev. Stat. § 48-626*

Employer Benefit Charges

Benefits paid on a claim are charged in inverse chronological order. That is, the employer who paid the most recent wages is charged for the first benefits paid, if the employer was determined chargeable. Therefore, an employer can receive charges over 1 1/2 years after the former employee worked there. When a claim includes Federal or Military employment, or employment in another State, benefits paid each week are charged on a percentage basis in the same proportion as base period wages from each employer.

A contributory employer who returns a "Request to Employer for Separation Information," form (UI-350) by the due date (7 days from the date mailed to the employer) may qualify for relief from charges. To qualify for relief, the Request must provide information that the worker quit voluntarily without good cause or was discharged for misconduct and this information must result in a disqualification.

When it is determined by an adjudicator that a separation was due to one of these reasons, a twelve week disqualification is imposed, and the maximum benefits payable are reduced accordingly. Nonprofit employers or government entities with reimbursable accounts cannot qualify for charging relief, even though a disqualification may be imposed. *Neb. Rev. Stat. § 48-652 Neb. Admin. Code 221, Chapter 3*

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REQUIREMENTS FOR BENEFIT ELIGIBILITY

The following list shows some of the requirements a worker must meet to be eligible for benefit payments.

Unemployed Or Partially Unemployed

No benefits are payable for any week during which a worker's earnings exceed the weekly benefit amount on the claim. When a person reports earnings, 25% of their WBA is exempt and the remaining income is deducted dollar for dollar from the WBA. *Neb. Rev. Stat. § 48-625*

For example:

WBA = \$300

Earnings = \$200

25% of WBA exempt = \$75

Remaining amount of \$125 deducted from \$300.

Benefits paid = \$175.

Able To Work

Workers must be physically capable of performing work for which they are qualified by training and experience. Workers must be able to work at least four of the seven days of the benefit week. It is not necessarily required that they be able to perform the work involved in their most recent jobs. *Neb. Rev. Stat. § 48-627 (3)*

Available For Work

Workers' circumstances must be such that they are prepared to accept immediate, suitable employment with no undue restrictions. In addition, workers who are not returning to a regular employer who

do not find work through a union hiring hall must register for work and actively search for work. Workers must be available to work at least four of the seven days of the benefit week. *Neb. Rev. Stat. § 48-627 (3)*

Waiting Week

After filing a claim, the first week that is otherwise eligible for payment must be served as a waiting week. No benefits are paid for a waiting week. A week that is under disqualification cannot be used as a waiting week. *Neb. Rev. Stat. § 48-627 (4)*

BENEFIT DISQUALIFICATION

Under certain conditions, workers may be disqualified from receiving benefits for weeks that they are unemployed. Some of these conditions are listed below.

Voluntary Quit

If a worker is found to have quit a job without good cause, a disqualification is imposed for the week of the quit plus twelve weeks, as determined by an Adjudicator. In Nebraska, good cause can be established for quitting a job. *Neb. Rev. Stat. § 48-628 (1)*

These good causes are:

- Escape workplace or domestic abuse at the place of employment
- Non-work related illness or injury
- Accompany spouse to a different job or military duty station
- Employer required relocation
- Accept previously secured insured work in the construction industry

- Accept a voluntary layoff to avoid bumping another worker
- Asked to perform an illegal act by the employer
- Unlawful discrimination or workplace harassment
- Unsafe working conditions
- Equity and good conscience

Neb. Rev. Stat. § 48-628.01

Discharge For Ordinary Misconduct

If a worker is discharged from a job for misconduct, a disqualification is imposed for the week of the discharge plus 12 weeks, as determined by an Adjudicator (this information current as of September 4, 2005).

In cases of misconduct, the burden of proof is on the employer. The employer must show that the worker was discharged for acts or omissions that: 1) damaged the employer's interests in relation to the employment, 2) the worker knew or reasonably should have known were contrary to the employer's interests, and 3) were willful or within the worker's control. Maximum benefits payable are also reduced when a disqualification is imposed for a discharge for ordinary misconduct. In addition to the 12 week disqualification, if a worker is discharged for being under the influence of alcohol or drugs while at work or on the work site, all wage credits earned as a result of that employment will be cancelled (this information current as of September 4, 2005). *Neb. Rev. Stat. § 48-628 (2)*

Discharge For Gross Misconduct

If a worker is discharged for gross misconduct, all benefits payable based on wages earned before the date of discharge for such misconduct are cancelled. Gross misconduct is an act or omission that is willful and flagrant or unlawful. Examples might be theft or assault connected with the employment. *Neb. Rev. Stat. § 48-628 (2)*

Refusal Of Suitable Work

If a worker refuses suitable work, a disqualification is imposed for the week of the refusal plus twelve weeks, as determined by an Adjudicator. There must be a bona fide offer of work by an employer, or referral to work by Employment Services. Suitability is determined by considering the worker's training and experience and the conditions in the labor market. *Neb. Rev. Stat. § 48-628 (3)*

Labor Dispute

In general, workers are disqualified for weeks that they are unemployed due to work stoppage which results from a labor dispute. There are a number of special conditions which can affect the application of this disqualification to a particular case. *Neb. Rev. Stat. § 48-628 (4)*

Student

Full-time students are disqualified from benefits unless they were also students at the time that they earned the majority of the wages in the base period of their claim. This disqualification does not apply to a student enrolled in a program of training

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which has been approved by the Commissioner of Labor. *Neb. Rev. Stat. § 48-628 (7)*

Receipt Of Other Payments

Certain types of payments are disqualifying or deductible from benefit payments. Such payments include vacation, holiday, bonus, severance, sick, or pension payments from an employer, and Worker's Compensation. *Neb. Rev. Stat. § 48-628 (5)*

Educational Institution Employees And Athletes

Employees of an educational institution are disqualified from receiving benefits based on their school employment during periods of unemployment between regular school terms if they have a contract or reasonable assurance of such employment for the next regular term. A similar disqualification applies to professional athletes between sports seasons. *Neb. Rev. Stat. § 48-628 (8)*

APPEALS

A written determination issued by an Adjudicator concerning a question of benefit eligibility or charging of an employer's account may be appealed by an employer. An appeal must be in writing, must state that the determination is being appealed, and must be delivered and received within twenty days from the date the determination was mailed. The appeal should be addressed to the Claim Center shown on the determination. It must include the name and social security number of the worker, the employer's name and address, (if appropriate), and must state the claimant employer's reason

for believing that the determination is in error. *Neb. Rev. Stat. § 48-634*

You may request a reconsideration and possible redetermination based on new information if provided either prior to or in conjunction with your appeal. Requesting a reconsideration of the determination will not delay or extend the statutory 20 day filing requirement for your appeal. *Neb. Rev. Stat. § 48-631*

Appeals will be heard before the Nebraska Appeal Tribunal which is an independent appeal authority. The employer, the claimant and the Commissioner of Labor are parties to each appeal. Each party may appear, present evidence, and cross examine opposing witnesses. Questions about the appeal process should be directed to the Nebraska Appeal Tribunal. *Neb. Rev. Stat. § 48-635*

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Program And Trust Fund

Making every effort to assure that all laws, rules, regulations and policies are followed in all areas of the Office of Unemployment Insurance of the Nebraska Workforce Development, Department of Labor is a normal part of daily operations. In spite of best efforts, situations and actions occur which through error or deliberate intention, the laws, rules, regulations, or policies are circumvented. In order to prevent, detect, and correct these situations, the Office of Unemployment Insurance maintains program and quality control operations. The components are Benefits Accuracy Measurement Unit, Benefit