

## UNEMPLOYMENT INSURANCE HANDBOOK FOR **UNEMPLOYED WORKERS**

### File online at: [dol.nebraska.gov](http://dol.nebraska.gov)

The Nebraska Unemployment Insurance Program is governed by the Nebraska Employment Security Law (NESL) *Neb. Rev. Stat. § 48-601 to 48-671* and related statutes. It is administered by the Nebraska Department of Labor, a state agency. The NESL and Nebraska Administrative Codes (NAC) cited can be viewed at: [dol.nebraska.gov](http://dol.nebraska.gov).

Benefits are paid from the Nebraska State Unemployment Insurance Trust Fund. The fund is supported solely by a special tax on employers. No deductions are taken from employees' paychecks for unemployment insurance.

This guide is not intended to take the place of the law, but to provide you with a general understanding of some of the requirements. This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

### The following unemployment insurance actions can be performed online:

- File a New Claim
- File Weekly Claims
- Reopen a Claim
- Check Payment Status
- Change Method of Payment
- Retrieve Tax Statements
- View Payment History
- Update Contact Information

#### Nebraska Claims Center

P.O. Box 94600  
Lincoln, NE 68509-4600

Hours: M–F, 8 a.m. – 4:30 p.m.

Phone: 402-458-2500

Fax: 402-458-2595

TTY: 402-471-0016

Email: [ndol.nichelp@nebraska.gov](mailto:ndol.nichelp@nebraska.gov)

#### ReliaCard (Debit card inquiries)

(855) 233-8429

# FROM THE COMMISSIONER

## DEAR NEBRASKA JOB SEEKER:

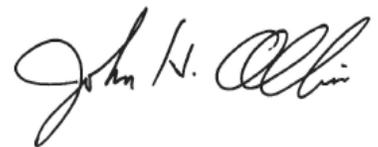
The purpose of this handbook is to assist you in navigating the process of applying for Unemployment Insurance benefits as you search for new employment in Nebraska or while you are on temporary layoff status. Please read this handbook carefully and follow the instructions contained herein.

The first step in applying for benefits is to create an account at [NEworks.nebraska.gov](http://NEworks.nebraska.gov) and post your resume online for employers to view. On NEworks, you can search job listings and apply for positions that match your qualifications. You can even set up a virtual recruiter to automatically schedule job searches. Employers searching for workers with skill sets matching yours will be able to review your resume and contact you regarding potential employment. In order to enhance your reemployment opportunities, you should review and update your resume regularly. While you are receiving unemployment benefits, at least one of the required weekly job contacts must be completed through NEworks.

Please log on to file an initial unemployment insurance claim, certify your weekly eligibility or reopen a claim. If you need assistance in filing your claim online, or if you have earned federal, military or out-of-state wages in the last 18 months, call the Nebraska Claims Center at 402-458-2500.

The Department of Labor provides a reemployment program that includes an orientation session and one-on-one assistance. Staff will review your employment history, help you create an employment plan and refer you to the reemployment services that fit your needs.

The Nebraska Department of Labor is here to assist you and to support a successful transition to new employment.



John H. Albin  
Commissioner of Labor

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# GATHER THE FOLLOWING INFORMATION BEFORE FILING A CLAIM

- Social Security Number
- Complete home mailing address, including ZIP code
- Telephone number
- Email address
- County you live in
- Driver's license number or State ID card number
- If you select direct deposit, your bank routing number and account number
- The company names for all your employers from the past 18 months as they appear on your paycheck stubs or W-2 forms
- Complete mailing addresses of employers, including ZIP code and the city in which the business is physically located
- Your start and end dates with each employer, including month, day, and year
- Your reason for leaving each employer (lack of work, voluntary quit, discharge, leave of absence)
- Employment authorization number and expiration date (if a non-citizen)
- If you served in the military the past 18 months, DD 214 Member #4 Form. You must call the Nebraska Claims Center at 402-458-2500 to file a military claim.
- If you worked for the federal government as a civilian employee in the last 18 months, Standard Form 8 or Standard Form 50. Also, compile your total wages earned with the federal employer in the last 18 months and indicate how you were paid (hourly, weekly, and monthly). You must call the Nebraska Claims Center at 402-458-2500 to file a federal claim.

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# REGISTERING IN NETWORKS & FILING AN INITIAL CLAIM

## When to File for Benefits

File an initial claim the same week you are unemployed or working reduced hours. Your unemployment insurance claim DOES NOT begin on the date your job ended or your hours were reduced. Your claim is effective the week you apply.

## How

File online at [dol.nebraska.gov](https://dol.nebraska.gov). If you need assistance or your claim involves military, federal, or out-of-state wages, call the Nebraska Claims Center at 402-458-2500 between 8:00 a.m. and 4:30 p.m., CST Monday-Friday.

You must register in NEworks -

<https://neworks.nebraska.gov> - as part of the initial unemployment claim process. By law, registration is required in order to receive unemployment insurance benefits, even if you have a recall date with an employer or are a member of a union with a hiring hall. You will first complete a personal profile, an online resume, and finally, your initial claim for benefits. If you are filing a claim from another state and do not live in a county bordering Nebraska, you must also register for employment services in the state of your residence.

## Your Privacy and Your Password

To protect your privacy, the NDOL does not provide information about your claim to anyone other than you, whether the information is requested in person, in writing, by email or over the phone. We cannot give information to a family member.

When filing for unemployment benefits, you will choose a secure password to protect your privacy and ensure the utmost security. You will need your secure password to file your weekly claim each week, so be sure to keep it in a safe place. The secure password should not be obvious to others. Do not use your address, phone number, date of birth or anything else that someone would be able to guess. Do not use numbers in sequence or repeat numbers.

For step-by-step instructions on how to register in NEworks and file an initial claim, go to:

**[dol.nebraska.gov/uibenefits](https://dol.nebraska.gov/uibenefits)**

**To protect your privacy and ensure the accuracy of information provided to Nebraska Department of Labor, you should never have someone file a claim on your behalf.**

If you do not have access to the internet, you may use computers at any of the Nebraska Department of Labor locations listed in this guide.

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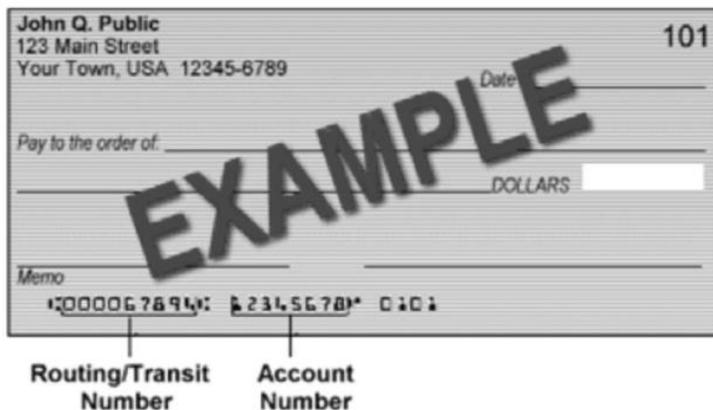
## Methods of Payment

You are required to select a payment method of direct deposit or debit card when filing your initial claim. We do not issue paper checks. You can change your payment method by logging into your unemployment claim at [neworks.nebraska.gov](https://neworks.nebraska.gov).

### Direct Deposit

Direct deposit is an electronic payment transfer to an individual's checking or savings account. When you file your initial claim and select direct deposit as your preferred method of payment, or when you modify your bank account information, **you must enter the bank routing and account numbers**. You are solely responsible for the accuracy of the account information. Incorrect information may result in a delay of benefit payments, and possible fees. You are also solely responsible for updating your banking information should changes occur. Failure to do so could affect timely receipt of your unemployment insurance benefits.

#### A.B.A Routing Numbers Example



For direct deposit, your routing and account numbers can be found at the bottom of your paper checks. If you do not know the appropriate routing number or your checking or savings account number, please contact your bank.

- **DO NOT** enter the number that appears on your debit card.
- **DO NOT enter prepaid card numbers.** Payments will not be issued to any prepaid cards under the direct deposit payment method.

**Debit Card** The ReliaCard debit card is a VISA prepaid card issued by US Bank. The ReliaCard debit card is mailed in a plain white envelope from Indianapolis, Indiana at the time a claim becomes payable. There is no information on the envelope indicating that a ReliaCard debit card is enclosed.

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Keep all information that is provided with the card. You can expect to receive the card approximately 7-10 days after you receive waiting week credit. Keep your ReliaCard debit card until the expiration date printed on the card.

If you have a change of address, you must report your new address to ReliaCard by calling US Bank/Reliacard Customer Service at 855-233-8429. It is also necessary that you update your address with the Nebraska Department of Labor by visiting [neworks.nebraska.gov](https://neworks.nebraska.gov).

For more information visit: [www.usbankreliacard.com](https://www.usbankreliacard.com)

## Income Tax Withholding

Unemployment benefits are taxable income under federal and state law. The benefits paid to you are reported to the Internal Revenue Service and to the Nebraska Department of Revenue. No income tax is withheld from your benefit payments unless you request it. If you decide to have taxes withheld, 10 percent will be deducted from your weekly benefit payment for federal taxes. You can request, stop, or change your income tax withholding by logging into your account at [neworks.nebraska.gov](https://neworks.nebraska.gov).

No later than January 31, you will be mailed an IRS Form 1099-G showing the total benefits paid to you for the prior year and the federal income taxes withheld. It will be sent to your last known address, so keep your address current at [neworks.nebraska.gov](https://neworks.nebraska.gov). You can view and print your 1099-G form online by logging into your account at [neworks.nebraska.gov](https://neworks.nebraska.gov).

## While Your Claim is Pending

It takes several weeks to process a claim. If necessary, we'll call you just as soon as your claim is ready to be completed. Remember to do the following while your claim is being processed:

**Read all communication about your claim.** Check your email, the NEworks Message Center, telephone messages, and the mail for any claim-related updates. Keep your address current because you'll receive letters outlining what you need to do to maintain benefit eligibility. The decisions about your claim are made based on available information, so it is important that you respond on time when you're instructed to do so.

**File for weekly benefits at [neworks.nebraska.gov](https://neworks.nebraska.gov) while your claim is processing.** You have from Sunday to Friday to file your claim for the previous week. If you don't file your claim on time, your benefit payments may be affected.

**Report your gross earnings (before taxes are deducted) each week.** Gross earnings include, but are not limited to: your hourly rate of pay multiplied by the total hours worked, tips, commission, and earnings from self-employment. You must report all earnings for the week that you perform the work. **Do not wait until you are paid.** Keep track of the total hours you work each week, Sunday through Saturday. Misreporting wages is fraud and could result in penalties and criminal charges.

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# REEMPLOYMENT SERVICES

The Nebraska Department of Labor provides a Reemployment Services (NEres) program, designed to help you find work. The program selects individuals early in their unemployment and offers job seeker services to help you become reemployed as soon as possible. If you receive a notice that you have been selected, you are required to take part in this program in order to remain eligible for unemployment insurance benefits. NESL: 48-627(6)

NEres starts with an orientation and includes a required one-on-one meeting with a Department of Labor staff member. Staff will review your employment history, help you create an employment plan and refer you to the reemployment services that fit your needs. You can schedule your one-on-one meeting the day of the orientation. NESL: 48-627 (6)

## THE ADJUDICATION PROCESS

Adjudication is the process used to resolve questions regarding eligibility for unemployment insurance benefits. Your claim may be referred to an adjudicator if there are questions about why you left your job or whether you are able and available for work. Other issues may also prompt a claim to be referred to an adjudicator. Please see the [Eligibility Issues](#) and [Separation Issues](#) sections.

During adjudication, we will make a determination about your claim based on all available information, including information from you, your employers, and sometimes other sources. If you receive a phone call or letter from an adjudicator, be sure to respond on time.

While your claim is pending adjudication, continue to file weekly claims and complete your weekly online work search logs. If your claim is determined payable and you have met all other eligibility requirements, you will receive back payments for prior weeks claimed in a lump sum.

If you disagree with a determination issued, you have the right to appeal within 20 days. Please see the Appeals section of this guide for further instructions.

To prepare for an adjudicator's call, have the following information ready:

- Reason for separation from your employer
- Dates when events happened causing the separation
- Names of witnesses or supervisors involved with the separation
- Written documentation, such as warnings, medical notes, if applicable
- Check stubs verifying vacation, severance, holiday or bonus pay, if applicable
- Any questions you may have

# WORK SEARCH REQUIREMENTS

If you live in Nebraska or an out-of-state county bordering Nebraska, you must make and log five work search contacts per week, including at least one contact per week using NEworks.nebraska.gov. Work search requirements will change throughout the duration of your claim. See requirements in the chart below:

**Complete and log all required work search contacts.** Enter as much information as possible in your work search log in case of an audit.

Weeks Claimed	Required Work Search Contacts	Required Applications Submitted	Required Minimum Number of Days to Contact Employers	Number of Contacts Required Using NEworks
1 - 5	5	1	1	1
6 -13	5	2	3	1
14 or more	5	2	4	1

If your claim is based on full-time earnings, your work search must be for prospective full-time employment opportunities. If your unemployment claim is based on primarily part-time employment, you are permitted to make job contacts for part-time or full-time work.

NESL: 48-627(3)(e)

Exceptions: The active work search requirement for each week benefits are claimed may be waived if you are on a temporary layoff with a definite return to work date, attached to certain industries, are a member in good standing with a union hiring hall, or are in a TRADE or Approved Training program. 219 NAC 4; 219 NAC 2(003)(B)

## Work Search Log Requirements

Each entry in your online work search log should include the following:

- Date of contact
- Name of employer
- Employer's address and phone number
- Name of person contacted
- Method of contact (NEworks, in person, online application, email, telephone, mail or fax)
- Position you applied for or inquired about
- Application information

You can view a demo or download step-by-step instructions from [dol.nebraska.gov/uibenefits](https://dol.nebraska.gov/uibenefits) or pick up a copy at your local American Job Center or Department of Labor office.

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You have two options for logging your work search:

1. You may log your work search contacts online at [neworks.nebraska.gov](https://neworks.nebraska.gov) as soon as you make them, before you submit your weekly claim for benefits. Log into your account and select Work Search Log from the Unemployment Services dashboard. To get to the work search log from the [dol.nebraska.gov](https://dol.nebraska.gov) home page, choose the NEworks icon.
2. You may also log your work search contacts for the previous week at the same time you claim your weekly benefits. To log work search contacts during your weekly claim, log in to NEworks and complete the weekly claim process. An option will be presented to you to log your weekly work searches.

**You will not be able to log your work search contacts for the previous week after you submit your weekly claim for benefits. Your work search log is subject to ongoing audit review and a disqualification from benefits may be assessed if you fail to make and report the required weekly contacts. 219 NAC 4**

## FILING WEEKLY CLAIMS

### How to File

After you file your initial claim, file weekly claims online at [neworks.nebraska.gov](https://neworks.nebraska.gov) for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment or waiting week credit, **even if your eligibility is being decided or you have an appeal pending**. For step-by-step instructions on filing your weekly claim, go to: [dol.nebraska.gov/UIBenefits/InstructionGuides](https://dol.nebraska.gov/UIBenefits/InstructionGuides).

### When to File

You have from **Sunday to Friday** to request benefits for the previous week. Failure to file your weekly claim on time could result in denial of benefits. 219 NAC 2 (003)(C)(D)

### Waiting Week

The first eligible week is called your “waiting week.” To get credit for the waiting week, you must file a weekly claim and meet all eligibility requirements for that week. The waiting week is never paid. However, you must serve a waiting week to be eligible for payments for later weeks. There is one waiting week per benefit year. If for any reason your benefits are denied for the beginning weeks of your request, your waiting week will be your first eligible week after the denial period. A week that is prior to the effective date of the claim or a week that is under disqualification for any reason cannot be used as the waiting week. NESL: 48-627 (4)

# BASE PERIOD

The base period is the time period of employment used to evaluate your claim. A quarter consists of three consecutive months. Each calendar year consists of four quarters. The regular base period is the first four of the last five completed quarters at the time of your claim (see shaded area in graphic on the below).

If eligibility cannot be established for a regular base period claim, the Department of Labor will explore alternate base period eligibility. The alternate base period consists of the last four completed quarters. (See asterisks in graphic below.) NESL: 48-602 (1)

Far right box in each row represents quarter claim filed.

Shaded areas represent regular base period quarters used to determine eligibility

\*\* Represents alternate base period quarters used to determine eligibility

Oct Nov Dec	Jan Feb Mar **	Apr May Jun **	Jul Aug Sept **	Oct Nov Dec **	Jan Feb Mar			
	Jan Feb Mar **	Apr May Jun **	Jul Aug Sept **	Oct Nov Dec **	Jan Feb Mar **	Apr May Jun		
		Apr May Jun	Jul Aug Sept **	Oct Nov Dec **	Jan Feb Mar **	Apr May Jun **	Jul Aug Sept	
			Jul Aug Sept	Oct Nov Dec **	Jan Feb Mar **	Apr May Jun **	Jul Aug Sept **	Oct Nov Dec

# QUALIFYING WAGES FOR ELIGIBILITY

In order to be eligible for unemployment insurance benefits, you must meet the minimum earnings requirements from insured work during the base period. The minimum earnings requirements are adjusted annually. In addition to meeting the minimum earnings requirements, you must also have been paid at least \$1,850 in one quarter and \$800 in another quarter. Wages must be earned from employers required to pay unemployment insurance taxes (insured employers). NESL: 48-627(5)(b)

**If you are not sure whether your work is insured employment, you should file a claim and request weekly benefits. A wage investigation will be conducted to determine if you are eligible to receive benefits.**

Under Nebraska law, you cannot receive benefits on ‘back-to-back’ unemployment claims unless you have worked in insured employment since the effective date of your prior claim and earned at least six times the previous weekly benefit amount. Your new claim must meet both the minimum monetary requirements and the requalification requirement. NESL: 48-627(5)

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# BENEFIT AMOUNTS

The maximum weekly benefit amount for 2016 is \$392 and the maximum for 2017 is \$408. Your individual benefits are calculated by identifying the highest quarter earnings in your base period. That amount is then divided by 13 to arrive at the average weekly wage, then divided again by two and rounded down to the next even dollar amount to arrive at your weekly benefit amount. **Filing your initial claim online will allow you to receive an estimate of your weekly benefit amount at the end of the filing process.** You will also be advised of your benefit amount when you receive your monetary determination in the mail. NESL: 48-624

You may be eligible for up to 26 weeks of benefits during a 12-month period. **The maximum amount of unemployment benefits you may receive during your benefit year is 26 times your weekly benefit amount, or 1/3 of your total base period wages, whichever is less.** Your maximum amount is calculated after any separation issues are adjudicated and may be reduced when there are separation disqualifications, such as a discharge or quit.

## IF YOU ARE WORKING WHILE CLAIMING

### Report Earnings

Each time you file a weekly claim, you will be asked if you worked. Answer “yes” if you performed any work, even if it was temporary, part-time, or self-employment. **You must report your gross earnings** (before deductions and taxes). Earnings include but are not limited to: wages, tips, salary, commission, cash, self-employment income, allowances for meals or lodging, vacation pay and bonuses. **You must report your earnings in the week you perform the work, not when you are paid.** If you worked for more than one employer in a week, add your earnings from all employers. For self-employment, report your weekly earnings after you deduct your direct business expenses for that week.

If you earned less than your weekly benefit amount for any claimed week, you may be eligible for partial benefits. NESL: 48-625.

Failure to report all work and earnings when submitting your weekly claim may result in any or all of the following consequences:

- Repaying incorrectly paid benefits
- 15% penalty fee on the amount of any benefits owed
- Loss of future benefits
- Interception of federal and/or State of Nebraska income tax refunds to repay benefits
- Civil action
- Criminal prosecution

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# STOPPING & RESTARTING BENEFITS

## Returning to Full-Time Work

When you return to work full time or want to stop requesting benefit payments for any reason, no notification to the Department of Labor is needed. Just stop requesting weekly benefits. If your earnings are greater than or equal to your weekly benefit amount, you may not be eligible for additional benefits. Keep your NEworks login information and unemployment debit card (if applicable) in a safe place in case you need to start requesting benefits again or need to review your benefit history.

## To Reopen Your Claim

If you become unemployed again and wish to file for benefits, go online to [neworks.nebraska.gov](https://neworks.nebraska.gov) and reopen your claim during the first week your job has ended or your employer has reduced your work hours. If you need assistance, call the Claims Center at 402-458-2500. **You will not be able to file a weekly claim for benefits until you reopen your claim.**

# ELIGIBILITY ISSUES

## Able and Available to Work

You must be able to work and available for work four or more days of the week in order to be eligible for unemployment insurance benefits. You are not considered able and available if circumstances such as lack of transportation, childcare problems, family care issues, sickness or injury would prevent you from working. You are not considered available for work if you are in jail four or more days during the week. Claiming benefits while incarcerated is fraud and may result in criminal prosecution. 219 NAC 4; NESL: 48-627(3); NESL: 48-663.

## Active Registration and Resume

You are required to maintain an active NEworks registration and on-line, searchable resume while you are receiving unemployment benefits. If no activity is recorded for 90 days, your registration and resume will expire.

If your registration has expired, open your personal profile. Review the current information and make sure it is up to date. Make any necessary changes and then save your profile. If your resume has expired, open it and review and update the information. You may also create a new resume at this time. Make sure to save your profile and resume even if there were no changes. NESL: 48-627(1); 219 NAC 2.

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## Education Employees

If you are employed for or on behalf of an educational institution, benefits may be denied between terms and/or during regularly scheduled breaks. NESL:48-628(8)

## Reemployment Services

If you receive a notice that you have been selected for the reemployment services program (NEres), you are required to take part in this program in order to remain eligible for unemployment insurance benefits. NESL: 48-627(6)

## Reporting

The Nebraska Department of Labor may contact you and require that you provide additional information regarding your claim. If you fail to report and provide the information requested, you may be disqualified from benefits. 219 NAC 2(004)

## Attending School

If you are regularly attending school as a full-time student, you may be disqualified from benefits unless you were a student at the time you earned the majority of the wages in your base period. An exception may apply if you are enrolled in a training program which has been approved by the Commissioner of Labor. NESL: 48-628(7)

## Approved Training Program

If you applied for unemployment insurance benefits and are planning to attend vocational training, you may apply for the Approved Training program. If your application is approved by the Commissioner of Labor, the work search requirements will be waived while you are in training until you exhaust your regular unemployment insurance claim. After your regular unemployment benefits are exhausted, you may be eligible for up to an additional 26 weeks of benefits if you continue your training. Tuition and school expenses are not paid under this program. Work search requirements are waived while you are receiving additional benefits under the Approved Training Program. 225 NAC 1

For more information regarding this program, you may obtain the program brochure and application online at [dol.nebraska.gov](http://dol.nebraska.gov) or contact the Approved Training Unit at (402) 471-9000.

## Strike/Labor Dispute

In general, individuals are disqualified for the week(s) they are unemployed due to a work stoppage resulting from a strike or lockout. NESL: 48-628(4)

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## Vacation, Severance, or Receipt of Other Payments

Benefits may be denied or reduced for any week in which you receive additional payments from your employer. Examples include vacation, severance, holiday, bonus, sick, workers' compensation or pension payments. NESL: 48-628(5)

## Work Refusal

You may be disqualified for 12 weeks for failing to accept an offer of suitable employment or failure to accept a Nebraska Department of Labor Employment Service referral. Suitability is determined by considering a person's training and experience and the conditions in the labor market. Maximum benefits payable may also be reduced when a disqualification is assessed. NESL: 48-628(3)

## Work Search

If you do not meet the minimum requirements for your weekly work search contacts during the benefit week, you will be disqualified for the period in which your work search was inadequate. See the Work Search Requirements section of this Guide for more information. 219 NAC 4

## Employment Eligibility

The Immigration Reform and Control Act of 1986 (P.L-99-803) requires all employers to verify employment eligibility of new employees. When an employer hires you, the employer will require that you show certain documents to prove your identity and employment eligibility. Failure to present the documents to your employer or the Nebraska Department of Labor may affect your eligibility for unemployment benefits.

# SEPARATION ISSUES

## Voluntary Quit

If a person has quit a job without good cause, a disqualification is assessed for the week of the quit plus 13 weeks, as determined by the Nebraska Department of Labor. In Nebraska, good cause for quitting includes but is not limited to the conditions of work, compelling health reasons, or quitting to escape spousal abuse. Maximum benefits payable may also be reduced when a disqualification is assessed. NESL: 48-628(1)

## Discharge for Ordinary Misconduct

If a person is discharged from a job for misconduct, a disqualification is assessed for the week of the discharge plus 14 weeks, as determined by the Nebraska Department of Labor. In cases of misconduct, the burden of proof is on the employer. The employer must prove that an employee was discharged for acts or omissions that 1) damaged the employer's interest in relation to the employment; 2) the employee knew or reasonably should have known were contrary to the

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employer's interests; and 3) were willful or within the employee's control. Maximum benefits payable may also be reduced when a disqualification is assessed. NESL: 48-628(2)

## Discharge for Aggravated Misconduct

If a person is discharged for misconduct not considered to be willful and flagrant or unlawful, but which included being under the influence of any intoxicating beverage or being under the influence of any controlled substance not prescribed by a physician licensed to practice medicine or surgery, and when the person is under the influence on the work site or while engaged in work for the employer, then the disqualification includes a cancellation of wages from the employer. NESL: 48-628(2)

## Discharge for Gross Misconduct

If a person is discharged due to an act or omission that is willful and flagrant or unlawful, that individual does not qualify for benefits on wages earned prior to the date of the act. NESL: 48-628(2)

## Leave of Absence

To receive unemployment benefits, you must be completely separated from your employer or working reduced hours. A leave of absence is not a complete separation from employment. As generally defined, a leave of absence is a mutual agreement between the employee and employer. The employee is not separated and does not report for work for a mutually agreed upon time period.

The Nebraska Employment Security Law requires a disqualification from benefits for any week in which the individual is on a leave of absence. NESL: 48-602; NESL: 48-628; 219 NAC 8

# BENEFIT ACCURACY REVIEWS

The Benefit Accuracy Measurement Unit (BAM) randomly selects claims for audit each week. BAM investigators review and verify all data related to the case selected and gather new information from claimants, employers and other sources when necessary to determine if payments or denials are proper. Areas investigated include, but are not limited to, base period wages, the reasons for separation or reduction in working hours, claimant ability and availability for work, claimant work search activity, and earnings reported during the benefit year.

When payments or denials are determined to be improper, the BAM investigator may make corrections on the claim or forward it to the appropriate unit for corrections.

Selected claimants are required to participate in the investigation. Failure to report as requested by the BAM investigator may result in a denial of benefits. 219 NAC 2(004)

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# APPEALS

You have the right to appeal if you disagree with a determination regarding your claim. Your appeal must be received at the Nebraska Claims Center or filed online within 20 calendar days from the date the determination was mailed.

You can file your appeal online at [neworks.nebraska.gov](https://neworks.nebraska.gov), in writing by mail, by fax (402-471-1734), or by email ([NDOL.Appeals@nebraska.gov](mailto:NDOL.Appeals@nebraska.gov)). If filing an appeal by mail, send to: Nebraska Appeal Tribunal, Nebraska Department of Labor, PO Box 98941. If your appeal is in writing, you must state the reason you wish to appeal, and include your signature, Social Security Number and employer's name. Include the Determination ID from your determination letter. There are two parties that may file an appeal regarding your unemployment benefits - you, the claimant, and your former employer. NESL: 48-634

You will be notified by the Nebraska Appeal Tribunal that an appeal has been received. In a separate notice, you will be informed of the time and date of the hearing. Follow all instructions from the Appeal Tribunal to protect your own interests. It is important that you participate in the hearing. Appeal hearings are free and a lawyer is not required, although you may be represented at your own expense. Appeal hearings are conducted by telephone conference call.

While your appeal is pending, continue to file for weekly benefits, complete any required work search contacts, and log these contacts at [neworks.nebraska.gov](https://neworks.nebraska.gov).

If you disagree with the appeal decision, you may request that the decision be reconsidered or you may appeal to the District Court. NESL: 48-638

# OVERPAYMENTS AND FRAUD

Overpayments can result from a disqualification on benefits already paid, an appeal reversal, or from unreported or misreported earnings. Benefit Payment Control monitors benefit payments to determine if unemployment benefits were paid correctly. This includes sending wage audits and employment status review requests to employers to ensure accurate reporting of earnings. Incorrect or unreported wages can result in a person having to repay benefits, loss of future benefit eligibility, and criminal prosecution. NESL: 48-663; NESL: 48-665

The Nebraska Department of Labor may contact you and require that you provide additional information regarding your claim. If you fail to report and provide the information requested, you may be disqualified from benefits. 219 NAC 2(004)

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## Overpayment of Unemployment Benefits

If you are paid more than you are eligible to receive, you will be notified in writing that you have been overpaid. All overpayments must be repaid. You may contact the Benefit Payment Control Unit at 402-471-2865 or [NDOL.BenefitOverpayment@nebraska.gov](mailto:NDOL.BenefitOverpayment@nebraska.gov) to set up a repayment schedule if you are unable to repay the entire amount at one time. Otherwise, weekly benefit payments may be intercepted and applied towards your overpayment. The Nebraska Department of Labor can recover overpayments by intercepting your state and/or federal income tax refund and/or through civil action. NESL: 48-665

## Unemployment Insurance Fraud

Failure to report information that affects your eligibility for unemployment benefits may be an act of fraud. Falsely reporting information on your claim application or weekly claim certifications may also be an act of fraud. NESL: 48-663; NESL: 48-663.01

Consequences of unemployment insurance fraud may include: repaying benefits received, a 15% penalty based on the amount of the overpayment, losing eligibility to receive benefits now and in the future, forfeiting state and federal income tax refunds, criminal charges, jail time, and felony or misdemeanor conviction. If you have a balance due on two or more fraudulent overpayments determined within five years prior to the effective date of a claim, you are disqualified until the overpaid benefits are repaid in full. NESL: 48-628(13)

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# EQUAL OPPORTUNITY STATEMENT

## Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially-assisted program or activity. The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIA Title I financially-assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

## What to Do If You Believe You Have Experienced Discrimination

If you think you have been subjected to discrimination by your past employer, please contact the Nebraska Equal Opportunity Commission at (402) 471-2024 or 1 (800) 642-6112. If you think that you have been subjected to discrimination under a WIA Title I financially-assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with:

Terri Slone  
EO Officer of Nebraska Department of Labor  
S. 16th Street P.O. Box 94600  
Lincoln, NE 68509-4600  
402-471-8358 TDD 800-833-7352

or

Director, Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123  
Washington, DC 20210

If you file your complaint with the EO Officer, you must wait either until a written Notice of Final Action is issued, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center. If you do not receive a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the EO Officer).

If you receive a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

# OFFICE LOCATIONS

## American Job Centers

### Lincoln

SCC Education Square Campus  
1111 "O" St. Ste. 205  
402-441-1660

### Omaha

Heartland Workforce Solutions  
5752 Ames Ave.  
402-444-4700

### Grand Island

203 E. Stolley Park Rd, Ste. A  
308-385-6300

## Nebraska Department of Labor Locations

### Alliance

302 Box Butte Ave.  
308-763-2935

### Beatrice

5109 W. Scott Rd. Ste. 413  
402-223-6060

### Columbus

3100 23rd St. Ste. 22  
402-564-7160

### Hastings

2727 W. 2nd St. Ste. 338  
402-462-1867

### Lexington

1501 Plum Creek Pkwy. Ste. 3  
308-324-2064

### Lincoln

1111 "O" Street, Ste. 222  
402-471-2275

### Nebraska City

917 Wildwood Ln. Room 104  
402-873-3384

### Norfolk

105 E. Norfolk Ave. Ste. 120  
402-370-3430

### North Platte

306 East 6th, Ste. 140  
308-535-8320

### Scottsbluff

505A Broadway, Ste. 300  
308-632-1420

### York

510 Lincoln Ave.  
402-362-5891