

## Individuals attached to regular jobs, union, or industry

### DISCLAIMER:

This Guidance Document is not intended to take the place of the law, but is intended to provide individuals with a general understanding of some of the requirements related to the Nebraska Department of Labor's waiver of reemployment activities (work search) requirements for individuals attached to regular jobs, unions, or industries. For additional information individuals may consult the "Handbook for Unemployed Workers" or visit [dol.nebraska.gov](http://dol.nebraska.gov), where information is provided on the Nebraska Employment Security Law, Neb. Rev. Stat. §§48-601 through 48-683 ("NESL"), and portions of the Nebraska Administrative Code related to NESL.

### Potential Reemployment Activities Waiver:

In accordance with Neb. Rev. Stat. §§48-627, the commissioner may, by rule and regulation, waive or alter reemployment activities requirements for an unemployment claim if an individual is attached to a regular job or industry or a member in good standing of a union. Accordingly, the Nebraska Department of Labor has promulgated 219 NAC 04 which, in part, allows the commissioner to waive the reemployment activities requirement if the individual is attached to a regular job or industry or is eligible for referral as a member in good standing in a labor union which has a union hiring hall.

### Attached to a regular job or industry:

In order to be considered attached to a regular job or industry, an individual must be on a short-term temporary layoff. A short-term temporary layoff is defined as a layoff period of 16 weeks or less with a specific return-to-work date verified by the employer in writing. The 16 weeks is counted from the day the layoff begins until the employer specified return-to-work date.

No attachment is valid as a waiver of the reemployment activities requirement until the written communication is received and approved by the Department. The attachment period runs from the week the written communication is approved by the Department until the employer verified return-to-work date. Once the original return-to-work date passes, the individual is no longer attached and is subject to all work search requirements.

### Extension:

If work is not available at the conclusion of the 16-week period due to short-term circumstances beyond the employer's control, an extension of the reemployment activities waiver of up to two weeks may be requested by the employer.

### Recall:

If an individual in attached status is recalled to work by the employer to which he or she is attached, and actually performs work for that employer for at least 80 paid hours at his or her regular rate of pay, any subsequent layoff from that employer during the originally established benefit year restarts the calculation of the temporary layoff period to which the waiver of the reemployment activities requirement applies.

Examples:

- 1.) John Doe works for ABC Company. John Doe is laid off from ABC Company on September 1, 2023. ABC Company anticipates John Doe will return to work in 80 days. ABC provides the return-to-work date to NDOL.

John Doe is not required to engage in reemployment activities during his 80-day layoff.

- 2.) Jane Smith works for ABC Company. Jane Smith is laid off from ABC Company on November 1, 2023. ABC Company anticipates Jane Smith will return to work in 150 days.

Jane Smith is required to engage in reemployment activities during her 150-day layoff.

- 3.) John Doe works for ABC Company. John Doe is laid off from ABC Company on September 1, 2023. ABC Company anticipates John Doe will return to work in sixteen weeks. ABC provides the return-to-work date to NDOL.

John Doe is not required to engage in reemployment activities during his sixteen-week layoff. John Doe returns to work December 20, 2023.

John Doe is laid off from ABC Company again on January 31, 2024. ABC Company anticipates John Doe will return to work in 30 days. John Doe is not required to engage in reemployment activities during his 30-day layoff.

- 4.) Jane Smith works for ABC Company. Jane Smith is laid off from ABC Company on November 1, 2023. ABC Company anticipates Jane Smith will return to work in sixteen weeks. ABC provides the return-to-work date to NDOL.

Jane Smith is not required to engage in reemployment activities during her 16-week layoff.

On her anticipated return-to-work date, there is a blizzard. ABC Company contacts the Nebraska Department of Labor and requests an extension of one week. The extension is granted, and Jane Smith is not required to engage in reemployment activities during the extension.

- 5.) Jane Smith works for ABC Company. Jane Smith is laid off from ABC Company on November 1, 2023. ABC Company anticipates Jane Smith will return to work in 16 weeks. ABC provides the return-to-work date to NDOL.

Jane Smith is not required to engage in reemployment activities during her sixteen-week layoff. Jane Smith returns to work. She works 80 hours at the same rate of pay as she was paid prior to the layoff. She is then laid off again. ABC Company anticipates Jane Smith will return to work in 40 days.

Jane Smith is not required to engage in reemployment activities during her 40-day layoff.

- 6.) Jane Smith works for ABC Company. Jane Smith is laid off from ABC Company on November 1, 2023. ABC Company anticipates Jane Smith will return to work in sixteen weeks. ABC provides the return-to-work date to NDOL.

Jane Smith is not required to engage in reemployment activities during her 16-week layoff.

Jane Smith returns to work at the end of the sixteen-week layoff. She works less than 80 hours at her regular rate of pay. She is then laid off. ABC Company anticipates Jane Smith will return to work in 40 days. Jane Smith is required to engage in reemployment activities during her 40-day layoff.

- 7.) John Doe works for ABC Company. John Doe is laid off from ABC Company on September 1, 2023. John Doe tells NDOL his anticipated return-to-work date is in 100 days. ABC Company does not provide information to NDOL.

John Doe is required to engage in reemployment activities during his 100-day layoff.

John Doe returns to work as scheduled. ABC Company provides the anticipated return-to-work date after John Doe has already returned to work. John Doe is never considered attached and must engage in reemployment activities during his 100-day layoff.

- 8.) John Doe works for ABC Company. John Doe is laid off from ABC Company on September 1, 2023. John Doe tells NDOL his anticipated return-to-work date is in 100 days. ABC Company does not provide information to NDOL.

John Doe is required to engage in reemployment activities during his 100-day layoff.

ABC Company provides the anticipated return-to-work date three weeks into John Doe's claim. John Doe is only considered attached after the information from ABC Company is reviewed and approved by NDOL. Once approved, John Doe is considered attached and is not required to engage in reemployment activities during the remainder of his 100-day layoff.

- 9.) Jane Smith works for ABC Company. Jane Smith is laid off from ABC Company on November 1, 2023. ABC Company does not report a return-to-work date to NDOL. Jane Smith is disqualified from benefits because she did not conduct reemployment activities. Jane Smith files an appeal. An appeal hearing is conducted on December 1, 2023. During the appeal, Jane Smith presents evidence from the employer that she has an anticipated return-to-work date of January 15, 2024.

The hearing officer finds Jane Smith is on a short-term layoff and attached to ABC Company.

Jane Smith is not attached until the week she presents evidence of attachment from the employer. Her attachment is effective the Sunday prior to the hearing, November 27, 2023. Any weeks disqualified prior to November 27, 2023, due to an inadequate number of reemployment activities remain disqualified.