

Guidance Document

Pursuant to Neb. Rev. Stat. §84-901.03

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 operation 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 Procedures Act. If you believe that this guidance document imposes additional requirement or penalties on regulated parties, you may request a review of the document.

Biannual Occupational Employment and Wage Statistic Surveys

DISCLAIMER:

This Guidance Document is not intended to take the place of the law, but it is intended to provide individuals with a general understanding of some of the requirements related to biannual surveys for occupational employment and wage statistic surveys issued by the Nebraska Department of Labor (NDOL). For additional information, individuals may visit dol.nebraska.gov where information is provided on the Nebraska Employment Security Law (NESL) (*Neb. Rev. Stat.* §§48-601 through 48-683), federal programs, and portions of the Nebraska Administrative Code related to NESL.

COMPLETION OF BIANNUAL OCCUPATIONAL EMPLOYMENT AND WAGE STATISTIC SURVEYS:

The U.S. Bureau of Labor Statistics (BLS) is an agency within the U.S. Department of Labor. As part of its duties, BLS works with states to publish the Occupational Employment and Wage Survey (OEWS) data. This data is composed from information provided by all states. Each state conducts biannual surveys using a probability sample selected by BLS to gather this information. Generally, around 3 percent of Nebraska employers are selected to participate in each OEWS panel.

Pursuant to *Neb. Rev. Stat.* § 81-401, the Governor through NDOL has the power to collect, collate, assort, systematize, and report statistical details relating to all departments of labor. Under *Neb. Rev. Stat.* § 48-606, the Commissioner of Labor has the authority require reports deemed necessary or suitable. Further, *Neb. Rev. Stat.* § 48-616 requires the Commissioner of Labor to work with US Secretary of Labor. “The commissioner shall make such reports, in such form and containing such information as the Secretary of Labor may from time to time require, and shall comply with such provisions as the Secretary of Labor may from time to time find necessary to assure the correctness and verification of such reports.” *Id.*

Neb. Rev. Stat. § 48-612 requires Nebraska employers to “keep true and accurate work records containing such information as required by the Commissioner of Labor.” The records must be “subject to being copied by the commissioner or his or her authorized representative at any reasonable time and as often as may be necessary.”

As NDOL is required to work with US Secretary of Labor and the Secretary has requested this information, NDOL interprets *Neb. Rev. Stat.* §§ 81-401, 48-606, 48-612, and 48-616 to require employers to keep and maintain the records necessary to complete the biannual OEWS. Under the Commissioner of Labor’s statutory authority, every employer is required to provide these records to NDOL each time they are selected to participate in an OEWS panel.