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NEBRASKA ADMINISTRATIVE CODE

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SECRETARY OF STATE

TITLE 221 - DEPARTMENT OF LABOR

CHAPTER 6 - EMPLOYER ELECTIONS TO COVER MULTI-STATE WORKERS

001. The following regulation shall govern the Department in its administrative cooperation with other States subscribing to the Interstate Reciprocal Coverage Arrangement (hereinafter referred to as "the arrangement"). This chapter is adopted pursuant to Neb. Rev. Stat. §48-607 and §48-668.

002. As used in this chapter:

- A. "Jurisdiction" means any State of the United States, the District of Columbia, Puerto Rico, Virgin Islands, Canada, or, with respect to the federal government, the coverage of any federal unemployment compensation law;
- B. "Participating jurisdiction" means a jurisdiction whose administrative agency has subscribed to the arrangement and whose adherence thereto has not terminated;
- C. "Agency" means any officer, board, commissioner or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction;
- D. "Interested jurisdiction" means any participating jurisdiction to which an election submitted under this regulation is sent for its approval, and "interested agency" means the agency of such jurisdiction; and

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- E. "Services 'customarily performed' by an individual in more than one jurisdiction" means services performed in more than one jurisdiction during a reasonable period if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if such services are required or expected to be performed in more than one jurisdiction under the election.

003. A. Any employer may file an election on a form prescribed by the Commissioner to cover under the law of a single participating jurisdiction all of the services performed for that employer by any individual who customarily works for that employer in more than one participating jurisdiction.

An election may be filed, with respect to an individual, with any participating jurisdiction in which (1) any part of the individual's services are performed; (2) the individual resides; or (3) the employer maintains a place of business to which the individual's services bear a reasonable relation.

An election must state that each employee affected by the proposed election has been notified and has acquiesced therein.

- B. The agency of the elected jurisdiction (thus selected and determined) shall initially approve or disapprove the election.

If the agency approves the election, it shall forward a copy thereof to the agency of each other participating jurisdiction specified thereon, under whose unemployment compensation law the individual or individuals in question might, in the absence of election, be covered. Each interested agency shall approve or disapprove the election, as promptly as practicable, and shall notify the agency of the elected jurisdiction accordingly.

In case its law so requires, any interested agency may, before taking action, require from the electing employer satisfactory evidence that the affected employees have been notified of and have acquiesced in the election.

- C. If the agency of the elected jurisdiction, or the agency of any interested jurisdiction, disapproves the election, the disapproving agency shall notify the elected jurisdiction and the electing employer of its action and of its reason therefor.
- D. An election shall take effect as to the elected jurisdiction only if approved by its agency and by one or more interested agencies. An election thus approved shall take effect, as to any interested agency, only if it is approved by the agency.
- E. In case any election is approved only in part or is disapproved by some of the agencies, the electing employer may withdraw its election within ten days after being notified of the action.

004. A. An election duly approved under this regulation shall become effective at the beginning of the calendar quarter in which the election was submitted unless the election, as approved, specifies the beginning of a different calendar quarter.

If the electing employer requests an earlier effective date than the beginning of the calendar quarter in which the election is submitted, such earlier date may be approved solely as to those interested jurisdictions in which the employer had no liability to pay contributions or combined tax for the earlier period in question.

- B. (1) The application of an election to any individual under this regulation shall terminate, if the agency of the elected jurisdiction finds that the nature of the services customarily performed by the individual for the electing employer has changed, so that they are no longer customarily performed in more than one participating jurisdiction. The termination shall be effective as of the close of the calendar quarter in which notice of the findings is mailed to all parties affected.

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- (2) Except as provided in sub-paragraph (1), each election approved hereunder shall remain in effect through the close of the calendar year in which it is submitted and thereafter until the close of the calendar quarter in which the electing employer gives written notice of its termination to all affected agencies.
- (3) Whenever an election under this regulation ceases to apply to any individual under sub-paragraph (1) or (2), the electing employer shall notify the affected individual accordingly.

- 005.
- A. The electing employer shall promptly notify each individual affected by its approved election, on a form supplied by the elected jurisdiction, and shall furnish the elected agency a copy of the notice.
  - B. Whenever an individual covered by an election under this regulation is separated from that individual's employment, the electing employer shall again notify that individual forthwith as to the jurisdiction under whose unemployment compensation law those services have been covered. If, at the time of termination, the individual is not located in the elected jurisdiction, the electing employer shall notify that individual as to the procedure for filing interstate benefit claims.
  - C. The electing employer shall immediately report to the elected jurisdiction any change which occurs in the conditions of employment pertinent to its election, such as cases where an individual's services for the employer cease to be customarily performed in more than one participating jurisdiction or where a change in the work assigned to an individual requires that individual to perform services in a new participating jurisdiction.

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