

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.

Voluntary Separation to Attend School & Unemployment Insurance Benefits

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 when a voluntary separation from employment to attend school is viewed as good cause for separation. For additional information on Unemployment Insurance Benefits, individuals may consult the Handbook for Unemployed Workers (“Handbook”), or visit 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.

APPLICABILITY OF THIS GUIDANCE:

This guidance is applicable to benefit years beginning on or after January 1, 2018.

OVERVIEW:

The NESL, in §48-628.13, provides that good cause for voluntarily separating from employment includes leaving to attend school. The purpose of this guidance is to identify requirements that must be met in order for a voluntary separation to attend school to be considered good cause for separating from employment.

VOLUNTARY QUIT TO ATTEND SCHOOL AND DEMONSTRATING GOOD CAUSE:

A voluntary separation from employment may be with good cause or without good cause. Good cause is established in Neb. Rev. Stat. §48-628.13, and case law. Neb. Rev. Stat. §48-628.13 (10) provides that leaving employment to attend school is considered good cause, but further guidance on such separation is necessary.

If an individual voluntarily leaves, or separates from, his or her most recent employment to attend school, such separation will be considered with good cause if the greater weight of the evidence supports the conclusion of all of the following:

- 1) The primary purpose of the voluntary separation from employment was to attend school;
- 2) The individual could not arrange the individual’s school schedule to continue work while attending school, or the employer would not permit a work schedule adjustment for the individual in order to allow attendance at school; and
- 3) The voluntary separation from employment is within reasonable proximity to the start date of the school term.

The need to relocate to attend school will be considered in assessing the proximity of the date of separation to the start of the school term, and in assessing the ability to arrange school and work scheduling.

IMPACT OF SCHOOL ON UNEMPLOYMENT ELIGIBILITY REQUIREMENTS:

- 1) In order to be eligible to receive unemployment benefits with respect to any week, an individual must be able to work, available for work, actively searching for work, and accept suitable work offered to him or her. An individual who leaves work to attend school, and is seeking unemployment benefits, must still be able to work, available for work, actively searching for work, and accept suitable work offered to him or her. Nothing in this guidance document modifies or supersedes these requirements, or any other eligibility requirement specified in the NESL.
- 2) Neb. Rev. Stat. §48-628.03 provides that a full-time student shall be disqualified from benefits for any week of unemployment unless the majority of the base period wages in insured work were earned while the individual was attending school. Nothing in this guidance document modifies or supersedes these requirements, or any other eligibility requirement specified in the NESL.

APPROVED TRAINING:

An unemployed individual who is engaged in a training course approved for him or her by the Commissioner of Labor, even if completing such training course while attending school, is still considered available for work.

STATUTORY AUTHORITY:

Neb. Rev. Stat. §48-627; §48-628; §48-628.03; §48-628.13