UNEMPLOYMENT INSURANCE:
ADVISEMENT OF BENEFIT RIGHTS

TITLE 219 - DEPARTMENT OF LABOR: CHAPTER 2 - CLAIMS FOR BENEFITS

To file an a claim for unemployment benefits, go to dol.nebraska.gov

001. This chapter is adopted pursuant to Neb. Rev. Stat. §§48-626, 48-627, 48-629, and 48-607.

002. A. For benefit years beginning prior to October 1, 2015, an individual who wants to make a claim for unemployment benefits shall file his or her application for bnefits through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov. The individual shall provide such information as required on the application. Each application shall be signed by electronic signature or handwritten on a form prescribed by the Commissioner.

For benefit years beginning on or after October 1, 2015, all claims for unemployment benefits, except claims involving either wages paid by the military or federal government or combined with wages from state(s) other than Nebraska, shall be filed online through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov unless a special accommodation is required or no reasonable access to an office maintained by the Department of Labor is available. Conditions requiring a special accommodation shall include, but not be limited to, lanugage barriers and physical and mental handicaps. If a special accommodation is required, claimants may file an application for benefits through the Nebraska Department of Labor Claims Center. The individual shall provide such information as required on the application. Each application shall be signed or attested to. An application may be signed by electronic signature or handwritten on a form prescribed by the Commissioner.

B. When filing a new initial claim, re-opening an existing claim, or filing a subsequent claim for unemployment benefits a claimant shall be required to register for work and create an active, online and searchable resume in the Nebraska Department of Labor's web application for Reemployment and Benefit services in accordance with 219 NAC 4.

C. The initial application for benefits shall be effective Sunday of the week in which the applicant files an application with the Department. The Commissioner, for good cause, may establish a different effective date.

D. A week shall be deemed to be in, within, or during that benefit year which includes the greater part of such week.

003. A. A separate claim for benefits shall be made for each week of unemployment by a method of claiming prescribed by the Commissioner.

B. An individual shall be ineligible for benefits for any week for which the individual fails to demonstrate that the individual engaged in an active and earnest search for work as required under 219 NAC 4.

C. If prescribed by the Commissioner, a claim form will be mailed by the Department and shall be completed by the claimant and returned to and received by the Department within ten days of the later of the date mailed or the week ending date which will be stated on the form. A claimant who fails to timely return the claim form shall be ineligible for that week's benefits unless good cause for the late return can be shown. If found ineligible, such applicant shall also be ineligible for benefits for any intervening weeks until the week in which the claim form is returned, regardless of cause.

D. An electronic media claim transaction shall be completed by the claimant and received by the Department by the Friday following the most recent week ending date. The failure of a claimant to timely complete an electronic media transaction shall be the basis for a denial of that week's benefits unless good cause for the late transaction can be shown. Any intervening weeks until the week in which the transaction was completed and received by the Department shall also be denied, regardless of cause.

E. A claim for benefits shall be filed for waiting week credit even though benefits are not payable for that week.

F. A claim for benefits shall be filed for each week of eligibility during the time an applicant is awaiting the results of an appeal hearing if the applicant intends to claim benefits during that time period.

004. The Department may direct a claimant to contact one of its offices to meet eligibility or other reporting requirements, or to provide other information as needed in the administration of Nebraska Employment Security Law. Unless good cause is shown, failure to contact the office as directed may result in the denial of benefits beginning with the week the claimant was scheduled to report and ending the Saturday prior to the week in which he/she reports to the Department.

005. In the event that wage information cannot be obtained from an employer, the Department may request that such information be provided by the claimant. The claimant may be required to provide payroll check stubs, W-2s, or other reliable information corroborating the amount of wages stated by the claimant. A failure by the claimant to comply with such a request by the due date on the form shall cause the claim to be processed without the requested wages and may result in a denial of benefits until the week in which the information regarding requested wages is received by the Department.

006. In the event of a major disaster declared by both the Governor of the State of Nebraska and the President, the Commissioner may permit backdating of the effective date of unemployment insurance claims to agree with the effective date of the federal disaster period.

007. Each worker engaged in employment covered by the Nebraska Employment Security Law, including service covered by election of an employer, shall procure a federal social security account number and furnish that number to every employer for whom that worker performs covered employment.

008. Weeks of disqualification assessed pursuant to Neb. Rev. Stat. §48-628 and reductions in benefits determined pursuant to Neb. Rev. Stat. §48-626 shall be determined in accordance with the number of weeks of disqualification in effect on the applicable date of the most recently filed initial, transitional or additional claim.

Updated: 9/21/2016

STATE OF NEBRASKA
EQUAL OPPORTUNITY COMMISSION

NOTICE TO Job Applicants, Employees, Employers, Labor Unions, Employment Agencies, Landlords, Tenants, Proprietors, Public:

DISCRIMINATION IN

★ EMPLOYMENT ★
★ HOUSING ★ PUBLIC ACCOMMODATIONS ★
IS PROHIBITED BY STATE LAW

Unlawful Employment Practices

It is illegal for an employer to discriminate against you because of your **Race, Color, Sex, Pregnancy, National Origin, Marital Status, Disability, Religion** and/or **Age (40-years-old and over)**. Discrimination may occur in such areas as *Hiring, Promotions, Transfers, Lay-offs, Discipline and Termination, Compensation and Benefits, Training, Other Terms or Conditions of Employment,* or *Sexual Harassment.* The Nebraska Equal Opportunity Commission is authorized to investigate allegations of discrimination under the Fair Employment Practices Act and the Equal Pay Act of Nebraska, both of which covers employers with 15 or more employees; and the Nebraska Age Discrimination in Employment Act, which covers employers with 20 or more employees. Labor Organizations, Employment Agencies, Apprenticeship and Training Programs are all covered by the law.

Authority: Sections 48-1001 through 48-1009; Sections 48-1101 through 48-1125; Sections 48-1219 through 1227, R.R.S. Nebraska, 1943.

Public Accommodations and Housing Discrimination

The Nebraska Fair Housing Act prohibits *unlawful housing practices* which includes discrimination because of **Race, Color, Religion, National Origin, Sex, Disability and Familial Status** in *Purchases, Sales, Rentals, Loans, Publishing, Representation, Inquiry, Listings, Discharge,* or *Demotion of Agents or Employees* in obedience to the law, blockbusting and other such actions.

Authority: Sections 20-301 through 20-344, R.R.S. Nebraska, 1943.

The Nebraska Civil Rights Act of 1969–*Public Accommodation* prohibits discrimination because of **Race, Color, Religion, Sex, National Origin,** or **Ancestry** in *Services, Privileges, Facilities, Advantages and Accommodations by all Public Places* and *Businesses* offering the same. Private establishments, etc. must meet the exceptions as set out in the law.

Authority: Sections 20-132 through 20-143, R.R.S. Nebraska, 1943.

Protection From Retaliation

The Laws enforced by the Nebraska Equal Opportunity Commission prohibit an employer, landlord, or others subject to the laws from engaging in any form of retaliation because you have filed a charge of discrimination, opposed a practice made illegal by these laws, or acted as a witness in any investigation or hearing conducted by the Commission. In addition, the Fair Employment Practices Act makes it illegal for an employer to engage in any retaliation because a person has opposed any illegal practice or refused to carry out any action that is illegal under the laws of the State of Nebraska or the United States.

- COMPLAINTS: The Nebraska EOC will investigate every complaint in an impartial manner, without cost to you and without publicity. If there is reasonable cause to believe that the law was violated, the Nebraska EOC will hold a conciliation conference. In case of failure to settle or resolve a charge by conference, mediation, conciliation, arbitration or persuasion, a public hearing or litigation may occur.
- EMPLOYERS, EMPLOYMENT AGENCIES, UNIONS, LANDLORDS, LENDERS, REAL ESTATE OFFICES, PROPRIETORS, PUBLIC, ETC: You may call on the Nebraska EOC for information on procedures, advice on policy problems, literature, reading lists, films, speakers service, and aid in educational programming.

For Information or Assistance, Please Write, Call, or Come to:

Main Office
Equal Opportunity Commission
301 Centennial Mall South, 5th Floor
P.O. Box 94934
Lincoln, Nebraska 68509-4934
Telephone (402) 471-2024
1-800-642-6112

Branch Office
Panhandle Office Complex
4500 Avenue 'I'
P.O. Box 1500
Scottsbluff, Nebraska 69363-1500
Telephone (308) 632-1340
1-800-830-8633

Branch Office
1313 Farnam on-the-Mall
Omaha, Nebraska 68102-1836
Telephone (402) 595-2028
1-800-382-7820

www.neoc.ne.gov

- THIS NOTICE MUST BE POSTED in conspicuous, well lighted places—*e.g.*, hiring offices, employee bulletin boards, employment agency waiting rooms, union hall—which are frequented by employees, job seekers, or applicants for union membership. Firms and organizations that have more than one such office, plant or posting place, should request extra copies of this notice. For information on exceptions write to Nebraska EOC. This document satisfies the requirements for posting pursuant to the laws administered by the NEOC.

This Commission Investigates Unlawful Discrimination Complaints Filed Anywhere In The State Of Nebraska: At No Cost To The Person Making The Complaint

Printed with soy ink on recycled paper

POST 6/07

Minimum Wage in Nebraska

Effective January 1, 2016

$9.00 Per hour

Notice to Employees

Except as provided below, every employer of four or more persons at any one time shall pay its employees a minimum wage of nine dollars per hour.

- If the employee is compensated by way of gratuities, the employer shall pay wages at the minimum rate of two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed nine per hour.
- Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate.
- An employer may pay a new employee younger than 20 who is not a seasonal or migrant worker, a training wage of at least seventy-five percent of the federal minimum wage for ninety days from the date the new employee was hired, subject to the terms and conditions described in Neb. Rev. Stat. §48-1203.01.

48-1202. For purposes of the Wage and Hour Act, unless the context otherwise requires:

1. Employ shall include to permit to work;

2. Employer shall include any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or organized group of persons employing four or more employees at any one time except for seasonal employment of not more than twenty weeks in any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States, the state, or any political subdivision thereof;

3. Employee shall include any individual employed by any employer but shall not include:

- **(a)** Any individual employed in agriculture;
- **(b)** Any individual employed as a baby-sitter in or about a private home;
- **(c)** Any individual employed in a bona fide executive, administrative, or professional capacity or as a superintendent or supervisor;
- **(d)** Any individual employed by the United States or by the state or any political subdivision thereof;
- **(e)** Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization when the employer-employee relationship does not in fact exist or when the services rendered to such organization are on a voluntary basis;
- **(f)** Apprentices and learners otherwise provided by law;
- **(g)** Veterans in training under supervision of the United States Department of Veterans Affairs;
- **(h)** A child in the employment of his or her parent or a parent in the employment of his or her child; or
- **(i)** Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being;

4. Occupational classification shall mean a classification established by the Dictionary of Occupational Titles prepared by the United States Department of Labor; and

5. Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.

For further information regarding the Nebraska Wage and Hour Act, contact the Nebraska Department of Labor

Updated: 10/5/2016

PHONE 402-471-2239

Updated: 9/21/16

Check **dol.nebraska.gov/LaborStandards/RequiredPosters** periodically for poster updates.

NEBRASKA
Good Life. Great Connections.
DEPARTMENT OF LABOR