

NEBRASKA ADMINISTRATIVE CODE

TITLE 219 - DEPARTMENT OF LABOR

CHAPTER 4 - CLAIMANT'S AVAILABILITY / WORK SEARCH REQUIREMENTS

001. This chapter is adopted pursuant to *Neb. Rev. Stat.* §§48-607, 48-627 and 48-628.

002. In order to establish his or her availability for work in the job market to which he or she is attached, a claimant shall register for work and engage in an active work search.

003. A. A claimant attached to a Nebraska job market register for work at an employment services office established in accordance with *Neb. Rev. Stat.* §48-662 or the Nebraska Department of Labor's web application for Reemployment and Benefit services. Claimants not attached to a Nebraska job market shall register with the employment service office of the state of their residence.

B. 1. In order to complete his or her registration for work, a claimant attached to a Nebraska job market shall be required to create an active, online, and searchable resume in the Nebraska Department of Labor's web application for Reemployment and Benefit services in order to initially apply for benefits.

2. In order to remain registered for work and eligible for benefits, any claimant for whom the work search requirement has not been waived pursuant to 219 NAC 4(007) shall continuously maintain an active, online and searchable resume on the Nebraska Department of Labor's web application for Reemployment and Benefit services.

3. A claimant's registration for work and resume will be considered inactive after 90 consecutive days of non-use of the Nebraska Department of Labor's web application for Reemployment and Benefit services and the claimant will be determined to not be available for work.

004. A. In order for a claimant to be "available for work" within the meaning of *Neb. Rev. Stat.* §48-627(3), a claimant for whom the work search requirement has not been waived pursuant to 219 NAC 4(007) must actively seek work in accordance with the provisions of this Chapter. (See also, 20 C.F.R. § 604.5 and 42 U.S.C.A. 503.)

- B. For benefit years beginning prior to October 1, 2015, a claimant will also be required to make an active and earnest search for work that is reasonably calculated to result in the earliest possible reemployment of the claimant. The search shall include, for each week of benefits, at least two contacts with employers in-person, by mail, by telephone, or by other electronic media. A claimant shall record each week's work search effort in an electronic web application maintained by the Department of Labor as the Commissioner of Labor shall direct. A claimant shall record work search contacts (a) during the week in which he or she is looking for work, or (b) at the same time he or she claims for benefits for the benefit week for which the work search was performed. However, a claimant shall not be able to record his or her work search contacts after he or she submits a claim for benefits for the benefit week the work searches were performed. A failure to record the work search effort in the directed manner will be considered a failure to report as directed, and the claimant shall be ineligible for the week in which he or she failed to report.
- C. For benefit years beginning on or after October 1, 2015, a claimant, for whom the work search requirement has not been waived pursuant to 219 NAC 4(007), shall be required to make an active and earnest search for work that is reasonably calculated to result in the earliest possible reemployment of the claimant. An active and earnest search for work shall include five job contacts with employers each benefit week, including but not limited to inquiries and applications made in-person, by mail, by telephone, or by other electronic media for permanent positions. A claimant attached to a Nebraska job market shall make at least one of the five job contacts with employers each benefit week through the Nebraska Department of Labor's web application for Reemployment and Benefit services.
1. During each of the first five benefit weeks claimed, a claimant shall make no less than five job contacts with employers who may reasonably be expected to have openings for suitable work, except that contacts with the same employer more than once in a 4-week period are not credited as a work search contact unless a new job is posted by the employer or available. At least one of the five job contacts with employers shall be an application for suitable work as defined in *Neb. Rev. Stat. §48-628.03(3)*.
 2. Beginning with the sixth benefit week claimed, each claimant shall make no less than five job contacts with employers who may reasonably be expected to have openings for suitable work, except that contacts with the same employer more than once in a 4-week period are not credited as a work search contact unless a new job is posted by the employer or available. The job contacts with employers shall occur on at least three different days of the benefit week. At least two of the five job contacts with employers shall be applications for suitable work as defined in *Neb. Rev. Stat. §48-628.03(3)*.
 3. Beginning with the fourteenth benefit week claimed, each claimant shall make no less than five job contacts with employers who may reasonably be expected to have openings for suitable work, except that contacts with the same employer more than once in a 4-week period are not credited as a work search contact unless a new job is posted by the employer or available. The job contacts with employers must occur on at least four different days of the benefit week. At least two of the five job contacts with employers shall be

applications for suitable work as defined in *Neb. Rev. Stat. §48-628.03(3)*.

4. A claimant shall record each week's work search effort in an electronic web application maintained by the Department of Labor as the Commissioner of Labor shall direct, and shall provide such information as is requested so that the work search contact can be verified. A claimant shall record work search contacts (a) during the week in which he or she is looking for work, or (b) at the same time he or she claims for benefits for the benefit week for which the work search was performed. However, a claimant shall not be able to record his or her work search contacts after he or she submits a claim for benefits for the benefit week the work searches were performed. A failure to record the work search effort in the directed manner will be considered a failure to report as directed, and the claimant shall be ineligible for the week in which he or she failed to report.
 - D. Electronic notifications by the Nebraska Department of Labor's web application for Reemployment and Benefit services of job openings matching up with the job skills described in the claimant's resume in the employment services' web application shall be considered as a direction by the Commissioner to apply for available, suitable work within the meaning of *Neb. Rev. Stat. §48-628.03(3)*.
 - E. Eligibility for benefits of claimants seeking only part-time work is established in *Neb. Rev. Stat. §48-627*.
005. Beginning with the sixth benefit week claimed, a claimant will be required to expand the scope of the job search regarding acceptable hours, wages, conditions, location, and type of work.
006. A claimant who is unavailable for employment or physically unable to work for any reason for four days of any week shall be disqualified from receiving benefits for that week. A claimant will not be considered unavailable for employment if he or she has a "duty before any court under a lawfully issued summons during the week of unemployment claimed." See, 20 CFR 604.5(b).
007. The Commissioner may waive the requirement that an applicant search for work if:
 - A. The applicant is attached to a regular job or industry;
 - B. The applicant is eligible for referral as a member in good standing in a labor union which has a union hiring hall;
 - C. Compliance would be oppressive or inconsistent with the purpose of the Nebraska Employment Security Law;
 - D. The applicant is attending training approved by the Commissioner pursuant to 225 NAC 1;
 - E. The applicant is attending training funded in whole or part pursuant to *Neb. Rev. Stat. §48-622.02*; or
 - F. If during the week of application, the applicant is employed in an affected unit included within an approved short-time compensation plan.

008. A claimant shall be ineligible for benefits if the claimant fails to report for reemployment services as directed by the commissioner, such as job search assistance services, including, but not limited to, any claimant who has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the commissioner pursuant to *Neb. Rev. Stat. §48-627(6)*, §303(j)(1) of the Federal Social Security Act, and 219 NAC 17. No fee shall be charged to the claimant for participation in such reemployment services. The commissioner may waive participation in such reemployment services if the commissioner determines that:
- A. The claimant has completed such services; or
 - B. There is justifiable cause for the claimant's failure to participate in such services.
009. For purposes of *Neb. Rev. Stat. §48-628(7)*, an individual shall be considered to be registered for full attendance at and regularly attending an established school college or university if the individual is treated as a full-time student at the school, college or university that the individual is attending for purposes of determining eligibility for federally subsidized financial assistance.