# Your Employee Rights Under the **Family and Medical Leave Act**

#### What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for

The birth, adoption or foster placement of a child with you, Your serious mental or physical health condition that makes you unable to work, To care for your spouse, child or parent with a serious mental or

physical health condition, and Certain gualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need

### Am I eligible to take FMLA leave?

### You are an **eligible employee** if <u>all</u> of the following apply:

You work for a covered employer You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the 12 months before your leave, and Your employer has at least 50 employees within 75 miles of your work location

lef.: 29 CFR §825.300

#### Airline flight crew employees have different "hours of service" requirements

You work for a covered employer if one of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar

You work for an elementary or public or private secondary school, You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by

Title II of the FMLA, administered by the Office of Personnel Management. How do I request FMLA leave?

You do not have to share a medical diagnosis but must provide

enough information to your employer so they can determine whether

the leave qualifies for FMLA protection. You must also inform your

employer if FMLA leave was previously taken or approved for the

### Generally, to request FMLA leave you must:

same reason when requesting additional leave.

Personnel Management or Congress.

exigency.

may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer Follow your employer's normal policies for requesting leave. determines that you are eligible, your employer must notify you in Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible. writing:

> About your FMLA rights and responsibilities, and • How much of your requested leave, if any, will be FMLA-protected leave

### Where can I find more information?

SCAN ME

WH1420 REV 04/23

What does my employer need to do?

Allow you to take job-protected time off work for a qualifying

on the same basis as if you had not taken leave, and

Continue your group health plan coverage while you are on leave

Allow you to return to the same job, or a virtually identical job with

the same pay, benefits and other working conditions, including

Your employer cannot interfere with your FMLA rights or threaten

your employer cannot retaliate against you for requesting FMLA leave

or punish you for exercising your rights under the law. For example,

After becoming aware that your need for leave is for a reason that

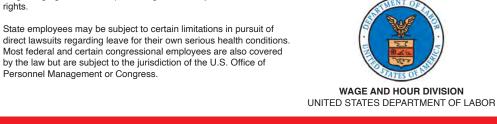
If you are eligible for FMLA leave, your employer must:

shift and location, at the end of your leave

or cooperating with a WHD investigation

Call 1-866-487-9243 or visit dol.gov/fmla to learn more. Your employer may request certification from a health care provide to verify medical leave and may request certification of a qualifying If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your

employer in court. Scan the QR code to learn about our WHD The FMLA does not affect any federal or state law prohibiting complaint proces discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave





prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

- **PROHIBITIONS** Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.
- EXEMPTIONS Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and

of pharmaceutical manufacturers, distributors and dispensers The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

- EXAMINEE Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees RIGHTS have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.
- **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.





STATE OF NEBRASKA EQUAL OPPORTUNITY COMMISSION

**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.

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

### **DISCRIMINATION IN**

 $\star$  EMPLOYMENT  $\star$ 

EMERGENCY		
<b>PHONE NUMBERS</b>		
PHYSICIAN		

HOSPITAL

AMBULANCE

### **EMPLOYEE RIGHTS** UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR

**BEGINNING JULY 24, 2009** 

The law requires employers to display this poster where employees can readily see it.

- **OVERTIME PAY** At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek. CHILD LABOR
  - An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old ma work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment. Employers of "tipped employees" who meet certain conditions may claim a partial wage credit
- TIP CREDIT based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equa the minimum hourly wage, the employer must make up the difference
- PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs o express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.
- ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/ or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened

civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violation are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

- · Certain occupations and establishments are exempt from the minimum wage, and/or overtime ADDITIONAL pay provisions. Certain narrow exemptions also apply to the pump at work requirements. INFORMATION Special provisions apply to workers in American Samoa, the Comm onwealth of the Norther Mariana Islands, and the Commonwealth of Puerto Rico.
  - Some state laws provide greater employee protections; employers must comply with both. Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be
  - paid less than the minimum wage under special certificates issued by the Department of Lab



# Minimum Wage in Nebraska

Effective Date	Minimum Hourly Wage Rate
January 1, 2016	\$9.00
January 1, 2023	\$10.50
January 1, 2024	\$12.00
January 1, 2025	\$13.50
January 1, 2026	\$15.00

Beginning January 1, 2027, the minimum wage will increase based on the cost-of-living increase as measured by the Consumer Price Index.

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

In the case of employees paid gratuities for services performed, the combined amount of hourly wage and gratuities given to the employee shall equal or exceed the current minimum wage. The hourly wage amount paid to the employee shall be at least \$2.13 per hour and the employer is responsible for making up the difference between the actual hourly wage and gratuities paid to the employee and the current minimum wage.

### $\star$ HOUSING $\star$ PUBLIC ACCOMMODATIONS $\star$ **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.

· 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 'l' 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

POST 6/07

• 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

Ref.: Nebraska Statute, Sec. 20; Sec. 48; 48-1226

FIRE DEPARTMENT	
POLICE	
POISON CONTROL	
HAZARDOUS MATERIALS	
Provided By: NEBRASKA DEPARTMENT OF LABOR dol.nebraska.gov	
<b>STATE</b>	
AND	
ΕΕΝΕΟΛΙ	



		Rights: Discrimina	tion is Illegal	
The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that	What can You Do if You Believe		Protected Veteran Status	
protect you from discrimination in employment. If you believe you've been discriminated	Discrimination has Occurred? Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/ work). You can reach the EEOC in any of the following ways:		The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C.	
against at work or in applying for a job, the EEOC may be able to help.			4212, prohibits employment discrimination agains and requires affirmative action to recruit, employ,	
Who is Protected?			and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty),	
<ul> <li>Employees (current and former), including managers and temporary employees</li> </ul>	Submit	an inquiry through the EEOC's public	active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.	
<ul> <li>Job applicants</li> <li>Union members and applicants for membership in a union</li> </ul>		portal: <u>https://publicportal.eeoc.</u> gov/Portal/Login.aspx	Retaliation	
What Organizations are Covered?	Call	1-800-669-4000 (toll free) 1-800-669-6820 (TTY)	Retaliation is prohibited against a person who files a complaint of discrimination, participates	
Most private employers	1-844-234-5122 (ASL video ph		in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these	

Most private employers discrimination State and local governments (as employers) Visit an EEOC field office (information at Federal laws.

- 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 75% 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 75% of the federal minimum wage for 90 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;

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

NEBRASKA

**PHONE** 402-471-2239

Good Life. Great Connections

Updated: 11/22/2022

Ref.: Nebraska Statutes, Sec. 48-1205.

DEPARTMENT OF LABOR

## UNEMPLOYMENT INSURANCE: **ADVISEMENT OF BENEFIT RIGHTS**

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

### To file a claim for unemployment benefits, go to NEworks.nebraska.gov.

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

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



### **Job Safety and Health** IT'S THE LAW!

### All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative) participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

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### **Employers must**:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

Jnions Staffing agencies hat Types of Employment scrimination are Illegal? der the EEOC's laws, an employer may not riminate against you, regardless of your	E-Mail Info@eeoc.gov Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.	Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor	
nigration status, on the bases of: Race	EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS	200 Constitution Avenue, N.W. Washington, D.C. 20210 1–800–397–6251 (toll-free)	
2dor Heligion National origin Jesk (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender dentity) (ge (40 and older) Jisability Jenetic information (including employer requests or, or purchase, use, or disclosure of genetic sets, genetic services, or family medical history) Hetaliation for filing a charge, reasonably	The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases: <b>Race, Color, Religion, Sex, Sexual</b> <b>Orientation, Gender Identity,</b>	If you are deal, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk. dol.gou/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gou/agencies/ofccp/contact.	
pposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding	National Origin Executive Order 11246, as amended, prohibits	PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE	
nterference, coercion, or threats related o exercising rights regarding disability liscrimination or pregnancy accommodation	employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and	Race, Color, National Origin, Sex	
hat Employment Practices can be hallenged as Discriminatory?	requires affirmative action to ensure equality of opportunity in all aspects of employment. Asking About, Disclosing, or Discussing Pay	In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits	
Discharge, firing, or lay-off Harassment (including unwelcome verbal priphysical conduct) Hiring or promotion Assignment Pay (unequal wages or compensation)	Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.		
Failure to provide reasonable accommodation or a disability; pregnancy, childbirth, or related nedical condition; or a sincerely-held religious	Disability	employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.	
belief, observance or practice Benefits lob training	Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring,	Individuals with Disabilities	
Ilassification Veteral Detaining or disclosing genetic information of employees Conduct that might reasonably discourage conduct that coerces, intimidates, threatens, or neterferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability	promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.	Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job. If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.	

## PAY DAY NOTICE

(Revised 6/27/2023)

### **PAY DAY IS ON:**

MONDAY	
TUESDAY	SATURDAY
WEDNESDAY	SUNDAY
THURSDAY	

### **PAY SCHEDULE IS:**

SEMI MONTHLY

AT:

### **PAYCHECKS ARE ISSUED ON THE:**

AND OF THE MONTH

### 002. A. All claims 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. language 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 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.** An electronic media claim transaction shall be completed by the claimant and received by the Department by the Saturday 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.

**NEBRASKA** 

**E.** 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-2's, 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 disgualification assessed and reductions in benefits determined pursuant to the Nebraska Employment Security Law, Neb. Rev. Stat. §§48-601 to 48-683, shall be determined in accordance with the number of weeks of disgualification in effect on the applicable date of the most recently filed initial, transitional or additional claim.

Contact OSHA. We can help.

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