

NEBRASKA ADMINISTRATIVE CODE

TITLE 219 - DEPARTMENT OF LABOR

CHAPTER 5 - BENEFITS TO INTERSTATE CLAIMANTS

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

002. The following regulations shall govern the Department in its administrative cooperation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

003. Definitions:

As used in this regulation, unless the context clearly requires otherwise:

- A. "Interstate Benefit Payment Plan" means the plan approved by the Interstate Conference Of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.
- B. "Interstate Claimant" means an individual who claims benefits under the unemployment insurance law of a liable state from another state, through the facilities of an agent state, or directly with the liable state. The term "interstate claimant" shall not include any individual who customarily commutes across state lines from a residence in one state to work in a liable state unless the Department finds that this exclusion would create undue hardship on such claimants in specified areas.
- C. "State" includes the District of Columbia, Puerto Rico, and the Virgin Islands.
- D. "Agent State" means any state through whose facilities an individual files an interstate initial claim for benefits against another state.

- E. "Liable State" means any state against which an individual files, through another state, an interstate claim for benefits.
- F. "Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment insurance law of any state.
- G. "Week of unemployment" includes any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

004. Notification of Interstate Claim

The liable state will notify the agent state of each initial claim, reopened claim, claim transferred to interstate status, and each week claimed filed from the agent state using uniform procedures and record format pursuant to the Interstate Benefit Payment Plan.

005. Registration for Work

- A. The agent state shall register for work each interstate claimant who files through the agent state, or upon notification of a claim filed directly with the liable state, as required by the law, regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state.
- B. Each agent state shall duly report, to the liable state in question, each interstate claimant who fails to meet registration/reemployment assistance reporting requirements of the agent state.

006. Benefit Rights of Interstate Claimant

- A. If a claimant files a claim against any state, and it is determined by such state that the claimant has available benefit credits in such state, claims for benefits shall be filed only against that state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.
- B. For the purposes of this regulation, benefit credits shall be deemed to be unavailable whenever benefits have been: (1) exhausted; (2) terminated; (3) postponed for an indefinite period and the individual has not subsequently satisfied the requalifying requirements; (4) postponed for the entire period in which benefits would otherwise be payable; or (5) whenever benefits are affected by the application of a seasonal restriction.

007. Claims for Benefits

- A. Claims for benefits or waiting period filed by an interstate claimant directly with the liable state shall be filed in accordance with the liable states procedures.
- B. The liable state shall accept as duly filed those claims filed through the facilities of an agent state in accordance with the agent state regulations for interstate claims, including claims filed with respect to weeks of unemployment during which an individual is attached to his/her regular employer that are filed within the time limit applicable to such claims under the law of the agent state.

008. Providing Assistance to Interstate Claimants

- A. Each agent state, upon request by an interstate claimant, shall assist the individual with the understanding and filing of necessary notices and documents.
- B. The liable state shall provide interstate claimants with access to information concerning the status of their claims throughout the normal business day.

009. Eligibility Review Program

The liable state shall schedule and conduct eligibility review interviews for interstate claimants.

010. Determination of Claims

- A. The agent state shall, in connection with each claim filed by an interstate claimant, identify to the liable state in question, any potential issue relating to the claimant's availability for work and eligibility for benefits detected by the agent state.
- B. The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to the identification of potential issues identified in connection with initial or weeks claimed filed through the agent state and the reporting of relevant facts pertaining to each claimant's failure to register for work or report for reemployment assistance as required by the agent state.

011. Appellate Procedure

- A. The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims when so requested by a liable state.
- B. With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date it is received by any qualified officer of the agent state.
- C. The liable state shall conduct hearings in connection with appealed interstate benefit claims. The liable state may contact the agent state for assistance in special circumstances.

012. Extension of Interstate Benefit Payments to Include Claims Taken in and for Canada.

This regulation shall apply in all its provisions to claims taken in and for Canada.