

Nebraska Legislative Bills Introduced 2014 (105th Legislature)

Christopher R. Hedican, J.D., SHRM Legislative Director

January 27, 2014 Update

General Application Employment Bills

Bill No. (Sponsor)	Bill Description	Status
<p>LB 588 (Watermeier)</p>	<p>Veterans Preference Act. Under this bill, veterans would be given preference for initial employment in positions with the state or its governmental subdivisions if the veteran is competent to perform the services.</p> <p>Spouses of veterans with a 100% service connected disability are allowed to participate in the Act.</p> <p>The bill requires that notifications be sent to veterans that apply but are not hired within 30 days of filling the position.</p> <p>A veterans preference is not available for key employees, positions held by a patient, inmate or student or positions that are temporary or casual.</p> <p>Employer Impact: When an examination is required for employment, veterans will have 5% added to their score.</p> <p>When no examination is required, the preference will be given to a qualifying veteran if two or more equally qualified candidates are being considered for the position.</p> <p>The bill only affects state and/or governmental offices. Further, the language is sufficiently vague that it will be difficult to show a violation. The 30 day notice requirement is the largest hurdle.</p>	<p>Introduced January 9, 2014</p>
<p>LB 765</p>	<p>Change the Nebraska Wage Payment and Collection Act. When an employer elects to pay wages with a payroll debit card, the employer shall comply with the Electronic Fund Transfer Act.</p> <p>Additionally, the employer shall allow an employee at least one means of fund access withdrawal per pay period at no cost to the employee for an amount up to and including the total amount of the employee's net wages, as stated on the employee's earnings statement. An employer shall</p>	<p>Introduced January 9, 2014</p> <p>Hearing: February 3, 2014 at 1:30 p.m. in Room 2102</p>

	<p>not require an employee to pay any fees or costs incurred by the employer in connection with paying wages with a payroll debit card.</p> <p>Employer Impact: Minimal. The only change is having to allow the employee to withdraw from their payroll debit card at least once per pay period.</p>	
LB 825	<p>Require Open Meeting Act compliance by boards and subcommittees subject to the Nebraska Workforce Investment Act.</p> <p>Employer Impact: Minimal. Now the state board and its subcommittee are subject to the Open Meetings Act.</p>	Introduced January 13, 2014
LB 858	<p>Provide requirements relating to pharmacists and health care services in health insurance.</p> <p>The bill states that pharmacists are to now be recognized as health care providers who have the authority to provide health care services that include, but are not limited to, medication therapy management services, chronic disease management services, comprehensive medication review, and other such professional services provided to patients by pharmacists.</p> <p>Insurers may contract with pharmacists for the provision of these services. Payment for such services shall be separate and distinct from dispensing and counseling services provided by pharmacists or as a part of the pharmacy's ordinary course of business.</p> <p>Employer Impact: Employers must now treat a pharmacist as a health care provider for the purposes of any health care plan.</p>	Introduced January 13, 2014
LB 879	<p>Provide for a permit to carry a concealed handgun in a school. Creates the process for obtaining a "Level II" gun permit which allows the holder to carry a concealed weapon in a school.</p> <p>Employer Impact: Anyone seeking such a permit must have a notarized letter(s) of approval from the governing body of the school(s) in which the applicant seeks to carry a concealed handgun and proof of employment at the school(s) in which the applicant seeks to carry a concealed handgun.</p>	Introduced January 14, 2014
LB 903	<p>Require a wage statement for employees under the Nebraska Wage Payment and Collection Act. On each regular payday, the employer shall deliver to each employee, by mail or electronically, or shall provide at the employee's normal place of employment during normal employment hours a</p>	<p>Introduced January 15, 2014</p> <p>Hearing: February 3, 2014 at 1:30 p.m. in Room 2102</p>

	<p>wage statement showing, at a minimum, the identity of the employer, the hours the employee worked, the wages earned by the employee, and deductions made for the employee.</p> <p>However, the employer need not provide information on hours worked for employees who are exempt from overtime unless the employer has established a policy or practice of paying to or on behalf of exempt employees overtime, a bonus, or a payment based on hours worked, whereupon the employer shall send or otherwise provide a statement to the exempt employees showing the hours the employee worked or the payments made to the employee by the employer, as applicable.</p> <p>Employer Impact: Previously, the rule was that the employer had to provide this information within ten working days after a written request was made by the employee.</p>	
LB 943	<p>Change the minimum wage rate.</p> <p>Employer Impact: Changes the minimum wages to seven dollars and twenty-five cents per hour through December 31, 2014; Seven dollars and sixty-five cents per hour on and after January 1, 2015, through December 31, 2015; Eight dollars and thirty-five cents per hour on and after January 1, 2016, through December 31, 2016; Nine dollars per hour on and after January 1, 2017.</p>	<p>Introduced January 16, 2014</p> <p>Hearing: February 3, 2014 at 1:30 p.m. in Room 2102</p>
LB 947	<p>Change the minimum wage for persons compensated by way of gratuities.</p> <p>Employer Impact: For the one-year period on the effective date of this act, the minimum wage per hour shall be three dollars. For each succeeding one-year period until the minimum case wage under this subsection equals seventy percent of the regular minimum wage shall be equal to the amount for the preceding year increased by the lesser of ninety-five cents or the amount necessary for the wage to equal seventy percent of the regular minimum wage rounded to the nearest multiple of five cents.</p> <p>For each succeeding one-year period after the year in which the minimum cash wage under this subsection first equals seventy percent of the regular minimum wage, the minimum cash wage shall be equal to the amount for the preceding year increased by the amount necessary to ensure that the minimum cash wage in effect under this subsection remains equal to seventy percent of the</p>	<p>Introduced January 16, 2014</p> <p>Hearing: February 3, 2014 at 1:30 p.m. in Room 2102</p>

	regular minimum wage, rounded to the nearest multiple of five cents.	
LB 955	<p>Adopt the Paid Family Medical Leave Act.</p> <p>The Act provides paid leave to employees who have to leave work to a) participate in providing care for a family member made necessary by a serious health condition of the family member or b) be with a child during the first twelve months after the child's birth, if the employee is a biological parent of the child or the first twelve months after a placement for adoption.</p> <p>An employee may take up to six consecutive work weeks or up to forty-two days on an intermittent basis of paid family medical leave per year if eligible under the Act.</p> <p>Wages paid during such leave shall be the average wage of the employee over the last calendar quarter, or portion thereof, while employed by his or her current employer.</p> <p>When paid family medical leave is taken by an employee, the covered employer shall issue to the employee and to the Commissioner of Labor (commissioner) printed notices on forms prescribed by the commissioner containing; The name, address, and social security number of the employee; such wage information as is necessary to determine employee's eligibility for paid family medical leave including any other fully paid leave provided by the covered employer during the period of paid family medical leave; and the name, address, and identity number of the covered employer. Such notices shall be issued not later than the ninth day of such leave including any time in which the covered employer provides other fully paid leave. Not later than thirty days after the commencement of the paid family medical leave for which the notices are furnished by the covered employer, the employee shall furnish to the commissioner a notice and claim for paid family medical leave benefits.</p> <p>Upon the submission of the notices by the covered employer and the employee, the commissioner may issue paid family medical leave wages. For paid family medical leave taken to care for a family member with a serious health condition, wages shall be paid for periods not exceeding three weeks. Failure to furnish notice and certification shall not invalidate or reduce any claim if it is shown to satisfaction of the commissioner that it</p>	Introduced January 16, 2014

	<p>was not reasonably possible to furnish the notice and certification within the time prescribed and that the notice and certification was furnished as soon as reasonably possible.</p> <p>Employer Impact: These changes are very significant and will potentially result in more paid leave being taken by employees. Employers need to be very aware of the highlighted deadlines above. The changes only affect employers large enough to be subject to the Employment Security Law.</p> <p>Further, employers must conspicuously post notification by a form prescribed by the commissioner in a place or places accessible to all employees in each of the covered employer's workplaces of employee's rights regarding paid family medical leave.</p> <p>Employee Eligibility:</p> <ol style="list-style-type: none"> 1) An employee with a family member with a serious health condition may take this leave intermittently for a time not to exceed 12 months. 2) An employee with a family member who has a serious health condition may take this leave on a continuous basis for up to 6 weeks. 3) An employee with a newborn or adopted child may take this leave on a continuous basis for up to 6 weeks. The leave may be taken any time within 1 year after the date of the birth or placement for adoption. 	
--	--	--

Workers Compensation Statutes

Bill No. (Sponsor)	Bill Description	Status
LB 731	<p>Change provisions relating to workers' compensation first injury reports.</p> <p>Employer Impact: The act would make first reports of injury confidential to all but employee, employer, workers' compensation insurer, risk management pool, or third-party administrator that is a part to the report or an attorney or authorized agent of such party. The confidentiality can be waived by the employee in writing. Previously, anyone could request these reports.</p>	Introduced January 9, 2014
LB 793	<p>Change workers' compensation death benefit provisions.</p> <p>Employer Impact: No impact.</p>	Introduced January 10, 2014

LB 824	<p>Change workers' compensation temporary disability provisions. Employees would not be entitled to temporary disability if the employee's employment is terminated for cause following the occurrence of an accident or occupational disease for reasons unrelated to the occurrence of the accident or occupational disease, and the employer would have accommodated the employee's temporary restrictions but for the employee's separation from employment.</p> <p>Employer Impact: This had been the law in Nebraska prior to 2013, but the Nebraska Supreme Court reversed their decision. This bill will save employer's a large amount of money in benefits and protect them from additional exposure in many workers' compensation claims.</p>	<p>Introduced January 13, 2014</p> <p>Hearing: January 27, 2014 at 1:30 p.m. in Room 2102</p>
LB 895	<p>Change compensation rate for certain volunteers under the Nebraska Workers' Compensation Act.</p> <p>Employer Impact: If a volunteer fire fighter is injured, for the purposes of disability their wage shall be in an amount one and one-half times the maximum compensation rate for total disability. No volunteers will lose their volunteer status under the Nebraska Workers' Compensation Act by receiving these payments.</p>	<p>Introduced January 14, 2014</p> <p>Hearing: January 27, 2014 at 1:30 p.m. in Room 2102</p>
LB 951	<p>Change lump-sum settlement provisions under the Nebraska Workers' Compensation Act. Specifies what is required for a settlement release with the Nebraska Workers' Compensation Court.</p> <p>Employer Impact: Now any and all future expenses related to the employee's injury are released unless specifically excluded. This will be a benefit to employers.</p>	<p>Introduced January 16, 2014</p>
LB 961	<p>Change exclusive remedy provisions of the Nebraska Workers' Compensation Act. Allows employee to bring an action for willful negligence against employer. Previously, employers were exempt from this because workers' compensation was the exclusive remedy.</p> <p>Employer Impact: This would be very bad for employers and would open them to an enormous amount of potential liability and litigation.</p>	<p>Introduced January 16, 2014</p>