

Nebraska Legislative Bills Introduced 2020 (106th Legislature, Second Session)

January 17, 2020 Update

Prepared by Jackson Lewis, P.C.

**Christopher Hoyme, Principal, Jackson Lewis
(Legislative Director Nebraska SHRM)**

&

Attorneys at Jackson Lewis

Amanda Fray

Caitlin Ellis

Nicolas McGrath

Amy Thompson

Catherine Cano

Brock Pohlmeier

Sarah Barnhill

Elizabeth Evans

Oluseyi Olowolafe

Bill No.	Bill Description	Status
LB19 Briese	<p>Allow withholding from public reports of injury under the Nebraska Workers' Compensation Act as prescribed and provide duties for the Nebraska Workers' Compensation Court</p> <p>Employer Impact: This bill adds a provision to Neb. Rev. Stat. § 84-712.05 of the Nebraska Workers' Compensation Act that requires the lawful custodian of records to withhold from the public any injury reports filed with the Nebraska Workers' Compensation Court pursuant to Neb. Rev. Stat § 48-144.01.</p>	1/8/2020 Title printed. Carryover bill
LB50 Vargas	<p>Change individual income tax brackets and rates</p> <p>Employer Impact: This bill adds a 5th income bracket with an additional 1% tax rate, and adds an additional 1-2% tax to taxpayer's Nebraska taxable income in excess of one million dollars.</p>	1/8/2020 Title printed. Carryover bill
LB84 Wayne	<p>Amend federal taxable income for corporations and fiduciaries</p> <p>Employer Impact: The bill would allow a reduction of federal taxable income for employers paying wages to employees convicted of a felony. For tax years beginning on or after January 1, 2020, federal taxable income for</p>	1/8/2020 Title printed. Carryover bill

	<p>corporations is reduced by 65% of wages paid by the taxpayer to individuals convicted of a felony in Nebraska or any other state. The deduction only applies to wages paid during the first twelve (12) months of the individual's employment with the taxpayer. The total deduction shall not exceed \$20,000.</p>	
<p>LB110 Wishart</p>	<p>Adopt The Medical Cannabis Act</p> <p>Employer Impact: The bill would allow individuals with certain qualifying medical conditions to apply for enrollment in the state's medical cannabis registry (which would be created pursuant to the Act). The bill would also reconcile state criminal laws to permit the use and possession of cannabis pursuant to the Act.</p> <p>Registered patients would be permitted to legally consume marijuana, possess three ounces or less of marijuana on his or her person, legally possess six or fewer mature marijuana plants, legally possess six or fewer seedling marijuana plants, legally possess one ounce or less of concentrated marijuana, legally possess 72 ounces or less of edible marijuana, and legally possess eight ounces or less of marijuana in his or her residence.</p> <p>Qualifying conditions include cancer (with certain symptoms or treatment side effects), glaucoma, HIV, Tourette's syndrome, amyotrophic lateral sclerosis, seizures (including epilepsy), severe and persistent muscle spasms (including multiple sclerosis), terminal diseases (with certain symptoms or treatment side effects), Hepatitis C, Huntington's disease, Lupus, Parkinson's disease, Lyme disease, spinal cord injury or disease, Opioid addiction, Post-Traumatic Stress Disorder; anxiety; or other illness for which cannabis provides relief as determined by the health care practitioner.</p> <p>The bill requires the division to register up to 10 marijuana producers and up to 10 processors in each congressional district in Nebraska for the production of all cannabis within Nebraska by Nov. 1, 2020. A producer would be required to start supplying cannabis to processors on or before May 1, 2021. Processors would be required to supply cannabis to dispensaries on or before May 1, 2021.</p> <p>Although the bill prohibits landlords and schools from refusing to enroll or lease to a registered patient, it does not contain similar provisions for employers.</p> <p>The bill does not permit any person to: undertake any tasks under the influence of cannabis that would constitute</p>	<p>1/8/2020 Title Printed. Carryover bill</p>

	<p>negligence or professional malpractice; possess or use cannabis on a school bus or van, on the grounds of any preschool or primary or secondary school, in any adult or juvenile correctional facility or on the grounds of any child care facility or home day care; vaporize cannabis on any form of public transportation, anywhere where the smoke could be inhaled by a nonpatient minor child, in any public place including a place of employment; or operate a motor vehicle, aircraft, train, or boat, or work on transportation property, equipment or facilities while under the influence of marijuana.</p>	
<p>LB254 McCollister</p>	<p>Adopt the Fair Chance Hiring Act</p> <p>Employer impact: The bill prohibits employers with 15 or more employees, and employment agencies, from asking an applicant, orally or in writing, about their criminal record or history. This prohibition includes any inquiry on an employment application unless and until the employer or employment agency has determined that the applicant meets the minimum employment qualifications for the position.</p> <p>The employer or employment agency may inquire about an application's employment history, pre-qualification determination, only if (1) the applicant is applying for a position where a criminal history record information check is required by state or federal law, or (2) state or federal law specifically disqualifies any applicant with a criminal background, and (3) the inquiry or request for disclosure is limited to the types of criminal offenses that the employer or employment agency is required to conduct or that would necessarily disqualify the applicant.</p>	<p>1/8/2020 Title printed. Carryover bill</p>
<p>LB271 Morfeld</p>	<p>Change Provisions Relating to Releases, Covenants Not to Sue, or Similar Agreements on Joint and Several Liability</p> <p>Employer Impact: The bill provides that any release, covenant not to sue, or similar agreement, entered into by a claimant and the liable person/party shall not abrogate the joint and several liability of any other person or persons that may also be liable for the same claim.</p>	<p>1/8/2020 Title printed. Carryover bill</p>
<p>LB272 Morfeld</p>	<p>Adopt the Apprenticeship Training Program Tax Credit Act</p> <p>Employer Impact: The bill would allow taxpayers who plan to employ one or more apprentices as part of a qualified apprenticeship training program to apply to receive tax credits under the Apprenticeship Training Program Tax Credit Act.</p>	<p>1/8/2020 Title printed. Carryover bill</p>

	<p>The tax credit will equal one dollar multiplied by the total number of hours during the following year worked as part of the qualified apprenticeship training program, not to exceed for any individual apprentice (1) \$2,000, or (2) fifty percent of the total wages expected to be paid to the apprentice during the following calendar year, whichever is less.</p> <p>The tax credit will be a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967.</p>	
<p>LB305 Crawford</p>	<p>Adopt the Healthy and Safe Families and Workplaces Act</p> <p>Employer Impact: This bill adopts the Healthy and Safe Families and Workplace Act, which requires employers to provide paid sick and safe time off to part time and full time employees. This bill applies to all private employers that employ for four (4) more persons at any one time, excluding any employees who more no more than twenty weeks (20) in any calendar year.</p> <p>Under the bill, employees would accrue a minimum of one (1) hour of sick and safe time for every thirty (30) hours works. Such employees would not accrue more than forty (40) hours of paid and sick leave per year unless the employer selects a higher limit. Employees exempt from overtime are assumed to work forty (40) hours in each work week, unless their normal work week is less than forty (40) hours, in which case paid sick and safe leave accrues based upon that normal week. Employees will be entitled to use accrued paid sick and safe time beginning on the sixteenth (16) calendar day following commencement of employment. Remaining paid sick and safe time would be carried over to subsequent calendar years.</p> <p>Employers with a paid leave policy, such as paid time off, who make a sufficient amount of paid leave available, which may be used for the same purposes as under the Act, are not required to provide additional paid sick and safe time.</p> <p>The bill does not require employers to pay out unused, accrued sick and safe time upon the employee's termination, resignation, retirement or other separation. The bill provides provisions regarding employees transferring divisions and for employees rehired within six (6) months. Employers can loan paid sick and safe time in advance.</p> <p>The bill provides a list of reasons employees can use paid sick and safe time including, the employee's mental or</p>	<p>1/8/2020 Title printed. Carryover bill</p> <p>1/16/20 Business and Labor Amendment (AM592) pending. Chair rules that there has not been full and fair debate on AM592.</p>

	<p>physical illness, injury or health condition; care of family member with mental or physical illness injury, or health condition; and absences necessary due to domestic abuse, domestic assault, sexual, assault or stalking, if the leave, with some limitations.</p> <p>The bill provides procedures to verify the need for leave and guidelines for verification, including permissible documentation. It also provides confidentiality, required disclosure, and anti-retaliation provisions.</p> <p>The bill provides optional administrative remedies and also allows an aggravated person to file directly in court to recover unpaid sick and safe leave and attorney’s fees. The bill also provides penalties for violations of not more than five hundred dollars (\$500) for the first offense, and not more than five thousand dollars (\$5,000) for the second and subsequent offenses.</p>	
<p>LB306 Crawford</p>	<p>Change provisions relating to good cause for voluntarily leaving employment under the Employment Security Law</p> <p>Employer Impact: This bill provides that an employee has good cause for separating employment – therefore is <u>not</u> disqualified for unemployment insurance – if the employee separated from employment to care for a family member with a serious health condition. The bill also provides definitions for “family member” and “serious health condition.”</p>	<p>1/8/2020 Title printed. Carryover bill</p>
<p>LB311 Crawford</p>	<p>Adopt the Paid Family and Medical Leave Insurance Act</p> <p>Employer Impact: This bill provides paid family and medical leave to be paid from a fund consisting of private donations, money transferred to the fund by the Legislature, and contributions from covered employers. In no case will the contributions from a covered employer exceed one percent of gross wages paid to covered individuals by such employer.</p> <p>This bill provides that, beginning July 1, 2021, a covered individual may take up to 12 weeks a year of <u>paid</u> family and medical leave to 1) to care for a new child of the during first year following birth, adoption, or placement through foster care; or 2) the covered individual has a serious health condition, including pregnancy, that makes the covered individual unable to perform the functions of his/her position.</p> <p>A covered individual is able to take up to 6 weeks a year paid leave to 1) care for family member who has serious</p>	<p>1/8/2020 Title printed. Carryover bill</p>

health condition; 2) care for a family member or next of kin that is a covered service member for a covered reason; or 3) qualifying exigency leave.

A covered employee is eligible for leave if he has been employed by a covered employer for twenty-six or more consecutive weeks. The monetary amount the employee receives during leave depends on the employee's weekly wage. The amount an employee can receive in any week is capped at 66% of the state average weekly wage. The bill provides the frequency and method that leave benefits must be paid.

The bill also provides the procedure to file an initial claim for paid family and medical. The employee files the initial claim with the commission on a provided form. The bill provides the type of information needed and that can be requested. The commission informs the employer of the request and then makes a determination of the employee's eligibility. If eligible, the commission pays the employee. Employees do have the right to appeal an ineligibility decision. *It does not appear that employers have the right to appeal a decision.*

The commission will let the employee know before leave terminates. If the employee does not return after leave, the employee protections in section 8 do not apply. Section 8 provides that, upon return to work from leave, the employee is entitled to be restored to his same or equivalent position.

During leave, the covered employee shall maintain any health benefits as long the employee continues to pay his share of the cost of such health benefits during leave.

An employer cannot require a covered individual to exhaust his accrued vacation or sick time prior to taking paid family medical leave.

This bill also provides anti-interference, anti-discrimination, and anti-retaliation provisions. Additionally, it provides rules regarding family and medical leave for servicemen and for intermittent leave.

The commission has the ability to conduct investigations into violations. The administrative penalty for a violation will not exceed five hundred dollars for the first violation and not than five thousand dollars in the case of a second or subsequent violation.

	<p>A covered employer that provides a paid leave that is at least as generous of the leave provided under the bill can apply for an exemption. There are additional rules if exempted.</p> <p>The employer can require the employee to take the leave concurrently with certain other types of leave.</p> <p>Each covered employee must provide written notice of the Act to each covered individual at hiring and annually thereafter, display and maintain a poster in the work place, in addition to other notice and disclosure requirements.</p>	
LB361 Hansen	<p>Prohibit retaliation under the Nebraska Wage Payment and Collection Act and the Wage and Hour Act</p> <p>Employer Impact: This bill amends sections 48-1205, 48-1206, 48-1207, 48-1208, 48-1209, and 48-1228 to the Nebraska Fair Employment Practices Act to prohibit employers from retaliating against an employee for filing a complaint or for testifying, assisting, or participating in an investigation, proceeding, or action concerning a violation of the Nebraska Wage and Payment and Collection Act.</p>	1/8/2020 Title printed. Carryover bill
LB362 Hansen	<p>Require payment of unpaid wages for violations of the Nebraska Wage Payment and Collection Act</p> <p>Employer Impact: This bill amends section 48-1234 to the Nebraska Wage Payment and Collection Act to require an employer, who is issued a citation for a possible violation of the Nebraska Wage Payment and Collection Act to pay to any employees that were the subject of the violation underlying such citation any unpaid wages due to such employees and found to be owing by the commissioner.</p>	1/8/2020 Title printed. Carryover bill
LB383 Quick	<p>Provide for an annual adjustment to the minimum wage</p> <p>Employer Impact: Every employer would be required to pay his or her employees a minimum wage of \$9 per hour until April 1, 2020. By January 31, 2020, and on or before every January 31 thereafter, the State Treasurer would be required to adjust the minimum wage to reflect the average annual percentage change in the consumer price index for the most recent five-year period for which data is available. Annual increases could not exceed 3.5%, and would be effective on April 1 of the year of the adjustment.</p>	1/8/2020 Title printed. Carryover bill
LB400 Hunt	<p>Change the minimum wage for persons compensated by way of gratuities</p> <p>Employer Impact: Persons compensated by way of gratuities, such as waitresses, waiters, hotel bellhops,</p>	1/8/2020 Title printed. Carryover bill

	porters, and shoeshine persons, must be paid at the minimum rate of \$2.13 until January 1, 2020. From January 1, 2020 to January 1, 2021, such tipped persons must be compensated at a rate of 40% of the state minimum wage. Such tipped persons must be compensated at 50% of the state minimum wage rate for wages paid on or after January 1, 2021.	
LB408 Quick	<p>Amend Nebraska Workers' Compensation Act regarding compensation of a personal representative of an injured employee</p> <p>Employer Impact: This bill adds a provision to Neb. Rev. Stat. § 48-122.01 to change compensation to be paid upon the death of an employee. If there is no spouse, child, or other dependent entitled to benefits, \$25,000 shall be paid to the personal representative of the deceased employee's estate.</p>	1/8/2020 Title printed. Carryover bill
LB448 McDonnel	<p>Amend Nebraska Workers' Compensation Act as it relates to burial expenses of an injured employee</p> <p>Employer Impact: This bill changes a provision in the Nebraska Workers' Compensation Act regarding the amount to be paid for reasonable expenses of a burial following the death of an injured employee, which was previously capped at \$10,000.</p> <p>The reasonable expenses of a burial are not to exceed an amount equal to fourteen times the state average weekly wage determined pursuant to § 48-121.02 for the calendar year in which the death occurred. The employer cannot deduct from the reasonable burial expenses any amount paid for compensation or medical expenses. These expenses shall be paid to dependents, or if no dependents to the employee's personal representative.</p>	1/8/2020 Title printed. Carryover bill
LB526 McDonnell	<p>Change provisions relating to compensation for temporary disability under the Nebraska Workers' Compensation Act</p> <p>Employer Impact: This bill changes the provisions regarding workers' compensation payments for temporary disabilities. Under the bill, compensation for temporary disability continues until the later of (a) any permanent disability, as measure by permanent impairment for a scheduled member injury, has been determined or, in the event a claim payable under a loss of earning capacity, until a loss of earning capacity evaluation has been issued or (b) thirty days after the employee has been given notice as provided in subsection 6 of the section. Subsection 6 provides that compensation for temporary disability shall only cease after 30 days notice. Upon termination of</p>	1/8/2020 Title printed. Carryover bill

	<p>compensation, the employer must provide copies of the evidence it relied on in making the determination to cease benefits. If the employer relied on evidence from outside of the treating physicians, the employee shall be entitled to seek a medical finding from an independent medical examiner, chosen by the employee and paid for by the employer.</p>	
<p>LB535 Cavanaugh</p>	<p>Prohibit employment discrimination by qualified businesses under the Nebraska Advantage Act</p> <p>Employer Impact: This bill adds the requirement that to be a qualified business for a tier 1, 2, 3, 4, 5, or 6 project under the Act, the business cannot discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, marital status, national origin, sexual orientation, or gender identity.</p>	<p>1/8/2020 Title printed. Carryover bill</p>
<p>LB577 Vargas</p>	<p>Provides additional powers to the Commissioner of Labor related to investigations under and violations of the Employee Classification Act</p> <p>Employer Impact: Contractors violating the Employee Classification Act may be ordered to cease performance of services on a site where a violation is being investigated or has been identified when the health, safety, and welfare of the general public is threatened.</p>	<p>1/8/2020 Title printed. Carryover bill</p>
<p>LB604 Lindstrom</p>	<p>Creates a High Wage Jobs and Capital Investment Creation fund. Authorizes High Wage Jobs and Capital Investment Creation Fund entities, defines terms, to provide grants, loans, and economic assistance to such entities.</p> <p>Employer Impact: Provide grants, loans, and economic assistance to entities which provide funding or invest in rural and small businesses.</p> <p>High Wage Jobs and Capital Investment Creation Fund entity applicants must demonstrate the following criteria: Entity is a rural business investment company under 7 U.S.C. 2009cc or a small business investment company under 15 U.S.C. 681, and the entity and its affiliates have received equity investments from investors who are not affiliates of the applicant in an amount equal to a least seventy-five million dollars.</p> <p>The bill establishes how funds are to be administered and distributed and defines the responsibilities for the High Wage Jobs Capital Investment Creation Fund entities and the director of the fund.</p>	<p>1/8/2020 Title printed. Carryover bill</p>

<p>LB627</p> <p>Pansing Brooks</p>	<p>Amendments to prohibit discrimination based upon sexual orientation and gender identity in employment, public accommodation, and housing. Define “gender identity” as “the actual or perceived appearance, expression, identity, or behavior of an individual, whether or not that appearance, expression, identity, or behavior is different from that traditionally or stereotypically associated with the individual's assigned sex at birth.” Defines “sexual orientation” as “actual or perceived homosexuality, heterosexuality, or bisexuality.</p> <p>Employer Impact: The proposed amendment would add gender identity and sexual orientation as protected classes within the meaning of the Nebraska Fair Employment Practice Act, thus making it unlawful for employers to discriminate against individuals based upon sexual orientation and gender identity in hiring and employment.</p>	<p>1/8/2020</p> <p>Title printed. Carryover bill</p>
<p>LB644</p> <p>McDonnell</p>	<p>Amend 48-611, to adopt the Nebraska Workforce Diploma Act.</p> <p>Intended to promote workforce development through the creation of the Nebraska Workforce Diploma Program.</p> <p>Program providers will administer workforce diploma programs as defined by the act to participants who are at least twenty-two years of age and have not previously earned a high school diploma or high school equivalency diploma.</p> <p>Employer Impact: Program providers will be reimbursed for meeting defined milestones, through the submission of monthly invoices until all funds appropriated for the workforce diploma program are exhausted. It is the intent of the legislature to appropriate two million five hundred thousand dollars each fiscal year for the fiscal years 2019-2020 and 2020-2021 to the Department of Labor to carry out the Nebraska Workforce Diploma Act.</p>	<p>1/8/2020</p> <p>Title printed. Carryover bill</p>
<p>LB667</p> <p>Vargas</p>	<p>Adopt the Youth Opportunities in Learning and Occupations Act to grant funding to employers that provide training opportunities to young people between the ages of sixteen and twenty-four years.</p> <p>Employer Impact: The proposed bill would award grants to employers seeking to secure training for young people for demand occupations in a particular industry, or to nonprofit corporations that do business in Nebraska and provide to young people soft-skills training, career counseling, or other programming related to career readiness.</p>	<p>1/8/2020</p> <p>Title printed. Carryover bill</p>

	<p>Beginning in fiscal year 2019-2020 and each fiscal year after, the Commissioner of Labor shall award grants in equal amounts to each congressional district. If there are not sufficient qualified applicants in any congressional district, the commissioner may award the unused grant funds to another congressional district. No more than one-half of the funds allocated to a particular congressional district shall be awarded to employers.</p> <p>The Commissioner will give priority to programs, services, or training that results in employment, and no money shall be used for capital construction. Appeals of a decision of the Commissioner shall be in accordance with the Administrative Procedure Act.</p> <p>The Department of Labor shall adopt rules and regulations to carry out the Act. The rules and regulations will include, but not be limited to, application timelines and requirements, guidelines for evaluating applications, a plan for evaluating the effectiveness of programs, services, and training that receive funding, and a reporting process for grant recipients.</p> <p>The proposed funding for fiscal year 2019-20 is twenty million dollars.</p>	
<p>LB714 Crawford</p>	<p>Adopt the Nebraska Industrial New Job-training Act affecting employers engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, operating e-fulfillment centers, or providing services. The term employer does not include any business engaged in retail, health, or professional services or any business which closes or substantially reduces its operation in one area of the state and relocates substantially the same operation to another area of the state.</p> <p>Employer Impact: An employer may apply to the Department of Economic Development for approval of a project. A project is a training arrangement which is the subject of an agreement entered into between a community college and an employer in which the community college provides services and other assistance to the employer. The application shall contain the name of the employer, the community college to be involved in the project, the services and other assistance to be provided by the community college, the number of jobs to be created, and the average wage expected to be paid for such new jobs.</p>	<p>1/8/2020 Title printed. Carryover bill</p>

If the Department finds that the project will result in new jobs with an average wage that is more than the Nebraska average wage, the project will provide industry-approved training, and the project will comply with the requirements of the Nebraska Industrial New Job-Training Act, the department shall approve the project. Once approved, the community college may enter the agreement with the employer and the community college must notify the Department of Revenue of the agreement as soon as possible.

Agreements must include: provisions addressing how project costs will be paid, provisions requiring that the costs of on-the-job training for employees shall not exceed fifty percent of the annual gross payroll costs for such employers, the number of new jobs to be created including the number of full-time versus part-time jobs, and the level of wages and benefits to be paid, and any payments required to be paid by the employer.

If an agreement requires any payment to be made by an employer, any amounts due from the employer shall be a lien upon the employer's business property until paid and have equal precedence with ordinary taxes. The payments cannot be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchaser obtains the property subject to the remaining payments due.

The amount of new job withholding payments shall be based on the wages paid to employees in the new jobs. For an employee with a rate of pay that is less than two hundred percent of the Nebraska average wage, the new job withholding payment shall be equal to one and one-half percent of the gross wages paid to the employee. For an employee with a rate of pay of at least two-hundred percent of the Nebraska average wage, the payment shall be an amount equal to three percent of the gross wages paid to the employee.

The employer shall pay the new job withholding payments out of the amount of funds withheld from the employees' wages for state withholding taxes. The new job withholding payments shall be paid directly to the community college to be allocated to and paid into a special fund of the community college to finance the project.

	<p>If the amount of the new job withholding payments is more than the withholding taxes actually owed by the employer to the Department of Revenue, the employer shall receive a credit against other withholding taxes due from the employer in the amount of the difference. The employer must certify to the Department of Revenue that the new job withholding payments are in accordance with the agreement. The community college will certify the amount paid by the employer to the Department of Revenue.</p> <p>Community colleges will report agreements to the Department of Economic Development, who will submit annual reports to the Revenue Committee of the Legislature.</p>	
<p>LB720 Business and Labor Committee Kolterman priority bill</p>	<p>Adopt the ImagiNE Nebraska Act, Renewable Chemical Production Tax Credit Act, Customized Job Training Act, and Community Economic Opportunities Act and provide tax incentives</p> <p>Employer Impact: The ImagiNE Nebraska Act will replace the Nebraska Advantage Act, which offered tax incentives to businesses for investment and employment growth and is set to expire at the end of 2020. This Act will create tax incentives for Nebraska Businesses that the business can apply to receive. The Act includes eligibility requirements and details the application process. It also details the potential tax incentives and the requirements to receive the incentives.</p>	<p>1/8/2020 Title printed. Carryover bill</p> <p>1/8/2020 Identified as a priority bill by Senator Mark Kolterman</p>
<p>LB750 Blood</p>	<p>Amend numerous Nebraska statutes to prohibit discrimination on the basis of military or veteran status.</p> <p>Employer Impact: Among other things, this bill would amend the Nebraska Fair Employment Practices Act to include military or veteran status as a protected class. In part, it shall be an unlawful employment practice to fail or refuse to hire, to discharge, or to harass any individual, or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's military or veteran status.</p> <p>This amendment would not require employers to treat a servicemember who is absent from work differently than an individual who is not a servicemember; it would not prohibit the granting of special benefits to veterans or servicemembers on an otherwise nondiscriminatory basis; and it would not prohibit veterans' preference programs.</p>	<p>1/8/2020 Date of Introduction</p> <p>1/10/2020 Referred to Judiciary Committee</p>

	<p>The bill also acknowledges discrimination or workplace harassment on the basis of military or veteran status as “good cause” for an employee voluntarily leaving employment.</p> <p>The Bill also prohibits discrimination on the basis of military or veteran status in housing and in places of public accommodation.</p>	
LB846 Quick	<p>A bill for an act relating to the Nebraska Workers' Compensation Act to amend section 48-119; to change provisions relating to compensation; and to repeal the original section</p> <p>Employer Impact: This bill would affect the timing of payments under the Workers' Compensation Act. The current statute provides that no compensation shall be allowed for the first seven calendar days of a disability, and states that if the disability exceeds seven days, compensation shall begin on the eighth day. The proposed bills shortens that period to three days, rather than seven, and requires payment on the fourth day, rather than the eighth. Moreover, the current statute states that if the disability continues for six weeks or longer, compensation shall be computed from the date the disability began. The proposed bill shortens that time frame from six weeks to two weeks.</p>	<p>1/8/2020 Introduced</p> <p>1/10/2020 Referred to Business and Labor Committee</p> <p>1/15/2020 Notice of hearing for January 27, 2020</p>
LB891 Hilgers	<p>Provide an income tax credit for overtime pay</p> <p>Employer Impact: N/A</p> <p>This bill would amend section 77-2715.07, Revised Statutes Supplement, 2019 to provide an income tax credit for individuals if their reported wages for the taxable year include overtime pay. The tax credit would apply for taxable years beginning on or after January 1, 2021.</p>	<p>1/9/2020 Introduced</p> <p>1/13/2020 Referred to Revenue Committee</p>
LB892 Hilgers	<p>Change individual income tax brackets</p> <p>Employer Impact: N/A</p> <p>This bill would establish new Individual Income Tax Brackets and Rates for taxable years beginning on or after January 1, 2021. It would also add a requirement that the amounts under the new tax brackets be adjusted for inflation by the Tax Commissioner annually.</p>	<p>1/9/2020 Introduced</p> <p>1/13/2020 Referred to Revenue Committee</p>
LB912 Brandt	<p>Change provisions relating to examination of witnesses by telephonic, videoconferencing, and similar methods</p>	<p>1/10/2020 Introduced</p>

	<p>Employer Impact: This bill would allow a judge in any civil case to permit any witness who is to be examined by oral examination to appear by telephonic, videoconferencing, or similar methods, with any costs thereof to be taxed as costs. A party may object to the above method of examination on the grounds of unreliability or unfairness. The objecting party would have the burden of proving unreliability or unfairness by a preponderance of the evidence.</p> <p>This bill also makes minor grammatical changes and updates the statute's numbering.</p>	<p>01/10/2020 Referred to Judiciary Committee</p> <p>1/15/2020 Notice of hearing for January 23, 2020</p>
LB915 Hunt	<p>Increases minimum wage for persons compensated by way of gratuities and modifies posting requirements under the Wage and Hour Act.</p> <p>Employer Impact: This bill would increase minimum wage rate employers pay employees who are compensated by way of gratuities. Beginning January 1, 2021, the minimum wage rate would increase to \$3.60, and after January 1, 2022, the minimum wage rate would increase to \$4.50.</p> <p>The bill provides that every employer subject to the Wage and Hour Act must keep a summary of the act and post the summary where any person subject to the act is employed. The summary must include the minimum wage amounts in effect under the act.</p>	<p>1/10/2020 Date of Introduction</p> <p>1/13/2020 Referred to Business and Labor Committee</p>
LB926 Business and Labor Committee	<p>Amend the Employee Classification Act as it relates to the fines issued to Construction Contractor for the misclassification of employees as independent contractors.</p> <p>Employer Impact: This bill changes provisions in the Employee Classification Act regarding violations of the Act, and the procedural process for which notices of the fines are issued and contested.</p> <p>Under the bill, the Commissioner of Labor may issue a citation to a Construction Contractor when an investigation reveals a violation of the Employee Classification Act. The citation must be mailed and include a proposed administrative penalty. The administrative penalty can be up to \$500 per misclassified individual for the first offense and not more than \$500 per misclassified individual for each subsequent offense. The Construction Contractor may contest the citation or penalty within fifteen working days after the date of the citation or penalty by sending notice to the Commissioner of Labor. The Commissioner of Labor must then provide a hearing regarding the citation or penalty.</p>	<p>1/10/2020 Date of Introduction</p> <p>1/13/2020 Referred to Business and Labor Committee</p> <p>1/15/2020 Notice of hearing for January 27, 2020</p>

<p>LB 1006 Hansen</p>	<p>Extends period for which summons of garnishment must be returned and the answer filed.</p> <p>Employer Impact: This bill would increase the number of days to return a garnishment summons and file an answer by the employer. Under the bill, a summons must be returned within 30 days from the date of its issuance (rather than the current 10) and employers would be required to file answer within 30 days from the date of service of the summons pertaining to the garnishment (rather than the current 10).</p>	<p>1/15/2020 Date of Introduction</p>
<p>LB 1016 Hansen</p>	<p>Prohibits retaliation or discrimination for exercising rights under the Nebraska Wage Payment and Collection Act.</p> <p>Employer Impact: This bill would prohibit employers from retaliating or discriminating against an employee because the employee files a suit or complaint under the Nebraska Wage Payment and Collection Act, or testifies, assists, or participates in an investigation, proceeding, or action concerning a violation of the Act. The bill also revises the relief recoverable by an employee who files a claim for wages which are not paid within 30 days of the regular payday to include appropriate relief and reasonable attorney's fees and costs.</p> <p>The bill provides an employee may bring suit against an employer for discrimination or retaliation and recover damages. If the employee prevails in the suit, the employee would also be entitled to appropriate relief, including reasonable attorney's fees and costs. Additionally, any citations issued against an employer by the Commissioner of Labor that is relevant to a suit filed by an employee will be admitted into evidence unless the Court specifically excludes it. Contested citations are not admissible evidence.</p> <p>The bill would also prohibit any employer who has an unpaid citation from contracting with the state or any political subdivision until such citation is paid. Employers who are issued citations would have their names become public information upon request. The Department of Labor would also be required to post information on its website regarding compliance and enforcement of the Nebraska Wage Payment and collection Act. This information would include, the number and names of employers with more than two citations in the previous five years, and the number and name of employers with at least one unpaid citation from the previous five years.</p>	<p>1/15/2020 Date of Introduction</p>

