



Nebraska Legislative Bills Introduced 2021 (107th Legislature, First Session)

March 9, 2021 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

Brock Pohlmeier

Elizabeth Evans

Oluseyi Olowolafe

Bill No.	Bill Description	Status
LB20  Blood	Provide for insurance coverage of and medical access to proscribed contraceptives  <b>Employer Impact:</b> This bill would require that any individual or group insurance policy shall include coverage for a self-administered hormonal contraceptive that is approved by the federal Food and Drug Administration.	1/7/2021 Date of Introduction  1/11/2021 Referred to Banking, Commerce and Insurance Committee  1/12/2021 Hunt name added  1/12/2021 Day name added  1/14/2021 Cavanaugh, J. name added  1/15/2021 Pansing Brooks name added  2/1/2021 Hansen, M. added  2/10/2021 Notice of hearing for March 1, 2021

<p>LB52</p> <p>Lathrop</p>	<p>Provide for immunity for injury or death resulting from COVID-19 exposure</p> <p><b>Employer Impact:</b> This bill would prohibit liability in any civil action for an injury or death related to alleged exposure to COVID-19 if the exposure occurs after the effective date of the act.</p>	<p>1/7/2021 Date of Introduction</p> <p>1/11/2021 Referred to Judiciary Committee</p> <p>2/4/2021 Notice of hearing for February 18, 2021</p>
<p>LB53</p> <p>Lathrop</p>	<p>Provide immunity for healthcare providers acting in conformance with the crisis standard of care during a COVID-19 state of emergency</p> <p><b>Employer Impact:</b> This bill would prohibit liability in any civil action for health care providers providing care pursuant to the crisis standard of care and as related to the COVID-19 pandemic.</p>	<p>1/7/2021 Date of Introduction</p> <p>1/11/2021 Referred to Judiciary Committee</p> <p>2/4/2021 Notice of hearing for February 18, 2021</p>
<p>LB95</p> <p>DeBoer</p>	<p>Change provisions relating to garnishment</p> <p><b>Employer Impact:</b> This bill would extend the time to return a summons when wages are involved to twenty days from the date of its issuance, and require the garnishee to answer within twenty days from the date of service upon the garnishee.</p>	<p>1/7/2021 Date of Introduction</p> <p>1/11/2021 Referred to Judiciary Committee</p> <p>2/4/2021 Notice of hearing for March 4, 2021</p>
<p>LB122</p> <p>Hunt</p>	<p>Change provisions relating to the minimum wage</p> <p><b>Employer Impact:</b> This bill would strike language previously providing a minimum wage of two dollars and thirteen cents for persons compensated by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons.</p>	<p>1/7/2021 Date of Introduction</p> <p>1/11/2021 Referred to Business and Labor Committee</p> <p>1/25/2021 Notice of hearing for February 1, 2021</p>
<p>LB139</p> <p>Briese</p>	<p>Adopt the COVID-19 Liability Protection Act</p>	<p>1/8/2021 Date of Introduction</p>

	<p><b>Employer Impact:</b> This bill would provide that no person can bring or maintain a civil action seeking recovery for any injuries or damages sustained from exposure or potential exposure to COVID-19 unless the plaintiff can prove, by clear and convincing evidence, that the civil action relates to a minimum medical condition resulting from gross negligence or willful misconduct.</p>	<p>1/12/2021 Referred to Judiciary Committee</p> <p>2/4/2021 Notice of hearing for February 18, 2021</p>
<p>LB170  Hansen</p>	<p>Change provisions relating to the date when compensation begins under the Nebraska Workers' Compensation Act</p> <p><b>Employer Impact:</b> This bill would revise the date on which compensation begins under the Nebraska Workers' Compensation Act. Specifically, the bill would provide that no compensation will be provided for the first three calendar days of disability (rather than the first seven calendar days of disability currently in place). The law currently provides that, if such disability continues for six weeks or longer, compensation is computed from the date the disability begins. This bill would narrow that timeframe from six weeks of disability to two.</p>	<p>1/8/2021 Date of Introduction</p> <p>1/12/2021 Referred to Business and Labor Committee</p> <p>1/21/2021 Hanes, M. MO3 Withdraw filed</p> <p>1/22/2021 Hanes, M. MO3 prevailed</p> <p>1/22/2021 Bill withdrawn</p>
<p>LB171  Hansen</p>	<p>Change provisions of the Employment Security Law relating to weekly benefit amounts and maximum annual amounts</p> <p><b>Employer Impact:</b> This bill would allow for the weekly benefit amount determined under the Employment Security Law to be increased by five percent for each dependent of the individual up to a maximum of fifteen percent. The definition of dependent includes (a) a child under the age of</p>	<p>1/8/2021 Date of Introduction</p> <p>1/12/2021 Referred to Business and Labor Committee</p> <p>1/15/2021 Hunt name added</p> <p>2/1/2021 Notice of hearing for February 8, 2021</p>

	<p>nineteen years, (b) a child who is a full-time student under the age of twenty-six years and who is financially dependent upon the individual, or (c) a child of any age who is medically certified as disabled and dependent upon the individual.</p> <p>The bill would also strike language capping benefits for any benefit year beginning in 2018. Under the revised language, all claims would be limited to a total amount of benefits equal to whichever is the lesser of (a) twenty-six times his or her weekly benefit amount, or (b) one-third of his or her wages in the employment of each employer per calendar quarter of his or her base period.</p>	
LB172 Hansen	<p>Change provisions relating to benefit payments under the Employment Security Law</p> <p><b>Employer Impact:</b> This bill provides that each eligible individual who is unemployed in any week shall be paid an amount equal to his or her full weekly benefit amount if the individual has wages payable to him with respect to such week equal to one-half of such benefit amount of less. The law currently provides that any wages due must be equal to no more than one-fourth of the benefit amount in order for benefits to be provided in that week.</p>	<p>1/8/2021 Date of Introduction</p> <p>1/12/2021 Referred to Business and Labor Committee</p> <p>1/15/2021 Hunt name added</p> <p>2/19/2021 Notice of hearing for March 1, 2021</p>
LB207 McDonnell	<p>Change provisions relating to the date when compensation begins under the Nebraska Workers' Compensation Act</p> <p><b>Employer Impact:</b> This bill would revise the dates of compensation due under the Nebraska Workers'</p>	<p>1/8/2021 Date of Introduction</p> <p>1/12/2021 Referred to Business and Labor Committee</p> <p>2/19/2021</p>

	Compensation Act, as outlined in LB170.	<p>Notice of hearing for March 1, 2021</p> <p>3/2/2021 Hunt name added</p>
LB230 Hunt	<p>Prohibit discrimination in public accommodations and under the Nebraska Fair Housing Act on the basis of sexual orientation or gender identity</p> <p><b>Employer Impact:</b> This bill would add sexual orientation and gender identity to the protected classes that may not be discriminated against with regard to access to places of public accommodation, and with regard to the sale or rental of a dwelling.</p>	<p>1/11/2021 Date of Introduction</p> <p>1/13/2021 Referred to Judiciary Committee</p> <p>1/13/2021 Cavanaugh, M. name added</p> <p>2/4/2021 Notice of hearing for February 26, 2021</p>
LB241 Vargas	<p>Adopt the Meatpacking Employees COVID-19 Protection Act</p> <p><b>Employer Impact:</b> This bill would require certain employers and meatpacking operations to comply with protections related to the COVID-19 pandemic.</p> <p>Employer or meatpacking operation means a business with more than one hundred workers which engages in slaughtering, butchering, meat canning, meatpacking, meat manufacturing, poultry canning, poultry packing, poultry manufacturing, pet food manufacturing, egg production, processing of meatpacking products, or rendering. The definition does not include grocery stores, delis, restaurants, butchers, or other retail entities preparing meat products for immediate consumption.</p> <p>The protections include maintaining a six-foot radius of</p>	<p>1/11/2021 Date of Introduction</p> <p>1/13/2021 Referred to Business and Labor Committee</p> <p>1/13/2021 Cavanaugh, M. name added</p> <p>1/14/2021 Sanders name added</p> <p>2/19/2021 Notice of hearing for March 1, 2021</p>

	<p>space between workers, providing face masks free of charge and requiring face masks while in the facility, providing the ability to frequently and routinely sanitize their hands, cleaning and regularly disinfecting all frequently touched surfaces, screening all individuals entering the facility for COVID, quarantining all employees with symptoms and awaiting test results or who have tested positive, providing paid time for employees to go get the COVID vaccine, and tracking all COVID-related deaths and positive cases known to the employer.</p> <p>A meatpacking industry worker rights coordinator will have the authority to enforce the Act, and may conduct unannounced workplace inspections to that end. Employers must be provided no less than forty-five days to remedy any violation, and may be issued a penalty of not less than five thousand dollars in the case of a first violation and not less than fifty thousand dollars in the case of a second or subsequent violation.</p>	
<p>LB249 Pansing Brooks</p>	<p>Prohibit employers from inquiring about wage rate history under the Nebraska Fair Employment Practice Act</p> <p><b>Employer Impact:</b> This bill expands the definition of unlawful employment practices to include any employer inquiry about an applicant's current or former wage rate history, except to confirm that the wage rate history was voluntarily provided by the applicant as part of compensation negotiations. An employer also may not (1) require disclosure of a job applicant's wage rate history or condition employment or</p>	<p>1/11/2021 Date of Introduction</p> <p>1/13/2021 Referred to Business and Labor Committee</p> <p>1/15/2021 Notice of hearing for January 25, 2021</p>

	<p>consideration for an interview or employment on disclosure of wage rate history; (2) retaliate against a job applicant for failing to comply with any wage rate history inquiry; or (3) rely on the wage rate history of a job applicant in determining the wages for such applicant at any stage in the employment contract, unless such applicant knowingly and willingly disclosed his or her wage rate history to the employer.</p> <p>This section does not apply to current employees apply for a new position with the same employer, and does not prohibit an employee from voluntarily sharing wage history. The section also does not apply to any actions taken by an employer pursuant to any federal, state, or local law that specifically authorizes the disclosure or verification of wage rate history for employment purposes.</p>	
<p>LB256 Hansen, M.</p>	<p>Change provisions relating to lump-sum settlement approval and the filing of releases under the Nebraska Workers' Compensation Act</p> <p><b>Employer Impact:</b> This bill would revise the requirement to seek approval of a lump sum settlement under the Nebraska Workers' Compensation Act to exclude cases where the employee's right to receive future medical, surgical, and hospital services is specifically excluded from the settlement and medicare has not paid medical, surgical, or hospital expenses or if medicare has paid medical, surgical, or hospital expenses for which it claims it is entitled to reimbursement and medicare has been reimbursed for</p>	<p>1/11/2021 Date of Introduction</p> <p>1/13/2021 Referred to Business and Labor Committee</p> <p>1/25/2021 Notice of hearing for February 1, 2021</p> <p>2/1/2021 Blood name added</p>

	such expenses at the time the settlement is executed.	
<p>LB258</p> <p>Vargas</p>	<p>Adopt the Healthy and Safe Families and Workplaces Act</p> <p><b>Employer Impact:</b> This bill would provide that employees accrue a minimum of one hour of paid sick and safe time for every thirty hours worked. Employees do not accrue more than forty hours of paid sick and safe time in a calendar year unless the employer selects a higher limit. Accrual will begin at the commencement of employment, and leave may be used beginning on the sixtieth calendar day following commencement of employment. Paid leave will be carried over to subsequent calendar years, except that an employee's use of leave in a calendar year shall not exceed forty hours unless the employer sets a higher limit.</p> <p>An employer with a paid leave policy which makes available an amount of paid leave which is sufficient to meet the accrual requirements for paid sick and safe time and which may be used for the same purposes is not required to provide additional leave.</p> <p>An employee may used paid sick and safe time for: (1) an employee's mental or physical illness, injury or health condition; or an employee's need for preventative medical care; (2) care of a family member with a mental or physical illness, injury, or health condition; (3) absence necessary due to domestic abuse, domestic assault, sexual assault, or stalking, regardless of whether a charge has been filed or a</p>	<p>1/11/2021 Date of Introduction</p> <p>1/13/2021 Referred to Business and Labor Committee</p> <p>1/15/2021 Hunt name added</p> <p>2/1/2021 Notice of hearing for February 8, 2021</p> <p>3/9/2021 Hansen, M. name added</p>

	<p>conviction obtained; (4) medical attention needed to recover from physical or psychological injury or disability caused by such domestic abuse, domestic assault, sexual assault, or stalking; (5) services from a victim services organization; (6) psychological or other counseling; (7) relocation due to domestic abuse, domestic assault, sexual assault, or stalking; or (8) legal services, including preparing for or participating in any civil or criminal legal proceeding relating to or resulting from the domestic, abuse, domestic assault, sexual assault, or stalking.</p> <p>Employer is defined to include any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or any organized group of persons employing four or more employees at any one time, excluding any employees who work no more than twenty weeks in any calendar year, but does not include the United States, the State of Nebraska, or any political subdivision thereof.</p> <p>Employee means any individual employed by an employer who receives compensation from such employer and includes recipients of public benefits who are engaged in work activity as a condition of receiving public assistance. Employee includes both full-time and part-time employees. Employees does not include a minor child employed by a parent.</p>	
<p>LB260 Hunt</p>	<p>Change provisions relating to good cause for voluntary leaving employment under Employment Security Law</p>	<p>1/11/2021 Date of Introduction  1/13/2021</p>

	<p><b>Employer Impact:</b> This bill would expand the definition of good cause for voluntarily leaving employment to include instances where the employee has made all reasonable efforts to preserve employment, but voluntarily leaves for purposes of caring for a family member with a health condition.</p>	<p>Referred to Business and Labor Committee</p> <p>1/15/2021 Notice of hearing for January 25, 2021</p> <p>3/9/2021 Hunt priority bill</p>
<p>LB290</p> <p>Cavanaugh, M.</p>	<p>Adopt the Paid Family and Medical Leave Insurance Act</p> <p><b>Employer Impact:</b> The bill proposes adoption of the Paid Family and Medical Leave Insurance Act. The Act would require that, beginning January 1, 2023, a covered individual may take paid family and medical leave for the following qualifying reasons: (a) to care for a new child of the covered individual during the first year after the birth, adoption, or placement through foster care of that child; (b) to care for a family member of the covered individual who has a serious health condition; (c) to care for a covered servicemember if the covered individual is a family member or the next of kin of the covered servicemember; (d) for qualifying exigency leave; or (e) because the covered individual has a serious health condition, including pregnancy, that makes the covered individual unable to perform the functions of the position held by the covered individual.</p> <p>The maximum amount of paid family and medical leave that a covered individual may take is twelve weeks or, for leave taken on an intermittent basis, sixty work days during any benefit year.</p>	<p>1/12/2021 Date of Introduction</p> <p>1/14/2021 Referred to Business and Labor Committee</p> <p>2/1/2021 Notice of hearing for February 8, 2021</p>

	<p>A covered employer is any employer that is subject to the Employment Security Law. A covered individual is an individual who is employed by a covered employer, or a self-employed individual who has elected coverage under the Act.</p> <p>Family and medical leave benefits will be paid to covered individual for at a rate of (a) ninety percent of the portion of the individual average weekly wage that is at or below fifty percent of the state average weekly wage; and (b) fifty percent of the portion of the individual average weekly wage that is above fifty percent of the state average weekly wage.</p>	
<p>LB298 McDonnell</p>	<p>Change provisions of the Employment Security Law relating to the disqualification of certain aliens</p> <p><b>Employer Impact:</b> This bill would provide that an individual is disqualified from employment benefits for any week if the services upon which the benefits are based are performed by an alien who is ineligible for unemployment benefits. An alien shall be deemed to be ineligible for unemployment benefits unless he or she is able to demonstrate work authorization. Work authorization may be demonstrated by submitting documentation issued by the federal government which shows such work authorization.</p>	<p>1/12/2021 Date of Introduction</p> <p>1/14/2021 Referred to Business and Labor Committee</p> <p>1/15/2021 Notice of hearing for January 25, 2021</p> <p>1/19/2021 Vargas name added</p> <p>1/19/2021 Hunt name added</p> <p>1/26/2021 Hansen, M. name added</p> <p>2/1/2021 McCollister name added</p> <p>2/19/2021 Cavanaugh, J. name added</p>
<p>LB407 McDonnell</p>	<p>Include certain county correctional officers in provisions governing mental injuries and mental illness</p>	<p>1/14/2021 Date of Introduction</p> <p>1/20/2021</p>

	<p>under the Nebraska Workers' Compensation Act</p> <p><b>Employer Impact:</b> This bill would add county correctional officers to the list of professions recognized as stressful and that mental injuries and mental illnesses may be unaccompanied by physical injury for such employees.</p>	<p>Referred to Business and Labor Committee</p> <p>1/25/2021 Notice of hearing for February 1, 2021</p> <p>2/2/2021 Blood name added</p> <p>2/2/2021 Hunt name added</p> <p>2/11/2021 Placed on General File</p>
LB413 Wishart	<p>Require coverage of medications for substance use disorder treatment and addiction medicine services under the Medical Assistance Act</p> <p><b>Employer Impact:</b> This bill would revise the definition of "medical assistance" under the Medical Assistance Act to include medications for substance use disorder treatment.</p>	<p>1/14/2021 Date of Introduction</p> <p>1/20/2021 Referred to Health and Human Services Committee</p> <p>1/28/2021 Notice of hearing for February 5, 2021</p>
LB440 Hansen, M.	<p>Change provisions of the Nebraska Fair Employment Practice Act</p> <p><b>Employer Impact:</b> This bill would revise the disability discrimination provisions of the Nebraska Fair Employment Practice Act to prohibit discrimination including excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.</p> <p>The bill would also strike language requiring the Commission to issue a reasonable cause finding if the respondent does not file a written</p>	<p>1/15/2021 Date of introduction</p> <p>1/20/2021 Referred to Business and Labor Committee</p> <p>2/1/2021 Notice of hearing for February 8, 2021</p>

	response to charge allegations within thirty days.	
LB441 Hansen, M.	<p>Change provisions relating to compensation for individuals affected by COVID-19 under the Nebraska Workers' Compensation Act</p> <p><b>Employer Impact:</b> This bill would provide that an essential worker who otherwise qualifies for workers' compensation and (1) is confirmed as COVID-19 positive on or after March 13, 2020, either by physician or test, (2) has COVID-19 listed as the cause of death on the essential worker's death certificate, or (3) is quarantined at the direction of the employer due to suspected COVID-19 exposure or display of symptoms, shall be presumed to have suffered from an accident arising out of and in the course of his or her employment for purposes of workers' compensation benefits. Any employer may rebut this presumption by establishing affirmatively that the employee contracted COVID-19 outside of the workplace.</p>	<p>1/15/2021 Date of introduction</p> <p>1/20/2021 Referred to Business and Labor Committee</p> <p>2/19/2021 Notice of hearing for March 1, 2021</p>
LB 480 McKinney	<p>Change the minimum wage as prescribed</p> <p><b>Employer Impact:</b> This bill would gradually increase the applicable minimum wage beginning with an increase to \$9 per hour until December 31, 2021; \$10 per hour beginning on January 1, 2022; \$11 per hour beginning on January 1, 2023; and continually increasing to a rate of \$23 per hour beginning on January 2032.</p>	<p>1/15/2021 Date of introduction</p> <p>1/20/2021 Referred to Business and Labor Committee</p> <p>2/19/2021 Notice of hearing for March 1, 2021</p>
LB 481 McKinney	Adopt the Marijuana Conviction Clean Slate Act, decriminalize possessory marijuana and	1/15/2021 Date of introduction

	<p>synthetic cannabinoid offenses and drug paraphernalia offenses, and change related provisions</p> <p><b>Employer Impact:</b> This bill would allow individuals convicted of, or adjudicated for, certain offenses involving marijuana or synthetic marijuana, to petition for “clean slate relief” if the person has completed their sentence and paid all court-ordered financial obligations resulting from the offense.</p> <p>An order of “clean slate relief” would nullify a prior conviction, but would not require the reinstatement of any office, employment or position which was previously held and lost or forfeited as a result of the conviction. An order of “clean slate relief” would seal records of the conviction from the public record. An employment application may not question an applicant on a sealed record, and if inquiry is made in violation of this prohibition, the applicant may respond as if the offense never occurred.</p> <p>This bill would also decriminalize certain possession of marijuana offenses as well as certain offenses for possession of marijuana paraphernalia.</p>	<p>1/20/2021 Referred to Judiciary Committee</p> <p>2/4/2021 Notice of hearing for February 19, 2021</p>
<p>LB 567</p> <p>Business and Labor Committee</p>	<p>Change provisions relating to the maximum annual amount of benefits under the Employment Security Law</p> <p><b>Employer Impact:</b> This bill would cap the amount of benefits for any benefit year on or after October 2021 to a maximum amount of the lesser of (1) twenty-six times the individual’s weekly benefit amount or (2) one third of his or her wages in the employment of each</p>	<p>1/19/2021 Date of introduction</p> <p>1/22/2021 Referred to Business and Labor Committee</p> <p>1/25/2021 Notice of hearing for February 1, 2021</p> <p>1/25/2021 Hunt name added</p>

	<p>employer per calendar quarter of his or her base period. The benefit amount shall be reduced by thirteen times his or her benefit amount in cases where the employee left work voluntary without good cause.</p>	
<p>LB667  Halloran</p>	<p>Provide for confidentiality of and access to certain injury reports under the Nebraska Workers' Compensation Act</p> <p><b>Employer Impact:</b> This bill would provide that a workers compensation injury report would be confidential and not open to public inspection or copying for a period of sixty days from the date of filing, except as necessary for the Nebraska Workers' Compensation Court to administer and enforce other provisions of the Nebraska Workers' Compensation Act.</p> <p>Exceptions apply where the individual requesting the report is (1) the employee who is the subject of the report or the attorney of that employee, (2) the employer, workers compensation insurer, third-party administrator, or their attorney, (3) the report is requested for use in a state or federal investigation, (4) the report is requested by a nonprofit organization for the purpose of sending condolences or providing memorials, and in other limited circumstances.</p>	<p>1/20/2021 Date of introduction</p> <p>1/22/2021 Referred to Business and Labor Committee</p> <p>2/19/2021 Notice of hearing for March 1, 2021</p>