



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

January 18, 2022 Update

Prepared by Jackson Lewis, P.C.

Sue Loerts, Of Counsel, Jackson Lewis
(Legislative Director Nebraska SHRM)

&

Attorneys at Jackson Lewis

Brock Pohlmeier

Elizabeth Evans

Caitlin Ellis

Nicolas McGrath

Natasha Riggelman

Carla Stenzel

Quinn Eaton

Bill No.	Bill Description	Status
LB52 Lathrop	Provide for immunity for injury or death resulting from COVID-19 exposure Employer Impact: 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.	1/5/2022 Title printed. Carryover bill.
LB95 DeBoer	Change provisions relating to garnishment Employer Impact: 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.	1/5/2022 Title printed. Carryover bill.
LB122 Hunt	Change provisions relating to the minimum wage	1/5/2022 Title printed. Carryover bill.

	<p>Employer Impact: 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>LB249 Pansing Brooks</p>	<p>Prohibit employers from inquiring about wage rate history under the Nebraska Fair Employment Practice Act</p> <p>Employer Impact: 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 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</p>	<p>1/5/2022 Title printed. Carryover bill.</p>

	disclosure or verification of wage rate history for employment purposes.	
LB413 Wishart	<p>Require coverage of medications for substance use disorder treatment and addiction medicine services under the Medical Assistance Act</p> <p>Employer Impact: This bill would revise the definition of “medical assistance” under the Medical Assistance Act to include medications for substance use disorder treatment.</p>	1/5/2022 Title printed. Carryover bill.
LB441 Hansen, M.	<p>Change provisions relating to compensation for individuals affected by COVID-19 under the Nebraska Workers’ Compensation Act</p> <p>Employer Impact: 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>	1/5/2022 Title printed. Carryover bill.
LB 480 McKinney	Change the minimum wage as prescribed	1/5/2022 Title printed. Carryover bill.

	<p>Employer Impact: 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>LB 481 McKinney</p>	<p>Adopt the Marijuana Conviction Clean Slate Act, decriminalize possessory marijuana and synthetic cannabinoid offenses and drug paraphernalia offenses, and change related provisions</p> <p>Employer Impact: 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</p>	<p>1/5/2022 Title printed. Carryover bill.</p>

	offenses for possession of marijuana paraphernalia.	
LB667 Halloran	<p>Provide for confidentiality of and access to certain injury reports under the Nebraska Workers' Compensation Act</p> <p>Employer Impact: 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>	1/5/2022 Title printed. Carryover bill.
LB700 Kolterman	<p>Changes certain rules regarding specific retirement plans provided to state employees.</p> <p>Employer Impacts: This bill would impact employers participating in the Retirement System for Nebraska Counties, the State Employees Retirement System of the State of Nebraska, Nebraska Judges Retirement System, the School Employees Retirement System of the State of Nebraska, or the Nebraska State Patrol Retirement System. One notable impact is that such employers will</p>	1/5/2022 – Date of Introduction 1/10/2022 - Referred to Nebraska Retirement Systems Committee

	<p>be required to provide day of leave with pay (or an additional day of leave with pay) to participating employees to attend sessions, which are defined as in-person training or live-broadcast webinar, regarding such systems.</p>	
<p>LB769 Halloran</p>	<p>Require certain state employees to submit to fingerprinting and criminal history record checks.</p> <p>Employer Impact: This bill would require any employee of a state agency whom the agency determines may directly access and use protected federal or state tax information as part of the employee's authorized duties to be fingerprinted and undergo state and national criminal history record checks. The employing state agency can then only use such information for purposes of verifying the employee's identification and determining the employee's suitability to perform the duties which are the basis for requiring that the employee submit to fingerprinting and state and national criminal history record checks. The employing state agency must pay the costs of the fingerprinting and criminal history checks.</p>	<p>1/5/2022 - Introduced. 1/10/2022 – Referred to Government, Military and Veterans Affairs Committee.</p> <p>Hearing scheduled for 1/21/2022</p>
<p>LB871 Hansen</p>	<p>Changes provisions relating to meatpacking employees and employers and the Non-English-Speaking Workers Protection Act.</p> <p>Employer Impact: This bill would change provisions related to reporting under the Nebraska Workers' Compensation Act as it relates to meatpacking employees. The bill would also change the definition of an employer of a meatpacking operation and require certain employer to making certain information available for each</p>	<p>1/7/2022 – Date of Introduction. 1/10/2022 – Referred to Business and Labor Committee.</p>

	<p>plant, including the number of employees who do not speak, read, or understand English. Moreover, this bill provides for the commission coordinator to issue citations against an employer for interfering with his or her duties. The coordinator, after notice and a hearing, can also assess a civil penalty against an employer of not more than \$1,000 for each violation, with each day of a continued violation counted as a separate violation. This bill would also prohibit employers from taking an adverse action against an employee for participating in an interview with a commission coordinator or representative.</p>	
<p>LB935 Bostar</p>	<p>Adopts the County Minimum Wage Option Act.</p> <p>Employer Impact: This bill would allow county to enact ordinances establishing a county minimum wage that is higher than the minimum wage provided for in the Nebraska Wage and Hour Act, including different rates for persons compensated by way of gratuities and student-learner employees and training wages. The bill specifies that the Act would not interfere with or impeded the rights of employees to collectively bargain and establish wages or other conditions of work in excess of a minimum wage ordinance. The Act would impose penalties for non-compliance.</p>	<p>1/10/2022 – Date of Introduction. 1/11/22 – Referred to Business and Labor Committee</p>
<p>LB 772 Day</p>	<p>Prohibits healthcare providers from taking certain actions to collect debts of patients who received treatment related to sexual assault, domestic assault, and child abuse from collecting debts.</p> <p>Potential impact for healthcare employer: Healthcare providers and pharmacies providing medical</p>	<p>Jan 10, 2022 – Referred to judiciary committee</p>

	<p>services related to the examination or treatment of injuries arising out of sexual assault, domestic assault, or child abuse shall not: (a) refer a bill for such services to a collection agency; (b) distribute information regarding such services and status of payment in any way that would affect the credit rating of the victim or victim's family; (c) take any other action adverse to the victim or the victim's guardian or family.</p>	
<p>LB 834 Hunt</p>	<p>Redefining a Term under the Wage and Hour Act</p> <p>Employer Impact: The definition of employee previously excluded certain individuals who receive federal, state, county, or local aid or welfare and who are physically or mentally disabled. That exception to the definition has been stricken from the Act.</p>	<p>Jan 10, 2022 – Referred to Business and Labor Committee</p>
<p>LB 938 Linehan</p>	<p>Change to corporate income tax rates</p> <p>Employer Impact: Updates to taxes imposed on the taxable income of every corporate taxpayer doing business in the state.</p>	<p>Jan 11, 2022 – Referred to Revenue Committee</p>
<p>LB 718 Morfeld</p>	<p>Provide requirements for cost-sharing and coverage relating to health care benefits and pharmacy benefit managers</p> <p>Employer impact: For any health plan cost-sharing requirement (copayment, coinsurance, deductible, or annual limitation on cost-sharing), pharmacy benefit managers for a health plan must include any cost-sharing amounts paid by the enrollee or by another on their behalf, when calculating the enrollee's contribution to any cost-sharing requirement.</p>	<p>1/5/2022 – Date of Introduction 1/10/22 – Referred to Banking, Commerce and Insurance Committee</p>
<p>LB 815</p>	<p>Adopt the Diaper Changing Accommodation Act</p>	<p>1/6/2022 – Date of Introduction</p>

McKinney	<p>Employer impact: Any place of public accommodation with restrooms available for general public use, constructed or substantially renovated after passage of the act, must provide one baby diaper changing station in both a women’s restroom and men’s restroom, or one station in a gender neutral/family restroom.</p>	1/10/22 – Referred to Business and Labor Committee
LB 895 Walz	<p>Provide restrictions on prior authorizations by managed care organizations under the Medical Assistance Act</p> <p>Impact for healthcare employer: Managed care organizations implementing automated prior authorization systems must use evidence-based clinical guidelines and ensure that a health care professional of the same discipline makes the decision to deny or modify requests for authorization based on medical necessity.</p>	1/7/2022 – Date of Introduction 1/10/2022 – Referred to Health and Human Services Committee
LB 780 Gragert	<p>Change provisions relating to child labor and employment certificates and approval requirements for short-time compensation plans</p> <p>Employer impact: Changes requirements for employers with workers under 16 years of age. Instead of requiring two complete lists of all such children employed in building, with one posted near the principal entrance of the building, would now require only one list to be kept on file in the building.</p> <p>Employment certificates for child workers would be approved by the principal of the school the child attends, rather than the superintendent of the school district.</p>	1/5/2022 – Date of Introduction 1/10/22 – Referred to Business and Labor Committee 1/13/22 – Notice of hearing for January 24, 2022

<p>LB719</p> <p>Morfeld</p>	<p>Change provisions under the Nebraska Workers' Compensation Act relating to physicians, compensation, and benefits and require cost-of-living adjustments and payment for interpreter services</p> <p>Employer Impact: Would require employers to cover reasonable costs of interpretation services when they cannot readily communicate in a language with the employee and would require notices to be provided in a language the employee can understand.</p> <p>Modifications around when an employee may select a physician, providing more options when an existing physician is not in place under the existing terms in the statute.</p> <p>Several proposed changes to the schedule of compensation. The bill is lengthy, but big picture, benefits would be increased, and increases to the maximum period benefits must be paid. The proposed changes also include annual cost of living adjustments.</p>	<p>Introduced 01/05/2022</p> <p>Referred to Business and Labor Committee 01/10/2022</p>
<p>LB869</p> <p>M. Hansen</p>	<p>Change provisions relating to a leave of absence for an adoptive parent</p> <p>Employer Impact: Would strike "a child who is over eight years of age and is not a special needs child" from the exemptions of when adoptive parent leave of absence is not required.</p> <p>Employers which permit an employee to take a leave of absence upon the birth of the employee's child, is required to permit the same leave for an adoptive parent following the commencement of a parent-child</p>	<p>Introduced 01/07/2022</p> <p>Referred to Business and Labor Committee 01/10/2022</p> <p>Notice of hearing for January 24, 2022</p>

	relationship. This change simply removes the above from the list of exemptions wherein employers are not required to provide adoptive parent leave of absence.	
LB906 B. Hansen	<p>Require employers to provide for vaccine exemptions and provide duties for the Department of Health and Human Services</p> <p>Employer Impact: Would require the Department of Health and Human Services to create a vaccine exemption form, such that employees may complete the form based on the employee's "strong moral, ethical, or philosophical belief or conviction."</p> <p>There is no definition of "strong moral, ethical, or philosophical belief or conviction" in the proposed statute.</p> <p>Employers who require applicants or employees to be vaccinated would need to allow for such an exemption based on applicant or employee's strong moral, ethical, or philosophical belief or conviction. Employers may require employees granted an exemption 1) to be tested periodically at the employer's expense, for infection or illness, and 2) to wear or use PPE provided by the employer.</p>	<p>Introduced 01/07/2022</p> <p>Referred to Health and Human Services Committee 01/10/2022</p> <p>B. Hansen, Priority bill 01/10/2022</p> <p>Lindstrom name added 1/13/22</p>
LB778 Brewer	<p>Adopts the Government Neutrality in Contracting Act.</p> <p>Employer Impact: Changes to the permissible language and conditions placed in any requests for proposal or bid specifications for a public contract or the procurement procedures for a public contract. Cannot use terms that discourage or discriminate</p>	<p>Introduced 01/05/2022</p> <p>Referred to Government, Military and Veterans Affairs Committee on 01/10/2022.</p> <p>Notice of Hearing for January 27, 2022</p>

	<p>against participation in a collective bargaining agreement. Contracts also may not be awarded pass or fail scoring criteria based on hiring requirements, headquarters location, political affiliations or demographic makeup.</p>	
<p>LB838 Kolterman</p>	<p>Require the State Department of Education to create an aid program relating to the early childhood workforce.</p> <p>Employer Impact: Would make available \$15M in aid to employees or self-employed individuals who provide childcare or education programs for children, and to support recruitment and retention efforts for the early childhood workforce.</p>	<p>Introduced 10/06/2022.</p> <p>Referred to Education Committee on 10/10/2022.</p> <p>Notice of hearing for January 18, 2022.</p>
<p>LB885 Cavanaugh, M.</p>	<p>Require implicit bias training for certain applicants and credential holders under the Uniform Credentialing Act.</p> <p>Employer Impact: Requires implicit bias training to obtain a license for nurses, alcohol and drug counselors, athletic trainers, speech-language pathologists, nurse midwives, anesthesiologists, chiropractors, clinical nurse specialists, cosmetologists; dentists, dialysis patient care technicians, emergency medical services, environmental health specialists, funeral directing and embalming professionals, genetic counselors, hearing impaired specialists, practical nurses, massage therapists, medical nutrition therapists, medical radiography personnel, medicine and surgery practitioners, mental health practitioners, nursing home administrators, occupational therapists, optometrists, perfusion</p>	<p>Introduced 01/07/2022.</p> <p>Referred to Health and Human Services Committee on 01/10/2022.</p>

	<p>practitioners, physical therapists, podiatrists, psychology practitioners, respiratory care practitioners, surgical first assistants, and veterinary medicine and surgery practitioners.</p>	
<p>LB943 Bostar</p>	<p>Prohibit certain provisions in a health plan in relation to clinician-administered drugs.</p> <p>Employer Impact: Health plans may not refuse to authorize, approve, or pay a participating provider for providing covered clinician-administered drugs and related services to covered person; impose coverage or benefit limitations or require higher fees to administer clinician-administered drugs; interfere with the right of a patient to choose to obtain clinician-administered drugs; require choice of pharmacy by the insurer or health plan; or in <i>some</i> cases refuse to pay for clinician-administered drugs provided by out-of-network pharmacies.</p>	<p>Introduced on 01/10/2022.</p> <p>Referred to Banking, Commerce and Insurance Committee on 01/11/2022.</p>
<p>LB845 Slama</p>	<p>Adopt the Anti-Discrimination Against Israel Act.</p> <p>Employer Impact: The State of Nebraska (or any subdivision) will not enter into a contract with a company that refuses to engage in business with Israel. Does not apply to contracts with a total potential value of less than one hundred thousand dollars or to contracts with less than ten employees.</p>	<p>Introduced on 01/06/2022.</p> <p>Referred to Government, Military and Veterans Affairs Committee on 01/10/2022.</p> <p>Notice of hearing for January 19, 2022.</p>