

One Hundred Third Legislature - First Session - 2013

Introducer's Statement of Intent

LB177

Chairperson: Senator Steve Lathrop

Committee: Business and Labor

Date of Hearing: February 04, 2013

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Under the Nebraska Wage Payment and Collection Act, an employer is required to establish a regular payday, provide thirty days written notice before changing such payday and remit unpaid wages upon separation of an employee from the payroll at the next regular payday or within two weeks of the date of termination, whichever is sooner. Currently, an individual may file a claim in court for unpaid wages if an employer has not paid within 30 days of the regular payday, however, there is no other provision in the Act that allows for the enforcement of the law.

LB 177 would give the Commissioner of Labor the authority to investigate the failure of an employer to comply with the provisions of the Nebraska Wage Payment and Collection Act and to assess a civil penalty of up to \$1,000 per violation. If the commissioner determines the employer willfully violated the act by not paying wages owed, the commissioner shall assess waiting time damages in the amount of 50% of the wages owed. Procedures for notice and the opportunity for a hearing shall be in accordance with the Administrative Procedure Act.

The commissioner shall report to the appropriate county attorney, any employer who continues to violate the act by refusing to pay unpaid wages or waiting time damages. An employer found guilty is guilty of a Class IV misdemeanor.

Principal Introducer: _____

Senator Jim Smith