

AMENDMENTS TO LB415

(Amendments to Final Reading copy)

Introduced by Cavanaugh, J., 9.

1           1. Strike section 4 and insert the following new section:

2           **Sec. 4.** Section 8, Initiative Law 2024, No. 436, is amended to  
3 read:

4           Sec. 8. (1) The Commissioner of Labor shall issue a citation to an  
5 employer when an investigation reveals that the employer may have  
6 violated the Nebraska Healthy Families and Workplaces Act.

7           (2) When a citation is issued, the commissioner shall notify the  
8 employer of the proposed administrative penalty, if any, by certified  
9 mail, by any other manner of delivery by which the United States Postal  
10 Service can verify delivery, or by any method of service recognized under  
11 Chapter 25, article 5. The administrative penalty shall not be more than  
12 five hundred dollars in the case of a first violation and not more than  
13 five thousand dollars in the case of a second or subsequent violation.

14           (3) The employer has fifteen working days after the date of the  
15 citation or penalty to contest such citation or penalty. Notice of  
16 contest shall be sent to the commissioner who shall provide a hearing in  
17 accordance with the Administrative Procedure Act.

18           (4) Any employer who has an unpaid citation for a violation of the  
19 Nebraska Healthy Families and Workplaces Act shall be barred from  
20 contracting with the state or any political subdivision until such  
21 citation is paid. If a citation has been contested as described in  
22 subsection (3) of this section, it shall not be considered an unpaid  
23 citation under this subsection until after such contest has been  
24 resolved.

25           (5) Citations issued under this section and the names of employers  
26 who have been issued a citation shall be made available to the public

1 upon request, except that this subsection shall not apply to any  
2 citations that are being contested as described in subsection (3) of this  
3 section.

4 (6) An employee having a claim for a violation of the Nebraska  
5 Healthy Families and Workplaces Act may institute suit for legal and  
6 equitable relief in the proper court. In any action brought to enforce  
7 the Nebraska Healthy Families and Workplaces Act, the court shall have  
8 jurisdiction to grant such legal or equitable relief as the court deems  
9 appropriate to effectuate the purposes of the act. If an employee  
10 establishes a claim and secures judgment on the claim, such employee  
11 shall also be entitled to recover the full amount of the judgment and all  
12 costs of such suit, including reasonable attorney's fees.

13 (7) If an employee institutes suit against an employer under  
14 subsection (6) of this section, any citation that is issued against an  
15 employer under subsection (1) of this section and that relates directly  
16 to the facts in dispute shall be admitted into evidence unless  
17 specifically excluded by the court. If a citation has been contested as  
18 described in subsection (3) of this section, it shall not be admitted  
19 into evidence under this subsection until such contest has been resolved.

20 (8) A civil action brought under this section shall be commenced no  
21 later than one ~~four~~ calendar year ~~years~~ after the cause of action  
22 accrues.