

One Hundred Sixth Legislature - Second Session - 2020

Introducer's Statement of Intent

LB1016

Chairperson: Senator Matt Hansen, M.

Committee: Business and Labor

Date of Hearing: February 03, 2020

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

LB1016 makes several changes to the Nebraska Wage Payment and Collection Act (WPCA) in order to facilitate compliance and enforcement:

- It explicitly states a prohibition on retaliation against employees who file a complaint or assist in an investigation under the Nebraska Department of Labor (NDOL), and adds language that relief is available in court if retaliation occurs. Currently, some retaliation cases may be brought under the Nebraska Fair Employment Practice Act (FEPA), administered by the Nebraska Equal Opportunity Commission under their general provisions prohibiting discrimination for any violations of state law.
- It clarifies what relief is available to employees who file in court to recover unpaid wages owed to them. This change includes updating and clarifying language regarding attorney's fees from a minimum percentage of the unpaid wages to reasonable attorney's fees.
- The bill allows citations from the NDOL for unpaid wages issued under the WPCA to be admitted into evidence if an employee brings suit in court to recover the wages involved in the citation.
- The bill prohibits any employer from contracting with the state or any political subdivision who has an unpaid and uncontested citation of a violation of the WPCA until the citation is paid.
- It clarifies that citations under the WPCA, after any appeals are resolved, are available to the public upon request.
- It tasks the NDOL with providing annual information regarding compliance and enforcement of the WPCA.

Principal Introducer: _____

Senator Matt Hansen, M.