

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB440

Hearing Date: Monday February 08, 2021
Committee On: Business and Labor
Introducer: Hansen, M.
One Liner: Change provisions of the Nebraska Fair Employment Practice Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 7 Senators Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator Matt Hansen
Marna Munn
Suzanne Swanson

Representing:

Introducer
Nebraska Equal Opportunity Commission
Self

Opponents:

Representing:

Neutral:

Representing:

Submitted Written Testimony:

Proponents:

Bob Hallstrom

Representing:

National Federation of Independent Business

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB440 makes several technical changes to the Nebraska Fair Employment Practice Act (FEPA) after discussions with the Nebraska Equal Opportunity Commission (NEOC).

First, it corrects an apparent error in definition of the cause of action for disability by association, which is different in the FEPA than the federal Americans with Disabilities Act (ADA). The current Nebraska definition effectively excludes anyone from seeking relief under that cause of action through the NEOC. The bill would replicate the ADA definition found in 42 U.S. Code Sec. 12112 (b)(4) in Nebraska statute, in the new Neb. Rev. Stat. Sec. 48-1107.02(3) and strike the old erroneous definition in Neb. Rev. Stat. Sec. 48-1107.02 (1)(d).

Second, it updates Neb. Rev. Stat. Sec. 48-1118 to allow the NEOC ten business days rather than ten calendar days to serve a complaint on the respondent.

Third, it eliminates the requirement that for a mandatory finding against the respondent who fails to respond within 30 days under Neb. Rev. Stat. Sec. 48-1118. This would confirm the NEOC's ability to work with the respondent, and provide extensions if needed.

Ben Hansen, Chairperson