

# **One Hundred Seventh Legislature - First Session - 2021**

## **Introducer's Statement of Intent**

### **LB440**

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**Chairperson: Senator Ben Hansen**

**Committee: Business and Labor**

**Date of Hearing: February 08, 2021**

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

LB 440 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 § 12112 (b)(4) in Nebraska statute, in the new Neb. Rev. Stat. § 48-1107.02(3) and strike the old erroneous definition in Neb. Rev. Stat. § 48-1107.02 (1)(d).

Second, it updates Neb. Rev. Stat. § 48-1118 to allow the NEOC ten business days rather than ten calendar days to serve a complaint on the respondent, allowing for more operational efficiency within the NEOC.

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

**Principal Introducer:** \_\_\_\_\_

**Senator Matt Hansen**