

**ONE HUNDRED NINTH LEGISLATURE - SECOND SESSION - 2026**  
**COMMITTEE STATEMENT (UPDATED)**  
**LB921**

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**Hearing Date:** Monday January 26, 2026  
**Committee On:** Business and Labor  
**Introducer:** Ibach  
**One Liner:** Adopt the Nebraska Worker Adjustment and Retraining Notification Act and the Health Care Staffing Agency Registration Act and change provisions of the Employment Security Law, the In the Line of Duty Compensation Act, the Non-English-Speaking Workers Protection Act, and the State Miscellaneous Claims Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Kauth, Hansen, Ibach, McKinney, Meyer, F., Raybould, Sorrentino  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Testimony:**

**Proponents:**  
Senator Teresa Ibach  
Rose Godinez  
Nick Grandgenett

**Representing:**  
Opening Presenter  
Self  
Nebraska Appleseed

**Opponents:**  
Ryan McIntosh

**Representing:**  
National Federation of Independent Business, Nebraska Grocery Industry Association, Nebraska Chamber of Commerce and Industry, Greater Omaha Chamber of Commerce, Lincoln Chamber of Commerce

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

LB 921 would create the Nebraska Worker Adjustment and Retraining Notification Act ("Act") and would amend Neb. Rev. Stat. § 48-2209.

LB 921 is a direct response to the Tyson plant closing in Lexington. The federal WARN Act (Worker Adjustment and Retraining Notification Act) requires that employers with 100 or more employees notify their employees sixty days

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before they intend to have a mass layoff or business closing occur. This Bill would lower the requirement to any employers with twenty-five or more employers.

The WARN Act would give workers advanced notice of their jobs being terminated due to a planned event, be it a plant closing, business closure, sale of a business, or a mass layoff. It gives workers more time to find new jobs and deal with a mass termination of jobs. It does not prevent the closing nor does it allow a court to prevent the closing but it does provide some help.

LB 921 establishes that the Department of Labor ("Department") will be notified of closures and will enforce the Act. Civil penalties are established for employers that violate the Act.

Additionally, interpreters and referral agents are required to be provided to non-English speaking employees.

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### **Explanation of amendments:**

Explanation of Amendments:

The Committee considered and adopted an amendment which accomplishes the following:

The Standing Committee Amendment (AM 2420) substitutes for the bill and incorporates LB 921 as amended as well as LB 308 as amended, LB 544 as amended, and LB 1170 as amended.

LB 921 as amended – Sections 1, 2, 3, 4, 5, 6, 17, and 24 of the Standing Committee Amendment

The Standing Committee Amendment would amend LB 921 to change all sixty-day notifications to ninety-day notifications. There is now requirement that the notice given to employees include copies of all employee handbooks, personnel policies, and employment-related policies or where they are located online. This requirement was requested by the Department. The notice must now be posted in a conspicuous location in all languages spoken by at least five percent of the employer's employees. Finally, an interpreter is required to be provided to employees for any languages that at least five percent of the employees speak, which is an increase from ten percent.

LB 308 as amended – Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 23, and 25 of the Standing Committee Amendment

LB 308 was introduced by Senator Ibach and amends Neb. Rev. Stat. § 81-401, creates the Health Care Staffing Agency Registration Act. Administered by the Department of Labor, the Health Care Staffing Agency Registration Act would require all Health Care Staffing Agencies to register annually with the Department when operating in the state of Nebraska.

The Health Care Staffing Agency Registration Act as introduced:

- Requires staffing agencies to register annually with the Department;
- Requires the Department to develop a database accessible to the public on its website that includes basic information on each agency, the average amount charged for each category of staff members, and the average amount paid to staff members in each category
- Requires staffing agencies to remit an annual fee;
- Requires staffing agencies to provide proof of insurance;
- Requires staffing agencies to maintain documentation that a staff member meets the minimum licensing, certification, training, and health requirements for the staff member's position in the health care facility or service;
- Prohibits an agency from restricting the employment opportunities of a staff member by charging a fee or including a non-compete clause; and



- Outlines provisions for violations of the Act.

The Standing Committee Amendment makes significant changes. Any reference to “staff worker” has been changed to “worker” and most references to “staff” have been struck. Additional clarification that each separate location has to be a physical location has been added. Language requiring that contracts ensure all workers comply with federal and state licensing, certification, registration, and other requirements be met. Applicable documents are required to ensure those requirements are met. A health care staffing agency can also provide to the department proof of a certificate evidencing occupational accident coverage for all workers in the state. Additional language is added regarding payments available to be recovered if a hospital hires an employee of a staffing agency.

Testifiers on LB308:

Proponents:

Senator Teresa Ibach , Opening Presenter

Dr. Anthony Hatcher, Hillcrest Health & Living, Nebraska Healthcare Association

John Turner, Newport House An Immanuel Community

Kierstin Reed, Leading Age Nebraska

Jalene Carpenter, Nebraska Health Care Association

Meghan Chaffee, Nebraska Hospital Association

Katie Thurber, Nebraska Department of Labor

Opponents:

Joshua Norton, American Staffing Association

Tyler Pieper, Triage Staffing

Travis Marr, One Staff Medical, LLC

Neutral: None

Committee vote to attach LB308:

Yes: 7 Kauth, Hansen, Ibach, McKinney, Meyer, F., Raybould, Sorrentino;

No: 0;

Absent: 0;

Present Not Voting: 0;

LB 544 as amended – Sections 16 and 24 of the Standing Committee Amendment

LB 544 was introduced by Senator Dover. It would amend Neb. Rev. Stat. § 48-601 and create a new provision of law.

LB 544 requires that individuals who are receiving unemployment benefits to respond to job offers and to show up to job interviews. If they fail to respond to job offers within two business days or fail to show up to an interview without notifying the possible employer of their need to cancel or reschedule, the individuals will lose unemployment benefits for the week.

LB 544 also empowers the Department to create an online portal, complete with telephone number and email address, to allow employers to report those who fail to respond to their job offers or do not show up to the interview without notification. Finally, the Department will verify any information submitted by employers before denying a person unemployment benefits for the week.

The Standing Committee Amendment requires that instead of two days, the time limit would be one week to respond



to a job offer. Additionally, further clarification about how a job interview or job offer can be communicated is added. The requirements under LB 921 are now located in Neb. Rev. Stat. § 48-628, removing the previous fiscal note.

Testifiers on LB544:

Proponents:

Senator Robert Dover , Opening Presenter

Andrew Wiens, FGA Action

Ansley Fellers, Nebraska Grocery Industry Association

Opponents: None

Neutral: None

Committee vote to attach LB544:

Yes: 7 Kauth, Hansen, Ibach, McKinney, Meyer, F., Raybould, Sorrentino;

No: 0;

Absent: 0;

Present Not Voting: 0;

LB 1170 as amended – Sections 19, 20, 21, 22, and 24 of the Standing Committee Amendment

LB 1170 seeks to prevent the Johnson County (Tecumseh State Correctional Institution) issue that was a large part of AM 491 to LB 534, the second State Claims Bill hearing held in 2025. The prosecution in a murder case at the prison had dragged on for many years due to multiple appeals, multiple changes of attorneys, and a variety of other costs. Johnson County, which is currently allowed to seek assistance from the state if prosecution costs skyrocket, was unable to do so for years because they are currently only allowed to file one claim. This bill would allow them to make multiple claims and be paid out during the pendency of the case or cases, if they arise from the same set of facts.

LB 1170 changes the definitions under the In the Line of Duty Compensation Act (“Line of Duty”). The Bill modifies the definition of what is an injury or illness for the purposes of being killed in the line of duty. An injury or illness would be presumed to have arisen in the connection with the active of performance of duties of a public safety officer if it met one of several causes: a heart attack or similar event that happened during or within 24 hours of a particularly stressfully, unusual activity in the line of duty; exposure to toxins or carcinogens that lead to cancer; or exposure to significant traumatic events that lead to the death of the officer and were wither diagnosed or the officer sought help for. The presumption could be overcome by evidence showing it was not related to work or other risk factors or the exposure was not a substantial factor in the death.

Line of Duty claims will be moved from the State Tort Claims Act to the State Miscellaneous Claims Act to allow the State Claims Board and Risk Manger to better handle Line of Duty claims. If a claim is denied, claimants will now appeal to the Risk Manager rather than the district court of Lancaster County.

The Standing Committee Amendment amends LB 1170 to make it clear that a county, once it clears the threshold amount for a single correctional institution incident, may file annually to recoup their prosecutorial costs. The claims are also not required to be aggregated.

Testifiers on LB1170:

Proponents:

Senator Dave Wordekemper , Opening Presenter

Lee Will, Nebraska Department of Administrative Services (DAS)

Beth Bazyn Ferrell, Nebraska Association of County Officials (NACO)



Opponents: None

Neutral:

David Borrenpohl, Johnson County Nebraska

Committee vote to attach LB1170:

Yes: 7 Kauth, Hansen, Ibach, McKinney, Meyer, F., Raybould, Sorrentino;

No: 0;

Absent: 0;

Present Not Voting: 0;

## Section by Section Summary

Section 1: Creates the Nebraska Worker Adjustment and Retraining Notification Act.

Section 2: This is the definition section of the WARN Act.

Section 3: Employers who have twenty-five or more employees who plan a business closing or a mass layoff must give a ninety-day written notice to affected employees or their representatives and the Department, unless a collective bargaining notice says otherwise. If an employer has carried out a short-term mass layoff of six months or less that needs to be extended is required to given notice of the extension. Notice of the sale of all or part of a business that will result in a business closure or mass layoff is required. The section lists the requirements of the written notice to be effective as well as how the notice can be delivered to employees, their representatives, and the Department.

Section 4: The WARN Act is not triggered when strikes and lockouts occur. The Act is not triggered when hiring a permanent or temporary employee to replace a striking worker. Notice is not required when terminating a temporary worker that was hired to replace a striking worker. When employees will lose their jobs on different days, the first date of the first individual employment loss triggers the ninety-day notice requirement. The section lays out the ways the Act is triggered if there are smaller layoffs over a ninety-day period that add up to a mass layoff. Additional notice is required if the dates for the closing or mass layoff changes. Exceptions for the requirement of the notice are laid out in this section.

Section 5: The Department is empowered to enforce the WARN Act. This section lists the civil penalties for employers that violate the Act. No court under the Act may prevent or stop a business closing or mass layoff.

Section 6: Allows the Department to create and enforce rules and regulations to enforce the WARN Act.

Section 7: Creates the Health Care Staffing Agency Registration Act.

Section 8: Establishes the definitions for purposes of the Health Care Staffing Agency Registration Act.

Section 9: Requires a health care staffing agency to register annually with the Department and certify they are in compliance with Section 11. Each agency must pay an annual registration fee for each physical location in Nebraska they have. The Department must issue certificates of registration and remit the fees to the General Fund. The Department must issue notices of denial if they deny an application. The agency can appeal within twenty days and the appeal is governed by the Administrative Procedure Act.

Section 10: A health staffing agency must ensure that each worker complies with all applicable licensing, certification, and registration for each health care entity. The agencies must document that each worker meets all those



requirements. The agencies must maintain and provide any required documentation to external parties and regulators. Health care technology platforms shall keep all those records available on their platforms. The agencies are required to provide the Department of proof of insurance for the workers. The agencies must maintain records for two years after they dissolve or stop doing business in the state of Nebraska. The agencies also only have fourteen days to provide the Department with requested files and records;

Section 11: A health staffing agency must not include non-compete clauses in their contracts with workers. Liquidated damages, employment fees, or other compensation is not allowed if a worker is hired on by a health care entity, with some exceptions. Any clause that violates this Section is void.

Section 12: The Department may fine health care staffing agencies for violations of the Health Care Staffing Agency Registration Act as well as revoke their registrations. The Department is required to issue a notice of citation to the agency. An agency has twenty days to appeal. The appeal is governed by the Administrative Procedure Act. A fine or revocation is not effective until the end of the appeal period or thirty days after the denial of the appeal. A revocation lasts no more than one year and applies to all locations. It also prevents registrations for new agencies with similar ownership or management as the agency revoked. The Attorney General or an employee of the Department may represent the Department in any civil lawsuit.

Section 13: The Department is to create a system so the public may make complaints against a health care staffing agency or worker. The Department is granted broad power to investigate complaints. Subpoenas can be enforced in a local court of competent jurisdiction. Any failure to obey the order of the court will be punished as contempt.

Section 14: The Department shall create a public database of health care staffing agencies.

Section 15: The Department may adopt and promulgate rules to enforce the Health Care Staffing Agency Registration Act.

Section 16: Neb. Rev. Stat. § 48-628 is amended to state that an individual will be disqualified for unemployment benefits for any weeks in which they fail to respond to a job offer or within a week or fail to appear for a job interview without notification. The Department must verify information from an employer before denying benefits under this section and review the manner of communication between the employer and the individual.

Section 17: Neb. Rev. Stat. § 48-2209 is amended to require Spanish interpreters from an official list to be provided to employees as well as requires interpreters in other languages to be provided. A referral agent shall also be provided to non-English speaking employees and the agent's duties are listed.

Section 18: Neb. Rev. Stat. § 81-401 is amended to grant authority for the Department to administer and enforce all provisions of the Health Care Staffing Agency Registration Act.

Section 19: Neb. Rev. Stat. § 81-8,236 is amended to allow counties with state correctional institutions to file more than one claim for the costs of prosecution for a single correctional institution incident. Those claims can be filed annually and do not need to be aggregated.

Section 20: Neb. Rev. Stat. § 81-8,300 is amended to not require aggregation of claims for an incident described in section 19.

Section 21: Neb. Rev. Stat. § 81-8,316 is amended to expand the definition of an injury or illness for purpose of being killed in the line of duty. Heart attacks due to unusual strength, exposure to carcinogens and toxins, and exposure to cumulative traumatic events on the job are now included and presumed to be in the active performance of the officer's



duties. This is a rebuttable presumption.

Section 22: Neb. Rev. Stat. § 81-8,318 is amended to have In the Line of Duty Compensation Act claims be investigated according to the State Miscellaneous Claims Act, rather than the State Tort Claims Act. If a claim is denied, a claimant may file an appeal with the Risk Manager rather than Lancaster County District Court. If a claim is approved to be paid out, the claim will be sent to be included with the annual State Claims Bill.

Section 23: Sections 7 to 15, 18, and 25 become operative January 1, 2027. All other sections become operative on their effective date.

Section 24: Repeals Neb. Rev. Stat. § 48-628, 48-2209, 81-8,236, 81-8,300, 81-8,316, and 81-8,31.

Section 25: Repeals Neb. Rev. Stat. § 81-401.

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Kathleen Kauth, Chairperson

