

ENGROSSED LEGISLATIVE BILL 258

Introduced by Raybould, 28; Murman, 38.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203.01, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2024; to change provisions relating to the minimum wage and the training wage; to enact a youth minimum wage; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 48-1203, Revised Statutes Cumulative Supplement, 2024, is amended to read:

48-1203 (1) Except as otherwise provided in this section and section 48-1203.01, every employer shall pay to each of his or her employees a minimum wage of:

(a) Nine dollars per hour through December 31, 2022;

(b) Ten dollars and fifty cents per hour on and after January 1, 2023, through December 31, 2023;

(c) Twelve dollars per hour on and after January 1, 2024, through December 31, 2024;

(d) Thirteen dollars and fifty cents per hour on and after January 1, 2025, through December 31, 2025; and

(e) Fifteen dollars per hour on and after January 1, 2026, through December 31, 2026.

(2) The minimum wage established in subdivision (1)(e) of this section shall be increased on January 1, 2027, and on January 1 of successive years, by one and three-quarters percent. No later than October 15 of each year, commencing October 15, 2026, the Nebraska Department of Labor shall calculate and publish the minimum wage rate that will take effect the following January 1.

(3) For persons compensated by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay wages at the minimum rate of two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the applicable minimum wage rate provided in subsection (1) or (2) of this section. In determining whether or not the individual is compensated by way of gratuities, the burden of proof shall be upon the employer.

(4) Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate which would otherwise be applicable under this section.

(5)(a) An employer may pay a youth minimum wage of thirteen dollars and fifty cents per hour to an employee who:

(i) Is at least fourteen years of age but younger than sixteen years of age; and

(ii) Is not an emancipated minor.

(b) Beginning on January 1, 2030, and on January 1 of every fifth year thereafter, the youth minimum wage shall increase by one and one-half percent, rounded to the nearest cent.

Sec. 2. Section 48-1203.01, Reissue Revised Statutes of Nebraska, is amended to read:

48-1203.01 (1) An employer may pay a new employee who is at least sixteen years of age but younger than twenty years of age and who is not a seasonal or migrant worker or an emancipated minor a training wage rate as described in subsection (2) of this section for ninety days from the date the new employee was hired. An employer may pay such new employee the training wage rate for an additional ninety-day period while the new employee is participating in on-the-job training which (a) requires technical, personal, or other skills which are necessary for his or her employment and (b) is approved by the Commissioner of Labor. No more than one-fourth of the total hours paid by the employer shall be

at the training wage rate.

(2) For the purposes of this section, the training wage rate shall be:

(a) Thirteen dollars and fifty cents per hour through December 31, 2026;

and

(b) Beginning on January 1, 2027, and on January 1 of each year thereafter, the training wage rate shall increase by one and one-half percent, rounded to the nearest cent.

(3) An employer shall not pay the training wage rate if the hours of any other employee are reduced or if any other employee is laid off and the hours or position to be filled by the new employee is substantially similar to the hours or position of such other employee. An employer shall not dismiss or reduce the hours of any employee with the intention of replacing such employee or his or her hours with a new employee receiving the training wage rate.

Sec. 3. Original section 48-1203.01, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2024, are repealed.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 258 was passed by the One Hundred Ninth
Legislature of Nebraska at its First Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR