

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1011**

Introduced by Dungan, 26.

Read first time January 13, 2026

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
- 2 amend section 48-121, Revised Statutes Cumulative Supplement, 2024;
- 3 to change provisions relating to compensation for temporary
- 4 disability; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 48-121, Revised Statutes Cumulative Supplement,  
2   2024, is amended to read:

3           48-121 The following schedule of compensation is hereby established  
4   for injuries resulting in disability:

5           (1) For total disability, the compensation during such disability  
6   shall be sixty-six and two-thirds percent of the wages received at the  
7   time of injury, but such compensation shall not be more than the maximum  
8   weekly income benefit specified in section 48-121.01 nor less than the  
9   minimum weekly income benefit specified in section 48-121.01, except that  
10   if at the time of injury the employee receives wages of less than the  
11   minimum weekly income benefit specified in section 48-121.01, then he or  
12   she shall receive the full amount of such wages per week as compensation.  
13   Nothing in this subdivision shall require payment of compensation after  
14   disability shall cease;

15          (2) For disability partial in character, except the particular cases  
16   mentioned in subdivision (3) of this section, the compensation shall be  
17   sixty-six and two-thirds percent of the difference between the wages  
18   received at the time of the injury and the earning power of the employee  
19   thereafter, but such compensation shall not be more than the maximum  
20   weekly income benefit specified in section 48-121.01. This compensation  
21   shall be paid during the period of such partial disability but not beyond  
22   three hundred weeks. Should total disability be followed by partial  
23   disability, the period of three hundred weeks mentioned in this  
24   subdivision shall be reduced by the number of weeks during which  
25   compensation was paid for such total disability;

26          (3) For disability resulting from permanent injury of the classes  
27   listed in this subdivision, the compensation shall be in addition to the  
28   amount paid for temporary disability, except that the compensation for  
29   temporary disability shall continue until the later of (a) any permanent  
30   disability, as measured by permanent impairment for a scheduled member  
31   injury, has been determined or, in the event of a claim payable under a

1 loss of earning capacity, until a loss of earning capacity evaluation has  
2 been issued or (b) thirty days after the employee has been given notice  
3 as provided in subdivision (6) of this section cease as soon as the  
4 extent of the permanent disability is ascertainable. For disability  
5 resulting from permanent injury of the following classes, compensation  
6 shall be: For the loss of a thumb, sixty-six and two-thirds percent of  
7 daily wages during sixty weeks. For the loss of a first finger, commonly  
8 called the index finger, sixty-six and two-thirds percent of daily wages  
9 during thirty-five weeks. For the loss of a second finger, sixty-six and  
10 two-thirds percent of daily wages during thirty weeks. For the loss of a  
11 third finger, sixty-six and two-thirds percent of daily wages during  
12 twenty weeks. For the loss of a fourth finger, commonly called the little  
13 finger, sixty-six and two-thirds percent of daily wages during fifteen  
14 weeks. The loss of the first phalange of the thumb or of any finger shall  
15 be considered to be equal to the loss of one-half of such thumb or finger  
16 and compensation shall be for one-half of the periods of time above  
17 specified, and the compensation for the loss of one-half of the first  
18 phalange shall be for one-fourth of the periods of time above specified.  
19 The loss of more than one phalange shall be considered as the loss of the  
20 entire finger or thumb, except that in no case shall the amount received  
21 for more than one finger exceed the amount provided in this schedule for  
22 the loss of a hand. For the loss of a great toe, sixty-six and two-thirds  
23 percent of daily wages during thirty weeks. For the loss of one of the  
24 toes other than the great toe, sixty-six and two-thirds percent of daily  
25 wages during ten weeks. The loss of the first phalange of any toe shall  
26 be considered equal to the loss of one-half of such toe, and compensation  
27 shall be for one-half of the periods of time above specified. The loss of  
28 more than one phalange shall be considered as the loss of the entire toe.  
29 For the loss of a hand, sixty-six and two-thirds percent of daily wages  
30 during one hundred seventy-five weeks. For the loss of an arm, sixty-six  
31 and two-thirds percent of daily wages during two hundred twenty-five

1 weeks. For the loss of a foot, sixty-six and two-thirds percent of daily  
2 wages during one hundred fifty weeks. For the loss of a leg, sixty-six  
3 and two-thirds percent of daily wages during two hundred fifteen weeks.  
4 For the loss of an eye, sixty-six and two-thirds percent of daily wages  
5 during one hundred twenty-five weeks. For the loss of an ear, sixty-six  
6 and two-thirds percent of daily wages during twenty-five weeks. For the  
7 loss of hearing in one ear, sixty-six and two-thirds percent of daily  
8 wages during fifty weeks. For the loss of the nose, sixty-six and two-  
9 thirds percent of daily wages during fifty weeks.

10 In any case in which there is a loss or loss of use of more than one  
11 member or parts of more than one member set forth in this subdivision,  
12 but not amounting to total and permanent disability, compensation  
13 benefits shall be paid for the loss or loss of use of each such member or  
14 part thereof, with the periods of benefits to run consecutively. The  
15 total loss or permanent total loss of use of both hands, or both arms, or  
16 both feet, or both legs, or both eyes, or hearing in both ears, or of any  
17 two thereof, in one accident, shall constitute total and permanent  
18 disability and be compensated for according to subdivision (1) of this  
19 section. In all other cases involving a loss or loss of use of both  
20 hands, both arms, both feet, both legs, both eyes, or hearing in both  
21 ears, or of any two thereof, total and permanent disability shall be  
22 determined in accordance with the facts. Amputation between the elbow and  
23 the wrist shall be considered as the equivalent of the loss of a hand,  
24 and amputation between the knee and the ankle shall be considered as the  
25 equivalent of the loss of a foot. Amputation at or above the elbow shall  
26 be considered as the loss of an arm, and amputation at or above the knee  
27 shall be considered as the loss of a leg. Permanent total loss of the use  
28 of a finger, hand, arm, foot, leg, or eye shall be considered as the  
29 equivalent of the loss of such finger, hand, arm, foot, leg, or eye. In  
30 all cases involving a permanent partial loss of the use or function of  
31 any of the members mentioned in this subdivision, the compensation shall

1 bear such relation to the amounts named in such subdivision as the  
2 disabilities bear to those produced by the injuries named therein.

3 If, in the compensation court's discretion, compensation benefits  
4 payable for a loss or loss of use of more than one hand, arm, foot, or  
5 leg, or any combination thereof, resulting from the same accident or  
6 illness, do not adequately compensate the employee for such loss or loss  
7 of use and such loss or loss of use results in at least a thirty percent  
8 loss of earning capacity, the compensation court shall, upon request of  
9 the employee, determine the employee's loss of earning capacity  
10 consistent with the process for such determination under subdivision (1)  
11 or (2) of this section, and in such a case the employee shall not be  
12 entitled to compensation under this subdivision. Loss or loss of use of  
13 multiple parts of the same arm, including the hand and fingers, or loss  
14 or loss of use of multiple parts of the same leg, including the foot and  
15 toes, resulting from the same accident or illness shall not entitle the  
16 employee to compensation under subdivision (1) or (2) of this section.

17 If the employer and the employee are unable to agree upon the amount  
18 of compensation to be paid in cases not covered by the schedule, the  
19 amount of compensation shall be settled according to sections 48-173 to  
20 48-185. Compensation under this subdivision shall not be more than the  
21 maximum weekly income benefit specified in section 48-121.01 nor less  
22 than the minimum weekly income benefit specified in section 48-121.01,  
23 except that if at the time of the injury the employee received wages of  
24 less than the minimum weekly income benefit specified in section  
25 48-121.01, then he or she shall receive the full amount of such wages per  
26 week as compensation;

27 (4) For disability resulting from permanent disability, if  
28 immediately prior to the accident the rate of wages was fixed by the day  
29 or hour, or by the output of the employee, the weekly wages shall be  
30 taken to be computed upon the basis of a workweek of a minimum of five  
31 days, if the wages are paid by the day, or upon the basis of a workweek

1 of a minimum of forty hours, if the wages are paid by the hour, or upon  
2 the basis of a workweek of a minimum of five days or forty hours,  
3 whichever results in the higher weekly wage, if the wages are based on  
4 the output of the employee; and

5 (5) The employee shall be entitled to compensation from his or her  
6 employer for temporary disability while undergoing physical or medical  
7 rehabilitation and while undergoing vocational rehabilitation whether  
8 such vocational rehabilitation is voluntarily offered by the employer and  
9 accepted by the employee or is ordered by the Nebraska Workers'  
10 Compensation Court or any judge of the compensation court; ~~and -~~

11 (6) Compensation for temporary disability shall only cease after the  
12 employee has been given thirty days' notice. Upon termination of  
13 temporary disability benefits, the employer shall provide copies of all  
14 evidence which were relied upon in making the determination to cease  
15 benefit payments. If the employer relies upon evidence from outside of  
16 the treating physicians, the employee shall be entitled to seek a medical  
17 finding by an independent medical examiner to be paid for by the  
18 employer. Such independent medical examiner shall be chosen by the  
19 employee.

20 **Sec. 2.** Original section 48-121, Revised Statutes Cumulative  
21 Supplement, 2024, is repealed.