

BUSINESS AND LABOR
COMMITTEE

NEBRASKA LEGISLATURE

SUMMARY OF 2010 LEGISLATION

One Hundred First Legislature
Second Session

Senator Steve Lathrop, Chair
Senator Brenda Council, Vice-Chair
Senator Tom Carlson
Senator Amanda McGill
Senator Ken Schilz
Senator Norm Wallman
Senator Tom White

Molly Burton, Legal Counsel
Kate Wolfe, Committee Clerk

TABLE OF CONTENTS

2010 LEGISLATIVE BILL SUMMARIES

BUSINESS AND LABOR COMMITTEE

NEBRASKA LEGISLATURE

One Hundred First Legislature, Second Session

Index of Bills by Subject.....Page 3

List of Bills Referenced to Business and Labor.....Page 6

Index of 2009 Carryover Bills.....Page 8

Enacted Legislation.....Page 9

Bills on Select File.....Page 21

Bills on General File.....Page 22

Bills Held in Committee.....Page 26

Bills Indefinitely Postponed by the Committee.....Page 31

INDEX OF BILLS BY SUBJECT

CLAIMS AGAINST THE STATE

LB 1090 (Business and Labor) Approve claims against the state and authorize write offs

LB 1091 (Business and Labor) Disapprove claims against the state

COMMISSION OF INDUSTRIAL RELATIONS

LB 995 (Lathrop) Change a provision in the Industrial Relations Act relating to employee representation

LB 1040 (Fulton) Adopt the Nebraska Municipal Comparability Act for use in industrial disputes involving public employees

LB 1041 (Fulton) Change provisions relating to findings and orders of the Commission of Industrial Relations

LB 1042 (Fulton) Change provisions relating to findings and orders of the Commission of Industrial Relations

CONSTRUCTION AND CONTRACTORS

LB 552 (White) Adopt the Nebraska Construction Prompt Pay Act

LB 563 (Lathrop) Adopt the Contractor Employee Classification Act

LB 564 (Lathrop) Require licensure of contractors under the Contractor Registration Act

LB 700 (McCoy) Require certain construction and remodeling work to be supervised as prescribed in order to obtain a building permit

ELEVATORS

LB 573 (Nordquist) Change Conveyance Advisory Committee membership

LB 729 (Lautenbaugh) Repeal the Conveyance Safety Act

EMPLOYMENT SECURITY LAW

LB 925 (Conrad) Require employment of Nebraska laborers for public works projects during excessive unemployment

LB 1020 (Lathrop) Change provisions relating to benefit eligibility under the Employment Security Law

LB 1055 (Carlson) Change provisions relating to extended unemployment benefits

LB 1086 (McCoy) Change provisions relating to determination of the state unemployment insurance tax rate

FAIR LABOR STANDARDS

LB 107 (Haar) Require an employer to provide an employee a reason for termination

LB 267 (Lathrop) Prohibit mandatory overtime for state employees providing services to individuals in residential care

LB 934 (Haar) Include Nebraska Wing of the Civil Air Patrol members under the Volunteer Emergency Responders Job Protection Act

FAMILY MEDICAL LEAVE

LB 554 (White) Prohibit certain employers from requiring use of paid leave under certain circumstances

PROFESSIONAL EMPLOYMENT ORGANIZATIONS

LB 579 (Cornett) Adopt the Professional Employer Organization Registration Act

RIGHT TO WORK

LB 557 (Conrad) Provide for a fair share representation contribution from employees who are not members of the labor union

WAGE PAYMENT

LB 884 (McGill) Require employers to provide employees with wage and deduction information as prescribed

WORKERS' COMPENSATION

LB 243 (Conrad) Provide for annual adjustment for workers' compensation total disability income benefits

LB 556 (White) Change workers' compensation third-party claims provisions

LB 622 (Nordquist) Provide time limits and penalties for late workers' compensation medical payments

LB 780 (Lathrop) Change Nebraska Workers' Compensation Act provisions relating to personal injuries

LB 829 (Rogert) Change certain notice requirements under the Nebraska Workers' Compensation Act

LB 833 (Fulton) Provide for confidentiality of Nebraska Workers' Compensation Court records

LB 846 (Schilz) Change interest rate provisions for certain Nebraska Workers' Compensation Court awards

LB 872 (Lathrop) Change applicability of a medical fee schedule relating to workers' compensation

LB 908 (Conrad) Change workers' compensation provisions relating to claims for legal services or disbursements

LB 963 (Carlson) Change Nebraska Workers' Compensation Act provisions governing disability compensation after retirement

LB 994 (Lathrop) Change a provision relating to workers' compensation hearing locations

LB 1044 (Lautenbaugh) Change employer liability provisions under the Nebraska Workers' Compensation Act

OTHER

LB 709 (White) Adopt the Small Business Regulatory Flexibility Act

LB 913 (Council) Adopt the Criminal Offender Employment Act

LB 961 (Council) Provide for economic development training grants and change job training grant provisions

**2010 BILLS REFERENCED TO THE BUSINESS AND
LABOR COMMITTEE**

LB 700 (McCoy) Require certain construction and remodeling work to be supervised as prescribed in order to obtain a building permit.....	27
LB 709 (White) Adopt the Small Business Regulatory Flexibility Act.....	24
LB 729 (Lautenbaugh) Repeal the Conveyance Safety Act.....	27
LB 780 (Lathrop) Change Nebraska Workers' Compensation Act provisions relating to personal injuries.....	15
LB 829 (Rogert) Change certain notice requirements under the Nebraska Workers' Compensation Act.....	15
LB 833 (Fulton) Provide for confidentiality of Nebraska Workers' Compensation Court records.....	31
LB 846 (Schilz) Change interest rate provisions for certain Nebraska Workers' Compensation Court awards.....	31
LB 872 (Lathrop) Change applicability of a medical fee schedule relating to workers' compensation.....	15
LB 884 (McGill) Require employers to provide employees with wage and deduction information as prescribed.....	15
LB 908 (Conrad) Change workers' compensation provisions relating to claims for legal services or disbursements.....	16
LB 913 (Council) Adopt the Criminal Offender Employment Act.....	28
LB 925 (Conrad) Require employment of Nebraska laborers for public works projects during excessive unemployment.....	25
LB 934 (Haar) Include Nebraska Wing of the Civil Air Patrol members under the Volunteer Emergency Responders Job Protection Act.....	16
LB 961 (Council) Provide for economic development training grants and change job training grant provisions.....	16
LB 963 (Carlson) Change Nebraska Workers' Compensation Act provisions governing disability compensation after retirement.....	31

LB 994 (Lathrop) Change a provision relating to workers' compensation hearing locations.....	28
LB 995 (Lathrop) Change a provision in the Industrial Relations Act relating to employee representation.....	28
LB 1020 (Lathrop) Change provisions relating to benefit eligibility under the Employment Security Law.....	17
LB 1040 (Fulton) Adopt the Nebraska Municipal Comparability Act for use in industrial disputes involving public employees.....	29
LB 1041 (Fulton) Change provisions relating to findings and orders of the Commission of Industrial Relations.....	29
LB 1042 (Fulton) Change provisions relating to findings and orders of the Commission of Industrial Relations.....	29
LB 1044 (Lautenbaugh) Change employer liability provisions under the Nebraska Workers' Compensation Act.....	31
LB 1055 (Carlson) Change provisions relating to extended unemployment benefits.....	18
LB 1086 (McCoy) Change provisions relating to determination of the state unemployment insurance tax rate.....	30
LB 1090 (Business and Labor) Approve claims against the state and authorize write offs.....	19
LB 1091 (Business and Labor) Disapprove claims against the state.....	20

2009 CARRY OVER LEGISLATION

LB 107 (Haar) Require an employer to provide an employee a reason for termination.....	22
LB 243 (Nantkes) Provide for annual adjustment for workers' compensation total disability income benefits.....	26
LB 267 (Lathrop) Prohibit mandatory overtime for state employees providing services to individuals in residential care.....	22
LB 552 (White) Adopt the Nebraska Construction Prompt Pay Act.....	9
LB 554 (White) Prohibit certain employers from requiring use of paid leave under certain circumstances.....	26
LB 556 (White) Change workers' compensation third-party claims provisions...	26
LB 557 (Nantkes) Provide for a fair share representation contribution from employees who are not members of the labor union.....	26
LB 563 (Lathrop) Adopt the Contractor Employee Classification Act.....	10
LB 564 (Lathrop) Require licensure of contractors under the Contractor Registration Act.....	27
LB 573 (Nordquist) Change Conveyance Advisory Committee membership....	23
LB 579 (Cornett) Adopt the Professional Employer Organization Registration Act.....	11
LB 622 (Nordquist) Provide time limits and penalties for late workers' compensation medical payments.....	21

BILL SUMMARIES: BILLS ENACTED IN 2010

LB 552 (White) Adopt the Nebraska Construction Prompt Pay Act

Adopts the Construction Prompt Pay Act. LB 552 addresses the problem of delinquent payments to contractors which in turn negatively affects payment to subcontractors. LB 552 requires payment within 30 days of a request for payment. Likewise, subcontractors must be paid within 10 days of receipt of payment.

Section 1 creates the Construction Prompt Pay Act.

Section 2 defines for purposes of the act, contractor, owner, owner's representative, real property, receipt and subcontractor.

Section 3 provides timelines for payment: the owner must pay the contractor within 30 days of receipt of a payment request and requires contractors and subcontractors to make payment to their subcontractors within 10 days of receipt of payment.

Section 4 provides that payment may be withheld for: (1) retainage in an amount not to exceed the amount specified in the contract, until the work is substantially complete; (2) a reasonable amount if the completion date will not be met due to unsatisfactory job progress, the filing or likely filing of a third-party claim, or contractor failure to make timely payments to his/her subcontractors; (3) after substantial completion, an amount not to exceed one hundred twenty-five percent of the estimated cost to complete the remaining work.

Section 5 provides for interest penalties of 1% per month or a pro rata fraction thereof on the unpaid balance.

Section 6 clarifies that the act does not modify any existing remedies.

Section 7 exempts from the act, improvements to real property used as residential property with no more than 4 residential units.

Section 8 sets an operative date for contracts entered into after October 1, 2010.

Section 9 makes void and against public policy contractual language that: waives or releases the right to file a claim against a payment or performance bond, choice of law provisions stating a state other than Nebraska as controlling law, and venue provisions indicating a venue outside of Nebraska.

Section 10 sets guidelines for filing claims against the state or a political subdivision. Provides that claims must be in writing and filed within 180 days

after the date of substantial completion. Directs the state or political subdivision to issue a decision on the claim within 30 days of receipt. Presumes that the claim is denied if no decision is entered. If the claim is denied, the aggrieved party may bring a civil action within 2 years after denial.

Section 11 amends section 81-2402, concerning the Prompt Pay Act, to include the University of Nebraska and Nebraska state colleges to the definition of agency.

Section 12 sets operative date of October 1, 2010.

Section 13 repealer.

LB 563 (Lathrop) Adopt the Employee Classification Act

Creates the Employee Classification Act to address the problem of misclassifying employees as independent contractors. The act only applies to contractors in the construction and delivery service industries.

Section 1: creates the Employee Classification Act.

Section 2: defines commissioner, construction, contractor, delivery service department, and performing services for purposes of the act.

Section 3: in the construction industry, presumes an individual is an employee unless the individual meets the independent contractor criteria in section 48-604 (5), the individual is registered pursuant to the Contractor Registration Act, is assigned a combined tax rate pursuant to section 48-649 (4) or is exempt from unemployment insurance coverage under section 48-604 (6). An individual in the delivery service industry is presumed an employee unless exempt from unemployment insurance coverage under section 48-604 (6). The act does not affect or apply to tort recovery, or affect the common-law interpretation of independent contractor status or affect a workers' compensation claim.

Section 4: declares that not properly classifying a worker is a violation of the act.

Section 5: directs the department of labor to establish and operate a hotline and website for the reporting of suspected violations.

Section 6: directs the department to timely investigate credible reports.

Section 7: any violations of the act amount to a \$500 fine per misclassified employee for a first offense and \$5,000 fine for per misclassified employee for second and subsequent offenses.

Section 8: upon finding a violation, directs the commissioner to collect unpaid combined taxes and interest and to share findings with the Department of Revenue and Workers' Compensation Court for investigation under the Nebraska Revenue Act and Workers' Compensation Act. Findings are to be referred to the appropriate prosecuting authority.

Section 9: directs the department to provide the legislature with a report of its findings.

Section 10: requires contractors to post at job sites, the rights and obligations enumerated in the act. The notice directs an employee to contact the department if it is believed that misclassification is occurring.

Section 11: requires public contractors to submit an affidavit attesting that each individual is properly classified, that an I-9 form has been completed for each individual, that the contractor has complied with e-verify that there is no reasonable basis to believe that any individual performing services pursuant to the public contract is undocumented, and that the contractor is not barred from contracting with the state pursuant to the act. Noncompliance may be grounds for the state or political subdivision to rescind the contract.

Section 12: any contractor who knowingly provides a false affidavit shall be subject to penalties of perjury and upon a second or subsequent violation may not contract with the state or any political subdivision for three years.

Section 13: allows the commissioner to use monies in the Contractor Registration Cash Fund to assist the department with enforcement of the act.

Sections 14 & 15: amends sections 77-2711 and 77-27,119 to allow information sharing between the Departments of Revenue and Labor.

Section 16: repealer.

LB 579 (Cornett) Adopt the Professional Employer Organization Registration Act

Adopts the Professional Employer Organization Registration Act.

Section 1 creates the Professional Employer Organization Registration Act.

Section 2 defines client, co-employer, co-employment relationship, covered employee, Department, direct-hire employee, master policy, multiple coordinated policy, person, professional employer agreement, PEO, PEO group, professional employer services, registrant, temporary help services, and working capital. Defines, for purposes of the act, what is not a PEO or professional employment services.

Section 3 states that nothing in the act affects any collective bargaining agreement or rights or obligations of any client, PEO or employee covered by the National Labor Relations Act or the Railway Labor Act. Clarifies that the act does not diminish, abolish or remove rights or obligations existing prior to the effective date of the professional employer agreement. The act does not affect, modify or amend contractual relationships in effect at the time of or subsequent to the professional employer agreement's effective date. The act does not create a new or separate enforceable right against the PEO. Does not diminish rights and obligations under civil rights laws. Nothing in the Act affects state, local or federal licensing, registration or certification requirements. Covered employees who are required to be registered or certified by law are solely an employee of the client for purposes of such registration or certification. A professional employer agreement is not automatically deemed to engage in an occupation, trade or profession that is subject to licensing, registration or certification when the agreement is entered into with a covered employee who is subject to such regulations. The client is to have the sole right, subject to licensing, regulation and certification, to direct and control its employees' activities. The PEO agreement shall have no impact on a client's status as a small minority-owned, disadvantaged, or woman-owned business or a historically underutilized business when contracting with the state or political subdivision

Section 4 requires PEO registration. Applicants for registration are to provide certain identifying information, business history, management experience and financial information and statements. Each PEO is to register within 180 days after the operative date of the act. PEO must renew its registration within 180 days after its fiscal year. Out of state PEO's must register before beginning operations. Allows for out of state limited registrations if certain conditions are met. Allows for group PEO registration. The Department of Labor is to maintain a PEO list, prescribe forms, and adopt rules concerning registration process. PEO information is confidential.

Section 5 requires positive working capital at time of registration or provide bond, certificate of deposit, escrow account, or irrevocable letter of credit.

Section 6 prohibits co-employment relationships where less than majority of the client's employees are covered employees or where less than half of the client's payroll is attributable to covered employees. Discusses rights and duties in co-employment relationships including: (1) client is entitled to exercise all rights and perform all duties otherwise applicable to an employer in an employment relationship; (2) PEO can only exercise those rights and perform those duties required by the act or in the professional employer agreement, and; (3) unless otherwise agreed in the professional employer agreement, the client retains the right to direct and control the covered employees, to discharge its fiduciary responsibilities, and comply with licensure requirements.

States that employment relationships are to be governed by professional employer agreements. Each agreement must: (1) provide for the allocation of rights, duties and obligations; (2) require the PEO to pay wages and salaries, withhold necessary taxes and pay agreed upon benefits. Defines wages and limits the PEO's liability to pay fees outside the covered employee's salary unless the PEO assumed the responsibility in the professional employer agreement; (3) allow the PEO and client to have the right to hire, discipline, and terminate a covered employee and; (4) provide worker's compensation coverage.

Requires the PEO to send covered employees written notification describing the nature of the co-employment relationship. Requires the client to conspicuously post at its jobsite notice of the relationship.

Unless otherwise provided under the professional employment agreement: (1) the client is responsible for the quality of its goods; (2) the client is responsible for directing its employees and is responsible for the employee's actions; (3) the client is not liable for acts, errors or omissions of a PEO or a covered employee acting at the direction of the PEO; (4) a covered employee is not considered an employee of the PEO for purposes of general liability insurance, fidelity bonds, surety bonds, or other insurance carried by the PEO unless the covered employee is specifically referenced in the professional employer agreement.

A PEO registrant is not deemed to be a workers' compensation insurer by obtaining such insurance coverage for a client.

For purposes of state and local taxes: (1) covered employees whose services are subject to sales tax are deemed employees of the client; (2) taxes imposed on professional employer services that are based on gross receipts shall allow for a deduction from the gross income that portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, workers' compensation, payroll taxes, and withholding of a covered employee by the PEO; (3) taxes assessed are assessed against the client for covered employees and against the PEO for its employees who are not covered employees co-employed with a client. Allows for a credit against the client's obligation if certain conditions are met; and (4) allows the PEO to use small business allowances or exemptions available to the client.

Prohibits a PEO from offering health benefits to a covered employee unless the plan is fully insured from an authorized insurer.

Section 7 funds fiducially held by the PEO on behalf of the client shall be recorded separately.

Section 8 states that both the client and PEO are employers for retirement and welfare benefit plan purposes.

Section 9 states that the professional employer agreement is to allocate responsibility for workers' compensation coverage. Both the PEO and client are considered employers for purposes of the Nebraska Worker's Compensation Act. Provides duties to the PEO if the agreement allocates responsibility to the PEO.

Section 10 provides a registration fee schedule and creates The Professional Employer Organization Cash Fund.

Section 11 allows for disciplinary action if a PEO offers or provides services before registering or provides false or fraudulent information when registering under the act.

Section 12 harmonizes definitional language in *Neb. Rev. Stat. § 44-7504* to comport with the act.

Section 13 harmonizes language in *Neb. Rev. Stat. § 44-7515* to comport with the act.

Section 14 harmonizes language in *Neb. Rev. Stat. § 48-115* to comport with the act.

Section 15 harmonizes language in *Neb. Rev. Stat. § 48-144.03* to comport with the act.

Section 16 harmonizes language in *Neb. Rev. Stat. § 48-145* to comport with the act.

Section 17 harmonizes language in *Neb. Rev. Stat. § 48-146* to comport with the act.

Section 18 harmonizes language in *Neb. Rev. Stat. § 48-151* to comport with the act.

Section 19 harmonizes language in *Neb. Rev. Stat. § 48-443* to comport with the act.

Section 20 harmonizes language in *Neb. Rev. Stat. § 48-602* to comport with the act.

Section 21 sets operative date of January 1, 2012.

Section 22 provides that any finding that a section is deemed unconstitutional, should have no bearing on the remaining sections.

Section 23 repealer.

LB 780 (Lathrop) Change Nebraska Workers' Compensation Act provisions relating to personal injuries

LB 780 extends workers' compensation coverage to first responders who suffer mental injuries without a corresponding physical injury.

Section 1: Creates a new section adding mental injuries unaccompanied by physical injury when suffered by a first responder to the definition of personal injury. To be covered by the Workers' Compensation Act, the first responder must show by a preponderance of the evidence that the mental injury was a result of extraordinary and unusual conditions as compared to the normal conditions of the employment. The first responder must additionally establish that the conditions caused the resulting mental injury. Clarifies that mental injuries suffered as a result of events which are incidental to employee/employer relations including specified personnel actions are not compensable. Defines first responder as a sheriff, a deputy sheriff, a police officer, an officer of the Nebraska State Patrol, a volunteer or paid firefighter, or a volunteer or paid individual licensed under a licensure classification in subdivision (1) of section 38-1217 who provides immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

Section 2: amends section 48-151 to comport with section 1.

Section 3: amends section 48-1,110 to comport with section 1.

Section 4: sunsets the coverage to June 30, 2014.

Section 5: repealer.

LB 829 (Rogert) Change certain notice requirements under the Nebraska Workers' Compensation Act.

LB 829 clarifies that failure to provide notice, to an unrelated agricultural employee, that there is no workers' compensation coverage results in liability and inclusion under the workers' compensation act for the affected employee only. Without this change, failure to provide notice to one employee results in liability and inclusion under the workers' compensation coverage for all employees.

LB 872 (Lathrop) Change applicability of a medical fee schedule relating to workers' compensation.

LB 872 extends, for one year, the applicability of the medical fee schedule to inpatient trauma services.

LB 884 (McGill) Require employers to provide employees with wage and deduction information as prescribed.

Amends the Wage Payment Act to allow an employee to request from the employer, an itemized pay stub. Failure to provide the statement subjects an employer to an infraction.

Section 1: within 10 working days of an employee's written request, an employer must provide an electronic or printed itemized pay statement including wages earned and deductions made for every pay period which deductions were made.

Section 2: an employer who does not comply is subject to an infraction.

Section 3: makes technical changes to section 48-1232 to comport with LB 884.

Section 4: repealer.

LB 908 (Conrad) Change workers' compensation provisions relating to claims for legal services or disbursements

Amends section 48-108 to allow any workers' compensation judge, rather than the judge presiding over the trial, the ability to approve a claim or agreement for legal services.

LB 934 (Haar) Include Nebraska Wing of the Civil Air Patrol members under the Volunteer Emergency Responders Job Protection Act

LB 934 adds a volunteer member of the Nebraska Wing of the Civil Air Patrol to the provisions and protections of the Volunteer Emergency Responders Job Protection Act.

LB 961 (Council) Provide for economic development training grants and change job training grant provisions

LB 961 amends sections pertaining to the subaccount of the Job Training Cash Fund. The legislature established the subaccount to the Job Training Cash Fund in 2008. The subaccount is designated for training employees of small businesses, residents of rural areas and residents of areas of high poverty. Since 2008 there have been implementation problems and businesses found it difficult to apply and receive these grants.

Section 1: re-writes the applicability of the subaccount to the Job Training Cash Fund. Such grants are designated for training employees and potential employees of businesses that: 1) employee 25 or fewer employees, (2) will employee residents of rural areas, or (3) is located or will employ residents of high-poverty areas.

Section 2: amends section 81-1203 to set specific requirements for grants provided pursuant to the subaccount of the Job Training Cash Fund. A business applying for such grant must document: (1) an established program designed to fill positions, (2) a program schedule for the project, (3) the nature of the business and the number of positions, (4) that the wage level will meet the local prevailing wage, (5) that the positions will diversify the local economy, (6) that a minimum of 75% of the positions will be full-time, (7) that the business will match a minimum of 25% of the value of the grant, (8) that the positions will be created within 3 years, (9) that the number of trainees will not exceed 125 percent of the number of positions that will be available at the time of application, and (10) that the produced goods and services are exportable and that the positions are not retail positions. Businesses that receive such grants may be audited and must annually report to the Department of Economic Development: (1) the percentage of trainees that have completed the program, (2) the percentage of trainees that were hired, and (3) an itemized description of the businesses match, and (4) a copy of the training program.

Section 3: adds training grant recipients to the requirement that businesses annually report to the Department of Economic Development.

Section 4: requires recipients of training grants to repay grants when they trained fewer trainees than was identified in their business plan.

Section 5: repealer.

LB 1020 (Lathrop) Change provisions relating to benefit eligibility under the Employment Security Law.

The American Recovery and Reinvestment Act was signed into law on February 17, 2009. Part of this law includes the Unemployment Insurance Modernization Incentive Act ("UIMA"). A total of \$7 billion dollars was earmarked to states that have certain unemployment eligibility provisions in their laws. Nebraska's share is \$43.6 million dollars that would be deposited in our unemployment trust fund. In order to receive the funds, Nebraska must make statutory changes that will extend benefits to more people which will further deplete the unemployment trust fund. Extending benefits will result in a permanent tax increase to businesses unless benefits are equally reduced in qualification areas not affected by UIMA. To qualify for the first third of the money, Nebraska must adopt the "alternative base period". To qualify for the remaining two-thirds, Nebraska must adopt two of the following four benefit options: 1) part-time workers who are denied benefits because they are required to seek full-time work; 2) individuals who leave work due to family reasons including domestic violence; 3) permanently laid-off workers who require additional benefits to participate in training; and 4) benefits for workers who care for dependent family members.

Section 1: makes technical changes to section 48-601.

Section 2: adopts the alternative base period to allow an individual who does not meet the monetary requirement for benefits in the first 4 of the most recent 5 quarters to use the last 4 completed quarters.

Section 3: adopts the part-time option by allowing individuals to seek part-time work and still be eligible for benefits. The majority of the individual's base period must be comprised of part-time work. The individual must be available for at-least 20 hours of part-time work. Section 3 additionally increases the total sum of wages earned in a base period from \$2,500 to \$3,770 and one high quarter from \$800 to \$1,850.

Section 4: increases from 12 to 13 weeks the disqualification length for those that voluntarily quit a job without good cause. Increases from 1 to 2 weeks the disqualification length for those that voluntarily quit a job for a better job that does not last. Increases from 12 to 14 weeks the disqualification length for those that have been discharged for misconduct.

Section 5: adopts necessary changes for those who have exhausted all regular unemployment benefits, but are enrolled in an approved training program.

Section 6: makes technical changes to comport with section 5.

Section 7: sets an operative date of July 1, 2011.

Section 8: repealer.

LB 1055 (Carlson) Change provisions relating to extended unemployment benefits

LB 1055 clarifies the unemployment insurance extended benefit process. It also adds a new section allowing the State to utilize federal extended benefit dollars rather than paying one-half as current law provides.

Section 1: elucidates the extended benefit process. States that when an individual's benefit year ends with a period of extended benefits, such benefits will be reduced for any amounts of trade readjustment allowances multiplied by the individual's weekly extended benefit amount. Defines rate of insured unemployment, regular benefits, off indicator and on indicator. Clarifies that the same rules for determining regular benefit eligibility apply to extended benefit eligibility. Sets the criteria for determining the extended benefit amount. Requires the commissioner to publicly announce when an extended benefit period will commence and when it will end. Allows the governor to accept federal extended benefit funds and that they be used before the state's extended benefit funds.

Section 2: clarifies that suitable work means employment that pays more than the average weekly benefit amount payable during the applicable benefit year.

LB 1090 (Business and Labor) Approve claims against the state and authorize write-offs

LB 1090 was introduced by the Business and Labor Committee at the request of the Department of Administrative Services, Risk Management Division. This bill introduces the claims against the State that are required by statute to be reviewed by the Legislature.

Section 1: Tort Claims

1. Claim numbers 02-591, 02-592, 02-593, 02-594, 02-595, 02-596 against the Department of Health and Human Services.

General Fund

Claim Amount: \$145,000

2. Claim numbers 2006-00661 and 2006-00727 against the Department of Roads.

Roads Operations Cash Fund

Claim Amount: \$32,973.56

3. Claim number 2008-02412 against the Department of Roads.

Roads Operations Cash Fund

Claim Amount: \$1,450,000

4. Claim number 2009-03745 against the Nebraska Supreme Court.

General Fund

Claim Amount: \$225,869.24

Section 2: Workers' Compensation Claims

Two claims were approved by the board. One for \$19,000 and the other for \$100,000. Both claims will be paid from the Workers' Compensation Claims Revolving Fund.

Section 3: grants the Director of Administrative Services authority to issue warrants for payment of the claims enumerated in sections 1 and 2. Clarifies that payment cannot be made until the beneficiaries sign waivers releasing the State of any other claims.

Section 4: Agency Write-off Requests

The Board approved all of the following requests:

1. Request number 2009-03468 from the Nebraska Department of Insurance for \$4,372.15;
2. Request number 2009-03469 for \$40.00 from the Nebraska Department of Insurance;
3. Request number 2009-03470 for \$6.00 from the Nebraska Department of Insurance;
4. Request number 2009-03743 from the Lottery Division of the Department of Revenue for \$19,459.22;
5. Request number 2009-03910 from the Nebraska Department of Health and Human Services for \$60.00;
6. Request number 2010-04016 from the Nebraska Accountability and Disclosure Commission for \$38,251.53;
7. Request number 2010-04102 from the Legislative Council for \$2.89;
8. Request number 2010-04118 from the Nebraska Department of Health and Human Services for \$413,878.22;
9. Request number 2010-04177 from the Military Department for \$1,082.47.

Section 5: emergency clause.

LB 1091 (Business and Labor) Disapprove claims against the state

For those claims filed against the State that are denied by the State Claims Board, such claims may be appealed to the Legislature. The following claimants have requested the Legislature's review. These claims have been submitted by the State Risk Manager for disapproval.

Details:

1. Claim Number 2009-03278 filed by Chad Brouse for \$200,000 against the Nebraska Medical Center;
2. Claim Number 2009-03279 filed by Chad Brouse for \$200,000 against the Nebraska Medical Center;
3. Claim Number 2009-03294 filed by Grubb & Ellis Healthcare REIT, Inc., for \$45,464.23.

SUMMARY OF BILLS ON SELECT FILE AND INDEFINITELY POSTPONED AT THE CLOSE OF SESSION

LB 622 (Nordquist) Provide time limits and penalties for late workers' compensation medical payments

Amends *Neb. Rev. Stat.* § 48-125 to extend 50 percent late charge fees currently applied to delinquent workers' compensation disability benefits to delinquent medical payments that are more than 30 days late.

Explanation of Amendments Approved by the Legislature:

On general file, the legislature approved committee amendment 875 which replaced the original provisions of LB 622. AM 875 addressed a recent Nebraska Supreme Court opinion, *Lagemann v. Nebraska Methodist Hospital*, 277 Neb. 335 (2009). Section 48-125 provides for 50 percent late fee penalties if an award is not received within 30 days of (1) notice of injury when there is no reasonable controversy or (2) after 30 days after a final order issued after an appellate court's mandate. The *Lagemann* Court interpreted this section to disallow late penalty fees for undisputed portions of an award pending appeal. AM 875 addresses *Lagemann* by permitting late penalties pending an appeal for those portions of the award for which there is no reasonable controversy. Amendments were approved on the floor including AM 1198 which clarifies that late penalties do not attach until the appeal deadline has passed and AM 1500 which strikes the reasonable controversy language.

SUMMARY OF BILLS ON GENERAL FILE AND INDEFINITELY POSTPONED AT THE CLOSE OF SESSION

LB 107 (Haar) Requires an employer to provide an employee a reason for termination.

LB 107 Requires employers to provide certain employees the reason for employment termination.

Section 1 provides that certain employees must be given a reason for termination and an opportunity to respond to the termination. The requirement applies to employers as defined under the Industrial Relations Act to include the State of Nebraska, municipal corporations, public power and irrigation districts and public utilities. It also applies to **nonexempt** employees under the Fair Labor Standards Act.

Section 2 clarifies that the bill does not negate any procedures agreed to by contract or afforded by other laws.

Explanation of Amendments:

Committee Amendment 490 to LB 107 replaces the original provisions of the bill. The amendment restricts application to public employers as defined by *Neb. Rev. Stat. § 48-801*. Public employees may request in writing within seven days of termination the specific reason of said termination. Upon receipt, the employer must respond with the specific reason in writing within seven days.

Noncompliance with the legislation neither creates nor affects a cause of action and does not affect or change the State's employment-at-will doctrine. Section 3 clarifies that the legislation does not negate or repeal collective bargaining agreements or laws providing rights to certain employees.

An employer found in violation of the legislation is subject to an infraction as defined in *Neb. Rev. Stat. § 29-431* and subject to a fine pursuant to *Neb. Rev. Stat. § 29-436*.

LB 267 (Lathrop) Prohibit mandatory overtime for state employees providing services to individuals in residential care

Prohibits the State from requiring mandatory overtime of employees who are providing services in 24 hour care facilities unless there was an unforeseen, emergency situation such as an act of terrorism, a disease outbreak, an adverse weather condition or a natural disaster.

Section 1 declares policy that Nebraska citizens under 24 hour care need qualified care from trained individuals. Such care is jeopardized when employees are required to work unusually long hours, and the State should provide adequate staffing without the use of mandatory overtime.

Provides that State employees providing 24 hour care shall not be disciplined in any manner for refusing to work more than 12 consecutive hours unless there is an unforeseen emergent situation. Under no circumstances shall an employee be required to work 7 days in a row without a day off. Acceptance of overtime is voluntary and the refusal to work overtime is not grounds for discrimination, dismissal, discharge, or any other form of penalty.

Defines unforeseen emergent situation as an unusual, unpredictable, or unforeseen circumstances including: an act of terrorism a disease outbreak, an adverse weather condition, or a natural disaster.

An emergent situation does not include situations in which the facility has reasonable knowledge of increased patient volume or decreased staffing, including scheduled vacations and scheduled employee medical leave.

LB 573 (Nordquist) Change Conveyance Advisory Committee membership

Amends the Conveyance Advisory Committee to include three members of the general public that represent urban, suburban and rural interests. Broadens the applicability of the Conveyance Safety Act to installation of conveyances in **all** private residences and to **all** licensed elevator mechanics.

Section 1: changes the Conveyance Advisory Committee's composition to include three members of the general public from different counties representing urban, suburban and rural interests instead of members from counties of more than 100,000.

Section 2: adds platform lifts and stair chairs to the definition of conveyance. Rewrites *Neb. Rev. Stat. §48-2507 (3)* to apply to installation of conveyances in all private residences, rather than private residences in counties of more than 100,000.

Section 3: deletes from the Act's exemption, counties of less than 100,000.

Section 4: removes language pertaining to work on existing conveyances located in counties of more than 100,000.

Explanation of Amendments:

AM 807 clarifies the makeup of the Conveyance Advisory Committee and exempts residential stairway chair lifts from the Act.

LB 709 (White) Adopt the Small Business Regulatory Flexibility Act

LB 709 creates the Small Business Regulatory Flexibility Act. The act requires state agencies to consider the economic burden a proposed rule or regulation will have on a small business.

Section 1: creates the Small Business Regulatory Act.

Section 2: definition section, including Agency, Board, Rule/Regulation, and Small Business.

Section 3: requires agencies to solicit public comment from small business that may be adversely affected by a proposed rule or regulation. If an agency has knowledge that a particular business may be impacted, the agency must notify the business.

Section 4: requires agencies to consider any public comment from small businesses before adopting a proposed rule or regulation. Agencies must consider ways to reduce the economic impact on small business including: establishing less stringent compliance or reporting requirements, establishing less stringent deadlines for compliance, simplifying compliance, establishing performance standards and exempting small businesses. Prior to adopting a proposed rule or regulation, the agency must notify the Small Business Regulatory Review Board. The board shall assist the agency.

Section 5: an aggrieved small business may seek judicial review of agency compliance with the act.

Section 6: agencies must review existing rules and regulations in relation to the act. In reviewing the rules, agencies must consider whether there is a continued need for the rule, any complaints received regarding the rule, the rule's complexity, any duplication or conflicts with other rules, the length of time since the rule had been evaluation and any changes in technology or economic climate.

Section 7: creates the Small Business Regulatory Review Board within the Department of Labor. Details the board's membership. Sets the board's duties including the review of proposed rules or regulations submitted by agencies and recommending the need for said rule or regulation.

Explanation of Amendments:

The committee amendment strikes section seven and any mention of the Small Business Regulatory Review Board. For consistency, the amendment redefines rule or regulation to correspond with the definition found in the Administrative Procedure Act.

LB 925 (Conrad) Require employment of Nebraska laborers for public works projects during excessive unemployment.

LB 925 would require contractors on public works contracts to employ Nebraska laborers in periods of excessive unemployment (defined as exceeding five percent).

Section 1: definition section. Defines Nebraska laborer, period of excessive unemployment and public works.

Section 2: directs those that are in charge of public works building contracts to hire only Nebraska laborers in periods of excessive unemployment. Nonresidents may be used if Nebraska laborers are not available or not qualified to perform the work.

Section 3: explains that the residency requirements do not apply to nonresident executive, supervisory or technical positions.

Section 4: explains that the residency requirements apply to all public works projects or improvements whether skilled, semiskilled or unskilled and whether manual or nonmanual unless the work is done directly by a public utility and not let out by contract

Section 5: explains that the residency requirements do not circumvent federal laws or regulations when federal funds are involved.

Section 6: declares that the Department of Labor shall enforce the provisions. The department may sue for injunctive relief.

Explanation of Amendments:

The committee amendment replaces the bill. The amendment provides that a Nebraska laborer includes an individual who has resided within 50 miles of a Nebraska border for 30 days. The period of excessive unemployment is lowered from five percent to four percent. General maintenance and projects performed during times of emergency as defined by section 39-892 (8) are excluded from the definition of public works project. Section 3 of the original bill is stricken and replaced with language explaining that the act applies to labor performed by contractors, subcontractors, and individuals required to register pursuant to the Contractor Registration Act. Section 4 of the original bill is stricken and replaced with language exempting districts defined under section 70-601.

SUMMARY OF BILLS ON HELD IN COMMITTEE AND INDEFINITELY POSTPONED AT THE CLOSE OF SESSION

LB 243 (Nantkes) Provide for annual adjustment for workers' compensation total disability income benefits.

Directs total disability compensation weekly income benefits be adjusted each year in a proportion equal to the state average weekly wage as computed under *Neb. Rev. Stat. § 48-121.02*.

LB 554 (White) Prohibit certain employers from requiring use of paid leave under certain circumstances.

Absent agreement by the employee, prohibits certain employers from requiring employees to use paid leave before using unpaid leave provided for under law, rule or regulation.

Section 1 prohibits employers of more than fifty employees from requiring the use of paid leave when the employee has qualified for unpaid leave under law, rule or regulation.

Section 2 provides for civil penalties.

LB 556 (White) Change workers' compensation third-party claims provisions.

LB 556 prohibits contributory negligence by the employer as a defense in third-party claims brought pursuant to *Neb. Rev. Stat. § 48-118.01*.

LB 557 (Nantkes) Provide for a fair share representation contribution from employees who are not members of the labor union.

Permits a labor organization and employer to enter into an agreement requiring represented employees of the employer, who are not paying membership dues to the labor organization, to pay a fair share representation contribution. LB 557 would allow for a fair share representation contribution to be a subject of bargaining within a workplace that has a collective bargaining contract. The fair share contribution could be imposed if agreed to by both the employer and the labor organization. If the contribution is imposed, any unpaid contribution would become an enforceable debt owed by the non-member employee to the labor organization. Such contribution cannot exceed the amount of dues paid by a member in the labor organization.

The bill explicitly states that refusal to pay the fair share will not be a condition of continued employment or discharge. LB 557 also contains specific requirements

to establish a procedure for non-union employees to challenge the contribution, including an itemized statement of how the contribution was calculated.

LB 564 (Lathrop) Require licensure of contractors under the Contractor Registration Act.

Establishes minimum qualifications for those holding themselves out as contractors. Contractors required to register under the Contractor Registration Act, *Neb. Rev. Stat. § 48-2104 et. seq.*, must apply for licensure and pass a written examination created by the Department of Labor before performing contracting duties in Nebraska. LB 564 requires contractors to notify the Department of Labor of certain information changes, civil filings against the contractor, filings for bankruptcy and any criminal conviction related to contracting.

LB 700 (McCoy) Require certain construction and remodeling work to be supervised as prescribed in order to obtain a building permit.

LB 700 prohibits the issuance of building permits for residential construction and remodeling projects unless the project will be supervised by someone who is certified. Political subdivisions would enforce the provisions.

Section 1: prohibits the issuance of building permits for residential construction and remodeling projects unless the project will be supervised by someone who is certified.

Section 2: requires application for certification to the local department in charge of issuing building permits.

Section 3: political subdivisions certify an individual if it is shown: 1) (grandfather clause until December 31, 2011) that the individual has been in the business for at least five years or 2) the individual passed the Standard Residential Building Contractor Exam of the International Code Council or a similar exam. The individual must agree to comply with all building codes and safety standards, provide identifying information and pay a twenty five dollar fee.

Section 4: clarifies that an individual only need to be certified once and that certification may transfer to other political subdivisions.

LB 729 (Lautenbaugh) Repeal the Conveyance Safety Act.

Section 1: removes reference of the act in section 81-405 pertaining to the Mechanical Safety Inspection Fund.

Section 2: repealer.

Section 3: outright repeals the Conveyance Safety Act.

LB 913 (Council) Adopt the Criminal Offender Employment Act.

LB 913 restricts public employers from eliminating a prospective applicant from employment consideration due to a conviction for certain offenses.

Section 1: creates the Criminal Offender Employment Act.

Section 2: intent language stating that criminal offenders should be provided an opportunity to gain employment.

Section 3: prohibits the state, agencies, boards and political subdivisions to automatically disqualify an individual from potential employment or license for having a criminal conviction. For employment purposes, a conviction may only be considered one a candidate is selected as a finalist. Prohibits selected records from being disseminated including those for arrest and misdemeanor convictions not involving moral turpitude.

Section 4: employment or licensure may be rejected under the following circumstances: 1) when there is a felony conviction or misdemeanor conviction involving moral turpitude and it directly relates to the employment, (2) when not related to the employment, the agency may reject employment if it is believed that the applicant has not been sufficiently rehabilitated, (3) regardless of rehabilitation, when the conviction concerns drug trafficking, a sexual offense or child abuse and the applicant is applying or reapplying for a teaching certificate, a license to operate or work in a child-care facility. Reason for rejection shall be given if based in whole or in part on a conviction. Creates a presumption of rehabilitation upon completion of probation or parole or 3 years after imprisonment without a subsequent conviction

Section 5: provides that the act does not apply to law enforcement.

Section 6: applies to subordinate boards

Sections 7-35: amends several statutory sections concerning employment and licenses to comport with the act.

Section 36: repealer.

LB 994 (Lathrop) Change a provision relating to workers' compensation hearing locations.

LB 994 is a workers' compensation shell bill.

LB 995 (Lathrop) Change a provision in the Industrial Relations Act relating to employee representation.

LB 995 is a shell bill pertaining to the Commission of Industrial Relations.

LB 1040 (Fulton) Adopt the Nebraska Municipal Comparability Act for use in industrial disputes involving public employees.

Adopts the Nebraska Municipal Comparability Act. The act, cumulative to the Industrial Relations Act, sets forth new parameters for the Commission of Industrial Relations' determination of comparable wage rates and conditions of employment for municipal employees. The act also creates a uniform calendar for labor negotiations.

Section 1: adopts the Nebraska Municipal Comparability Act.

Section 2: provides intent language.

Section 3: definitional section.

Section 4: provides that the act is cumulative to the Industrial Relations Act. However, if there is a conflict, the act is controlling.

Section 5-8: establishes negotiation time-lines.

Section 9: encourages parties to agree on arrays and provides that an agreed joint array is admissible evidence.

Section 10: sets array, work condition and total compensation guidelines for disputes involving municipal employees. Specifies that the commission's order is retroactive to the first day of the fiscal year in dispute.

Section 11: amends the Industrial Relations Act to comport with LB 1040.

Section 12: repealer.

Section 14: emergency clause.

LB 1041 (Fulton) Change provisions relating to findings and orders of the Commission of Industrial Relations.

LB 1041 amends section 48-818 of the Industrial Relations Act to specify that in cases involving wages and conditions of employment, the commission must look to rates and conditions in the same labor market unless there are substantial differences. The commission must conduct a job match comparative analysis of jobs that match eighty-five percent or more.

LB 1042 (Fulton) Change provisions relating to findings and orders of the Commission of Industrial Relations.

LB 1042 amends section 48-818 of the Industrial Relations Act to specify that in wage rate cases, the commission, weigh, compare, and adjust for any economic dissimilarity shown to exist which has a impact on prevalent wage rates.

LB 1086 (McCoy) Change provisions relating to determination of the state unemployment insurance tax rate.

Before making a final determination on the following year's tax rate, LB 1086 would require the Commissioner of Labor to post on its website the tax rates for each category and hold a public hearing concerning the proposed rates. The commissioner may adjust the tax rate based, in part, on the public comment or phase it in for January through July 1st. The commissioner must set the tax rate by June 1st for July 1st through December 31st.

SUMMARY OF BILLS INDEFINITELY POSTPONED BY THE BUSINESS AND LABOR COMMITTEE

LB 833 (Fulton) Provide for confidentiality of Nebraska Workers' Compensation Court records

LB 833 provides confidentiality to employees that file a workers' compensation claim. Any court document or information regardless of physical form, that reveals specific information about the employee is deemed to be confidential and not open to public inspection or copying unless otherwise provided for under one of five exceptions.

LB 846 (Schilz) Change interest rate provisions for certain Nebraska Workers' Compensation Court awards

LB 846 amends section 48-125 pertaining to late payments and penalties for workers' compensation benefits. LB 846 would change the interest rate calculation, when attorney fees are allowed, from the 14% percent interest employed in section 45-104.01 to the rate calculation provided in section 45-103.

LB 963 (Carlson) Change Nebraska Workers' Compensation Act provisions governing disability compensation after retirement

Requires that certain workers' compensation benefits be reduced by 50% of the amount of old age and survivors insurance retirement benefits received by an employee upon his/her retirement.

LB 1044 (Lautenbaugh) Change employer liability provisions under the Nebraska Workers' Compensation Act

LB 1044 would amend section 48-101, defining compensable personal injury for workers' compensation purposes, to only include those injuries where the accident or occupational disease was the prevailing factor or cause. LB 1044 defines prevailing factor as the primary factor which causes the injury and resulting disability.

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

LB # & Introducer	Description	Hearing Date	Disposition
LB 107 Haar	<p>Requires an employer to provide an employee a reason for termination.</p> <p>Section 1 provides that certain employees must be given a reason for termination and an opportunity to respond to the termination. The requirement applies to employers as defined under the Industrial Relations Act to include the State of Nebraska, municipal corporations, public power and irrigation districts and public utilities. It also applies to nonexempt employees under the Fair Labor Standards Act.</p> <p>Section 2 clarifies that the bill does not negate any procedures agreed to by contract or afforded by other laws.</p> <p>AM 490 replaces the original provisions of the bill. The amendment restricts application to public employers as defined by <i>Neb. Rev. Stat. § 48-801</i>. Public employees may request in writing within seven days of termination, the specific reason of said termination. After seven days of receipt, the employer must respond in writing with the specific reason for termination.</p> <p>Noncompliance with the legislation neither creates nor affects a cause of action and does not affect or change the state's employment-at-will doctrine. Section 3 clarifies that the legislation does not negate or repeal collective bargaining agreements or laws providing rights to certain employees. An employer found in violation of the legislation is subject to an infraction as defined by <i>Neb. Rev. Stat. § 29-431</i> and subject to a fine pursuant to <i>Neb. Rev. Stat. § 29-436</i>.</p>	1/26/09	I.P.P.'d at the close of session 3/12/09 General File w/Com. AM 490
LB 243 Nantkes	<p>Provide for annual adjustment for workers' compensation total disability income benefits.</p> <p>Section 1 adds language to <i>Neb. Rev. Stat. § 48-121</i>, stating that compensation for total disability weekly benefits be adjusted annually in a proportion equal to the state average weekly wage as computed under <i>Neb. Rev. Stat. § 48-121.02</i>.</p> <p>Section 2 repealer.</p>	2/9/09	I.P.P.'d at the close of session 4/29/09 LB 243 provisions removed by adoption of FA 27 4/29/09 Com. AM 874 adopted 4/2/09 Provisions of LB 243 amended into LB 630 by Com. AM 874
LB 267 Lathrop	<p>Prohibit mandatory overtime for state employees providing services to individuals in residential care.</p> <p>Section 1: declares policy that Nebraska citizens under 24 hour care need qualified care from trained individuals. Such care is jeopardized when employees are required to work</p>	3/9/09	I.P.P.'d at the close of session 4/23/09 General File

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>unusually long hours, and the State should provide adequate staffing without the use of mandatory overtime.</p> <p>Provides that State employees providing 24 hour care shall not be disciplined in any manner for refusing to work more than 12 consecutive hours unless there is an unforeseen emergent situation. Under no circumstances shall an employee be required to work 7 days in a row without a day off. Acceptance of overtime is voluntary and the refusal to work overtime is not grounds for discrimination, dismissal, discharge, or any other form of penalty.</p> <p>Defines unforeseen emergent situation as an unusual, unpredictable, or unforeseen circumstances including: an act of terrorism, a disease outbreak, an adverse weather condition, or a natural disaster.</p> <p>An emergent situation does not include situations in which the facility has reasonable knowledge of increased patient volume or decreased staffing, including scheduled vacations and scheduled employee medical leave.</p>		
LB 552 White	<p>Adopt the Nebraska Construction Prompt Pay Act.</p> <p>Adopts the Construction Prompt Pay Act. LB 552 addresses the problem of delinquent payments to contractors which in turn negatively affects payment to subcontractors. LB 552 requires payment within 30 days of a request for payment. Likewise, subcontractors must be paid within 10 days of receipt of payment.</p> <p>Section 1 creates the Construction Prompt Pay Act.</p> <p>Section 2 defines for purposes of the act, contractor, owner, owner's representative, real property, receipt, and subcontractor.</p> <p>Section 3 provides timelines for payment: the owner must pay the contractor within 30 days of receipt of a payment request and requires contractors and subcontractors to make payment to their subcontractors within 10 days of receipt of payment.</p> <p>Section 4 provides that payment may be withheld for: (1) retainage in an amount not to exceed the amount specified in the contract, until the work is substantially complete; (2) a reasonable amount if the completion date will not be met due to unsatisfactory job progress, the filing or likely filing of a third-party claim, or contractor failure to make timely payments to his/her subcontractors; (3) after substantial completion, an amount not to exceed one hundred twenty-five percent of the estimated cost to complete the remaining work.</p> <p>Section 5 provides for interest penalties of 1% per month or a pro rata fraction thereof on the unpaid balance.</p> <p>Section 6 clarifies that the act does not modify any existing remedies.</p> <p>Section 7 exempts from the act, improvements to real property used as residential property with no more than 4 residential units.</p> <p>Section 8 sets an operative date for contracts entered into after October 1, 2010.</p> <p>Section 9 makes void and against public policy contractual language that: waives or</p>	3/2/09	<p>2/16/10 Signed by Governor</p> <p>2/5/10 Legislature passed</p> <p>1/29/10 Final Reading</p> <p>1/28/10 AM 1629 adopted</p> <p>1/22/10 Select File</p> <p>1/21/10 AM 1591 adopted</p> <p>1/21/10 AM 1563 adopted</p> <p>4/23/09 General File</p>

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>releases the right to file a claim against a payment or performance bond, choice of law provisions stating a state other than Nebraska as controlling law, and venue provisions indicating a venue outside of Nebraska.</p> <p>Section 10 sets guidelines for filing claims against the state or a political subdivision. Provides that claims must be in writing and filed within 180 days after the date of substantial completion. Directs the state or political subdivision to issue a decision on the claim within 30 days of receipt. Presumes that the claim is denied if no decision is entered. If the claim is denied, the aggrieved party may bring a civil action within 2 years after denial.</p> <p>Section 11 amends section 81-2402, concerning the Prompt Pay Act, to include the University of Nebraska and Nebraska state colleges to the definition of agency.</p> <p>Section 12 sets operative date of October 1, 2010.</p> <p>Section 13 repealer.</p>		
LB 554 White	<p>Prohibit certain employers from requiring use of paid leave under certain circumstances.</p> <p>Section 1 prohibits employers of more than fifty employees from requiring the use of paid leave when the employee has qualified for unpaid leave under law, rule, or regulation.</p> <p>Section 2 provides for civil penalties.</p>	2/2/09	I.P.P.'d at the close of session
LB 556 White	<p>Change workers' compensation third-party claims provisions.</p> <p>Section 1 adds language to <i>Neb. Rev. Stat. § 48-118.01</i> prohibiting third parties to assert contributory negligence as a defense.</p> <p>Section 2 repealer.</p>	2/23/09	I.P.P.'d at the close of session
LB 557 Nantkes	<p>Provide for fair share representation contribution from employees who are not members of the labor union.</p> <p>Section 1 definitional section:</p> <ol style="list-style-type: none"> (1) a bargaining unit is a group of employees represented by a labor organization; (2) collective bargaining means representing employees in matters of wages, hours and condition of employment; (3) employee means a person employed by an employer; (4) employer means any public or private person or entity that has a person under a contract of hire; (5) contribution or fair share representation contribution means the sum of money paid by the employee who is not a member of the labor organization, and represents the employee's proportionate share of the cost borne by the labor organization representing employees in collective bargaining and contract enforcement; (6) labor organization means the same as under section <i>Neb. Rev. Stat. § 48-218</i>. 	3/9/09	I.P.P.'d at the close of session

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>Section 2 requires an employee to pay a fair share representation contribution to the labor organization if:</p> <ul style="list-style-type: none"> (1) the labor organization is the collective bargaining unit and enforces contracts; and (2) there is an agreement between the employer and labor organization that requires represented employees that do not pay membership dues to pay a fair share representation contribution to the labor organization. <p>The contribution shall not exceed the amount of dues required for membership in the labor organization.</p> <p>Section 3 (1) requires an agreement to state whether the fair share representation contribution of a nonunion member shall be deducted from the employee's pay and paid by the employer to the labor organization. Any deduction from the employee's wages requires written consent of the employee. Or, if the contribution is not paid through payroll deduction, the employee shall pay the fair share representation contribution directly to the labor organization. (2) the agreement may also provide that the payment of the contribution shall be a condition of employment only to the extent that the unpaid contribution gives rise to an enforceable debt on the part of the employee to the labor organization. The agreement cannot provide that an unpaid contribution is grounds for continued employment or discharge from employment.</p> <p>Section 4 Requires the labor organization to: (1) establish a procedure for a non-union employee to challenge the contribution calculations before the labor organization in a prompt and expeditious manner before it is taken for judicial enforcement or arbitration proceedings; (2) establish an interest-bearing escrow account for contributions that are in dispute; and (3) provide the nonmember employee notice of the amount of the contribution and percentage it represents of the regular dues paid by a member, how the contribution was determined, and the dispute procedure established pursuant to subdivisions (1) of this section.</p> <p>Section 5 allows the labor organization to bring action against a nonmember that fails to pay the contribution, and the ability to collect reasonable attorney's contributions and court costs.</p> <p>Section 6 technical changes to <i>Neb. Rev. Stat.</i> § 48-219.</p> <p>Section 7 repealer.</p> <p>Section 8 outright repeal of <i>Neb. Rev. Stat.</i> §§ 48-217 and 48-218.</p>		
LB 563 Lathrop	<p>Adopt the Contractor Employee Classification Act.</p> <p>Creates the Employee Classification Act to address the problem of misclassifying employees as independent contractors. The act only applies to contractors in the construction and delivery service industries.</p> <p>Section 1: creates the Employee Classification Act.</p>		<p>4/13/10 signed by Governor 4/12/10 Legislature passed 4/8/10 Final Reading 4/7/10 AM 2500</p>

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>Section 2: defines commissioner, construction, contractor, delivery service department, and performing services for purposes of the act.</p> <p>Section 3: in the construction industry, presumes an individual is an employee unless the individual meets the independent contractor criteria in section 48-604 (5), the individual is registered pursuant to the Contractor Registration Act, is assigned a combined tax rate pursuant to section 48-649 (4) or is exempt from unemployment insurance coverage under section 48-604 (6). An individual in the delivery service industry is presumed an employee unless exempt from unemployment insurance coverage under section 48-604 (6). The act does not affect or apply to tort recovery, or affect the common-law interpretation of independent contractor status or affect a workers' compensation claim.</p> <p>Section 4: declares that not properly classifying a worker is a violation of the act.</p> <p>Section 5: directs the department of labor to establish and operate a hotline and website for the reporting of suspected violations.</p> <p>Section 6: directs the department to timely investigate credible reports.</p> <p>Section 7: any violations of the act amount to a \$500 fine per misclassified employee for a first offense and \$5,000 fine for per misclassified employee for second and subsequent offenses.</p> <p>Section 8: upon finding a violation, directs the commissioner to collect unpaid combined taxes and interest and to share findings with the Department of Revenue and Workers' Compensation Court for investigation under the Nebraska Revenue Act and Workers' Compensation Act. Findings are to be referred to the appropriate prosecuting authority.</p> <p>Section 9: directs the department to provide the legislature with a report of its findings.</p> <p>Section 10: requires contractors to post at job sites, the rights and obligations enumerated in the act. The notice directs an employee to contact the department if it is believed that misclassification is occurring.</p> <p>Section 11: requires public contractors to submit an affidavit attesting that each individual is properly classified, that an I-9 form has been completed for each individual, that the contractor has complied with e-verify that there is no reasonable basis to believe that any individual performing services pursuant to the public contract is undocumented, and that the contractor is not barred from contracting with the state pursuant to the act. Noncompliance may be grounds for the state or political subdivision to rescind the contract.</p> <p>Section 12: any contractor who knowingly provides a false affidavit shall be subject to penalties of perjury and upon a second or subsequent violation may not contract with the state or any political subdivision for three years.</p> <p>Section 13: allows the commissioner to use monies in the Contractor Registration Cash Fund to assist the department with enforcement of the act.</p> <p>Sections 14 & 15: amends sections 77-2711 and 77-27,119 to allow information sharing between the Departments of Revenue and Labor.</p> <p>Section 16: repealer.</p>		<p>adopted 3/23/10 Select File 3/18/10 AM 2227 & 2079 adopted 3/9/10 General File w/Com. AM 2079 2/19/10 Business & Labor priority</p>
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**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

LB 564 Lathrop	<p>Requires licensure of contractors under the Contractor Registration Act.</p> <p>Section 1 adds licensure requirement to the Contractor Registration Act. Section 2 prohibits those required to register to contract without a license. Section 3 adds licensure to the application and registration process. Section 4 requires a designee to fulfill licensure requirements and notification to the Department of Labor of information changes, including filings for bankruptcy and criminal convictions related to contracting. Requires completion of a written examination every three years in order to obtain a license. The examination will establish the applicant's knowledge of terms and codes and general business principles. Section 5 creates operative date of January 1, 2010. Section 6 repealer.</p>		I.P.P.'d at the close of session
LB 573 Nordquist	<p>Change Conveyance Advisory Committee membership.</p> <p>Section 1 changes the Conveyance Advisory Committee's composition to include three members of the general public from different counties representing urban, suburban and rural interests instead of members from counties of more than 100,000. Section 2 adds platform lifts and stair chairs to the definition of conveyance. Amends <i>Neb. Rev. Stat. § 48-2507(3)</i> to apply to installation of conveyances in all private residences, rather than private residences in counties of more than 100,000. Section 3 deletes from the Act's exemption, conveyances in private residences located in counties of less than 100,000. Section 4 removes language pertaining to work on existing conveyances located in counties of more than 100,000.</p> <p>AM 807 clarifies the makeup of the Conveyance Advisory Committee and exempts residential stairway chair lifts.</p>	2/2/09	I.P.P.'d at the close of session 5/28/09 General File w/Com. AM 807
LB 579 Cornett	<p>Adopt the Professional Employer Organization Registration Act.</p> <p>Adopts the Professional Employer Organization Registration Act. Section 1 creates the Professional Employer Organization Registration Act. Section 2 defines client, co-employer, co-employment relationship, covered employee, Department, direct-hire employee, master policy, multiple coordinated policy, person, professional employer agreement, PEO, PEO group, professional employer services, registrant, temporary help services, and working capital. Defines, for purposes of the act, what is not a PEO or professional employment services. Section 3 states that nothing in the act affects any collective bargaining agreement or rights or obligations of any client, PEO, or employee covered by the National Labor</p>	2/2/09	3/17/10 Governor signed 3/11/10 Legislature passed 2/1/10 Final Reading Second 2/25/10 AM 2024 adopted 2/25/10 Returned to Select File for AM 2024

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>Relations Act or the Railway Labor Act. Clarifies that the act does not diminish, abolish or remove rights or obligations existing prior to the effective date of the professional employer agreement. The act does not affect, modify or amend contractual relationships in effect at the time of or subsequent to the professional employer agreement's effective date. The act does not create a new or separate enforceable right against the PEO. Does not diminish rights and obligations under civil rights laws. Nothing in the Act affects state, local or federal licensing, registration or certification requirements. Covered employees who are required to be registered or certified by law are solely an employee of the client for purposes of such registration or certification. A professional employer agreement is not automatically deemed to engage in an occupation, trade or profession that is subject to licensing, registration or certification when the agreement is entered into with a covered employee who is subject to such regulations. The client is to have the sole right, subject to licensing, regulation and certification, to direct and control its employees' activities. The PEO agreement shall have no impact on a client's status as a small minority-owned, disadvantaged, or woman-owned business or a historically underutilized business when contracting with the state or political subdivision</p> <p>Section 4 requires PEO registration. Applicants for registration are to provide certain identifying information, business history, management experience and financial information and statements. Each PEO is to register within 180 days after the operative date of the Act. PEO must renew its registration within 180 days after its fiscal year. Out of state PEO's must register before beginning operations. Allows for out of state limited registrations if certain conditions are met. Allows for group PEO registration. The Department of Labor is to maintain a PEO list, prescribe forms, and adopt rules concerning registration process. PEO information is confidential.</p> <p>Section 5 requires positive working capital at time of registration or provide bond, certificate of deposit, escrow account, or irrevocable letter of credit</p> <p>Section 6 prohibits co-employment relationships where less than majority of the client's employees are covered employees or where less than half of the client's payroll is attributable to covered employees. Discusses rights and duties in co-employment relationships including: (1) client is entitled to exercise all rights and perform all duties otherwise applicable to an employer in an employment relationship; (2) PEO can only exercise those rights and perform those duties required by the Act or in the professional employer agreement and; (3) unless otherwise agreed in the professional employer agreement, the client retains the right to direct and control the covered employees, to discharge its fiduciary responsibilities and comply with licensure requirements.</p> <p>States that employment relationships are to be governed by professional employer agreements. Each agreement must: (1) provide for the allocation of rights, duties, and obligations; (2) require the PEO to pay wages and salaries, withhold necessary taxes and</p>	<p>2/23/10 Final Reading 2/19/10 AM 1952 adopted 1/29/10 Select File 1/26/10 AM 1323 @ 1566 adopted 5/29/09 General File w/Com. AM 1323</p>
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**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

<p>pay agreed upon benefits. Defines wages and limits the PEO's liability to pay fees outside the covered employee's salary unless the PEO assumed the responsibility in the professional employer agreement; (3) allow the PEO and client to have the right to hire, discipline and terminate a covered employee, and; (4) provide worker's compensation coverage.</p> <p>Requires the PEO to send covered employees written notification describing the nature of the co-employment relationship. Requires the client to conspicuously post at its jobsite notice of the relationship.</p> <p>Unless otherwise provided under the professional employment agreement: (1) the client is responsible for the quality of its goods; (2) the client is responsible for directing its employees and is responsible for the employee's actions; (3) the client is not liable for acts, errors or omissions of a PEO or a covered employee acting at the direction of the PEO; (4) a covered employee is not considered an employee of the PEO for purposes of general liability insurance, fidelity bonds, surety bonds, or other insurance carried by the PEO unless the covered employee is specifically referenced in the professional employer agreement.</p> <p>A PEO registrant is not deemed to be a workers' compensation insurer by obtaining such insurance coverage for a client.</p> <p>For purposes of state and local taxes: (1) covered employees whose services are subject to sales tax are deemed employees of the client; (2) taxes imposed on professional employer services that are based on gross receipts shall allow for a deduction from the gross income that portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, workers' compensation, payroll taxes, and withholding of a covered employee by the PEO; (3) taxes assessed are assessed against the client for covered employees and against the PEO for its employees who are not covered employees co-employed with a client. Allows for a credit against the client's obligation if certain conditions are met; and (4) allows the PEO to use small business allowances or exemptions available to the client.</p> <p>Prohibits a PEO from offering health benefits to a covered employee unless the plan is fully insured from an authorized insurer.</p> <p>Section 7 funds fiducially held by the PEO on behalf of the client shall be recorded separately.</p> <p>Section 8 states that both the client and PEO are employers for retirement and welfare benefit plan purposes.</p>		
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**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>Section 9 states that the professional employer agreement is to allocate responsibility for workers' compensation coverage. Both the PEO and client are considered employers for purposes of the Nebraska Worker's Compensation Act. Provides duties to the PEO if the agreement allocates responsibility to the PEO.</p> <p>Section 10 provides a registration fee schedule and creates The Professional Employer Organization Cash Fund.</p> <p>Section 11 allows for disciplinary action if a PEO offers or provides services before registering or provides false or fraudulent information when registering under the Act.</p> <p>Section 12 harmonizes definitional language in <i>Neb. Rev. Stat. § 44-7504</i> to comport with the Act.</p> <p>Section 13 harmonizes language in <i>Neb. Rev. Stat. § 44-7515</i> to comport with the act.</p> <p>Section 14 harmonizes language in <i>Neb. Rev. Stat. § 48-115</i> to comport with the act.</p> <p>Section 15 harmonizes language in <i>Neb. Rev. Stat. § 48-144.03</i> to comport with the act.</p> <p>Section 16 harmonizes language in <i>Neb. Rev. Stat. § 48-145</i> to comport with the act.</p> <p>Section 17 harmonizes language in <i>Neb. Rev. Stat. § 48-146</i> to comport with the act.</p> <p>Section 18 harmonizes language in <i>Neb. Rev. Stat. § 48-151</i> to comport with the act.</p> <p>Section 19 harmonizes language in <i>Neb. Rev. Stat. § 48-443</i> to comport with the act.</p> <p>Section 20 harmonizes language in <i>Neb. Rev. Stat. § 48-602</i> to comport with the act.</p> <p>Section 21 sets operative date of January 1, 2012.</p> <p>Section 22 provides that any finding that a section is deemed unconstitutional, should have no bearing on the remaining sections.</p> <p>Section 16 repealer.</p>		
<p>LB 622 Nordquist</p>	<p>Provide time limits and penalties for late workers' compensation medical payments.</p> <p>Amends <i>Neb. Rev. Stat. § 48-125</i> to extend 50% late charge fees currently applied to delinquent workers' compensation disability benefits to delinquent medical payments that are more than 30 days late.</p> <p>On general file, the legislature approved committee amendment 875 which replaced the original provisions of LB 622. AM 875 addressed a recent Nebraska Supreme Court opinion, <i>Lagemann v. Nebraska Methodist Hospital</i>, 277 Neb. 335 (2009). Section 48-125 provides for 50% late fee penalties if an award is not received within 30 days of (1) notice of injury when there is no reasonable controversy or (2) after 30 days after a final order issued after an appellate court's mandate. The <i>Lagemann</i> Court interpreted this section to disallow late penalty fees for undisputed portions of an award pending appeal. AM 875 addresses <i>Lagemann</i> by permitting late penalties pending an appeal for those portions of the award for which there is no reasonable controversy. Amendments were approved on the floor including AM 1198 that clarifies that late penalties do not attach until the appeal deadline has passed and AM 1500 which strikes the reasonable controversy language.</p>	<p>2/23/09</p>	<p>I.P.P.'d at the close of session 5/26/09 Laid over 4/15/09 Select File 4/14/09 Com. AM 875 adopted 4/2/09 General File w/Com. AM 875</p>

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

LB 700 McCoy	<p>Require certain construction and remodeling work to be supervised as prescribed in order to obtain a building permit.</p> <p>LB 700 prohibits the issuance of building permits for residential construction and remodeling projects unless the project will be supervised by someone who is certified. Political subdivisions would enforce the provisions.</p> <p>Section 1: prohibits the issuance of building permits for residential construction and remodeling projects unless the project will be supervised by someone who is certified.</p> <p>Section 2: requires application for certification to the local department in charge of issuing building permits.</p> <p>Section 3: political subdivisions certify an individual if it is shown: 1) (grandfather clause until December 31, 2011) that the individual has been in the business for at least five years or 2) the individual passed the Standard Residential Building Contractor Exam of the International Code Council or a similar exam. The individual must agree to comply with all building codes and safety standards, provide identifying information and pay a twenty five dollar fee.</p> <p>Section 4: clarifies that an individual only need to be certified once and that certification may transfer to other political subdivisions.</p>	2/22/10	I.P.P.'d at the close of session
LB 709 White	<p>Adopt the Small Business Regulatory Flexibility Act.</p> <p>LB 709 creates the Small Business Regulatory Flexibility Act. The act requires state agencies to consider the economic burden a proposed rule or regulation will have on a small business.</p> <p>Section 1: creates the Small Business Regulatory Act.</p> <p>Section 2: definition section, including Agency, Board, Rule/Regulation, and Small Business.</p> <p>Section 3: requires agencies to solicit public comment from small business that may be adversely affected by a proposed rule or regulation. If an agency has knowledge that a particular business may be impacted, the agency must notify the business.</p> <p>Section 4: requires agencies to consider any public comment from small businesses before adopting a proposed rule or regulation. Agencies must consider ways to reduce the economic impact on small business including: establishing less stringent compliance or reporting requirements, establishing less stringent deadlines for compliance, simplifying compliance, establishing performance standards, and exempting small businesses. Prior to adopting a proposed rule or regulation, the agency must notify the Small Business Regulatory Review Board. The board shall assist the agency.</p> <p>Section 5: an aggrieved small business may seek judicial review of agency compliance with the act.</p> <p>Section 6: agencies must review existing rules and regulations in relation to the act. In</p>	1/25/10	I.P.P.'d at the close of session 3/24/10 Failed to advance to Select File 3/23/10 AM 1824 adopted 3/10/10 General File w/Com. AM 1824 2/19/10 Giese priority

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>reviewing the rules, agencies must consider whether there is a continued need for the rule, any complaints received regarding the rule, the rule's complexity, any duplication or conflicts with other rules, the length of time since the rule had been evaluation and any changes in technology or economic climate.</p> <p>Section 7: creates the Small Business Regulatory Review Board within the Department of Labor. Details the board's membership. Sets the board's duties including the review of proposed rules or regulations submitted by agencies and recommending the need for said rule or regulation.</p> <p>The committee amendment strikes section seven and any mention of the Small Business Regulatory Review Board. For consistency, the amendment redefines rule or regulation to correspond with the definition found in the Administrative Procedure Act.</p>		
LB 729 Lautenbaugh	<p>Repeals the Conveyance Safety Act.</p> <p>Section 1: removes reference of the act in section 81-405 pertaining to the Mechanical Safety Inspection Fund.</p> <p>Section 2: repealer.</p> <p>Section 3: outright repeals the Conveyance Safety Act.</p>	1/25/10	I.P.P.'d at the close of session
LB 780 Lathrop	<p>LB 780 extends workers' compensation coverage to first responders who suffer mental injuries without a corresponding physical injury.</p> <p>Section 1: Creates a new section adding mental injuries unaccompanied by physical injury when suffered by a first responder to the definition of personal injury. To be covered by the Workers' Compensation Act, the first responder must show by a preponderance of the evidence that the mental injury was a result of extraordinary and unusual conditions as compared to the normal conditions of the employment. The first responder must additionally establish that the conditions caused the resulting mental injury. Clarifies that mental injuries suffered as a result of events which are incidental to employee/employer relations including specified personnel actions are not compensable. Defines first responder as a sheriff, a deputy sheriff, a police officer, an officer of the Nebraska State Patrol, a volunteer or paid firefighter, or a volunteer or paid individual licensed under a licensure classification in subdivision (1) of section 38-1217 who provides immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.</p> <p>Section 2: amends section 48-151 to comport with section 1.</p> <p>Section 3: amends section 48-1,110 to comport with section 1.</p> <p>Section 4: sunsets the coverage to June 30, 2014.</p> <p>Section 5: repealer.</p>	2/8/10	4/14/10 Governor signed 4/9/10 Passed Legislature 4/7/10 Final Reading 4/6/10 AM 2502 adopted 3/26/10 Select File 3/25/10 AM 2351 & 2064 adopted 3/3/10 General File w/Com. AM 2064 2/19/10 Wallman priority
LB 829 Rogert	LB 829 clarifies that failure to provide notice, to an unrelated agricultural employee, that	2/8/10	4/12/10 Governor

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	there is no workers' compensation coverage results in liability and inclusion under the workers' compensation act for the affected employee only. Without this change, failure to provide notice to one employee results in liability and inclusion under the workers' compensation coverage for all employees.		signed 4/9/10 Passed Legislature 4/7/10 Final Reading 4/6/10 Select File 3/3/10 General File
LB 872 Lathrop	LB 872 extends, for one year, the applicability of the workers' compensation medical fee schedule to inpatient trauma services.	2/8/10	4/12/10 Governor signed 4/9/10 Passed Legislature 4/6/10 Select File 3/31/10 AM 1985 adopted 3/3/10 General File w/Com. AM 1985
LB 884 McGill	Require employers to provide employees with wage and deduction information as prescribed. Amends the Wage Payment Act to allow an employee to request from the employer, an itemized pay stub. Failure to provide the statement subjects an employer to an infraction. Section 1: within 10 working days of an employee's written request, an employer must provide an electronic or printed itemized pay statement including wages earned and deductions made for every pay period which deductions were made. Section 2: an employer who does not comply is subject to an infraction. Section 3: makes technical changes to section 48-1232 to comport with LB 884. Section 4: repealer.	1/25/10	4/12/10 Governor signed 4/9/10 Passed Legislature 4/7/10 Final Reading 4/6/10 Select File 3/31/10 AM 1615 adopted 4/2/09 General File w/Com. AM 1615
LB 908 Conrad	Amends section 48-108 to allow any workers' compensation judge, rather than the judge presiding over the trial, the ability to approve a claim or agreement for legal services.	2/8/10	4/12/10 Governor signed 4/9/10 Passed Legislature 4/6/10 Select File 3/11/10 General File
LB 913 Council	LB 913 restricts public employers from eliminating a prospective applicant from employment consideration due to a conviction for certain offenses. Section 1: creates the Criminal Offender Employment Act. Section 2: intent language stating that criminal offenders should be provided an opportunity to gain employment. Section 3: prohibits the state, agencies, boards and political subdivisions to automatically	1/25/10	I.P.P.'d at the close of session

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>disqualify an individual from potential employment or license for having a criminal conviction. For employment purposes, a conviction may only be considered one a candidate is selected as a finalist. Prohibits selected records from being disseminated including those for arrest and misdemeanor convictions not involving moral turpitude.</p> <p>Section 4: employment or licensure may be rejected under the following circumstances: 1) when there is a felony conviction or misdemeanor conviction involving moral turpitude and it directly relates to the employment, (2) when not related to the employment, the agency may reject employment if it is believed that the applicant has not been sufficiently rehabilitated, (3) regardless of rehabilitation, when the conviction concerns drug trafficking, a sexual offense or child abuse <u>and</u> the applicant is applying or reapplying for a teaching certificate, a license to operate or work in a child-care facility.</p> <p>Reason for rejection shall be given if based in whole or in part on a conviction. Creates a presumption of rehabilitation upon completion of probation or parole or 3 years after imprisonment without a subsequent conviction</p> <p>Section 5: provides that the act does not apply to law enforcement.</p> <p>Section 6: applies to subordinate boards</p> <p>Sections 7-35: amends several statutory sections concerning employment and licenses to comport with the act.</p> <p>Section 36: repealer.</p>		
LB 925 Conrad	<p>LB 925 would require contractors on public works contracts to employ Nebraska laborers in periods of excessive unemployment (defined as exceeding five percent).</p> <p>Section 1: definition section. Defines Nebraska laborer, period of excessive unemployment and public works.</p> <p>Section 2: directs those that are in charge of public works building contracts to hire only Nebraska laborers in periods of excessive unemployment. Nonresidents may be used if Nebraska laborers are not available or not qualified to perform the work.</p> <p>Section 3: explains that the residency requirements do not apply to nonresident executive, supervisory or technical positions.</p> <p>Section 4: explains that the residency requirements apply to all public works projects or improvements whether skilled, semiskilled or unskilled and whether manual or nonmanual unless the work is done directly by a public utility and not let out by contract</p> <p>Section 5: explains that the residency requirements do not circumvent federal laws or regulations when federal funds are involved.</p> <p>Section 6: declares that the Department of Labor shall enforce the provisions. The department may sue for injunctive relief.</p> <p>Explanation of Amendments: The committee amendment replaces the bill. The amendment provides that a Nebraska</p>	2/1/10	I.P.P.'d at the close of session 3/24/10 Failed to advance to Select File 3/10/10 General File w/Com. AM 2106

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>laborer includes an individual who has resided within 50 miles of a Nebraska border for 30 days. The period of excessive unemployment is lowered from five percent to four percent. General maintenance and projects performed during times of emergency as defined by section 39-892 (8) are excluded from the definition of public works project. Section 3 of the original bill is stricken and replaced with language explaining that the act applies to labor performed by contractors, subcontractors, and individuals required to register pursuant to the Contractor Registration Act. Section 4 of the original bill is stricken and replaced with language exempting districts defined under section 70-601.</p>		
LB 934 Haar	<p>LB 934 adds a volunteer member of the Nebraska Wing of the Civil Air Patrol to the provisions and protections of the Volunteer Emergency Responders Job Protection Act.</p>	2/1/10	<p>4/12/10 Governor signed 4/9/10 Passed Legislature 4/6/10 Select File 3/3/10 General File</p>
LB 961 Council	<p>LB 961 amends sections pertaining to the subaccount of the Job Training Cash Fund. The legislature established the subaccount to the Job Training Cash Fund in 2008. The subaccount is designated for training employees of small businesses, residents of rural areas and residents of areas of high poverty. Since 2008 there have been implementation problems and businesses found it difficult to apply and receive these grants.</p> <p>Section 1: re-writes the applicability of the subaccount to the Job Training Cash Fund. Such grants are designated for training employees and potential employees of businesses that: 1) employee 25 or fewer employees, (2) will employee residents of rural areas or (3) is located or will employ residents of high-poverty areas.</p> <p>Section 2: amends section 81-1203 to set specific requirements for grants provided pursuant to the subaccount of the Job Training Cash Fund. A business applying for such grant must document: (1) an established program designed to fill positions, (2) a program schedule for the project, (3) the nature of the business and the number of positions, (4) that the wage level will meet the local prevailing wage, (5) that the positions will diversify the local economy, (6) that a minimum of 75% of the positions will be full-time, (7) that the business will match a minimum of 25% of the value of the grant, (8) that the positions will be created within 3 years, (9) that the number of trainees will not exceed 125 percent of the number of positions that will be available at the time of application, and (10) that the produced goods and services are exportable and that the positions are not retail positions. Businesses that receive such grants may be audited and must annually report to the Department of Economic Development: (1) the percentage of trainees that have completed the program, (2) the percentage of trainees that were hired and (3) an itemized description of the businesses match, and (4) a copy of the training program.</p> <p>Section 3: adds training grant recipients to the requirement that businesses annually report to the Department of Economic Development.</p>	2/8/10	<p>4/12/10 Governor signed 4/9/10 Passed Legislature 4/7/10 Final Reading 4/6/10 AM 2311 adopted 3/23/10 Select File 3/18/10 AM 2118 adopted 3/10/10 General File w/Com. AM 2118 2/19/10 Business & Labor priority</p>

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>Section 4: requires recipients of training grants to repay grants when they trained fewer trainees than was identified in their business plan.</p> <p>Section 5: repealer.</p>		
LB 994 Lathrop	LB 994 is a workers' compensation shell bill.	2/8/10	I.P.P.'d at the close of session
LB 995 Lathrop	LB 995 is a shell bill pertaining to the Commission of Industrial Relations.	2/22/10	I.P.P.'d at the close of session
LB 1020 Lathrop	<p>The American Recovery and Reinvestment Act was signed into law on February 17, 2009. Part of this law includes the Unemployment Insurance Modernization Incentive Act ("UIMA"). A total of \$7 billion dollars was earmarked to states that have certain unemployment eligibility provisions in their laws. Nebraska's share is \$43.6 million dollars that would be deposited in our unemployment trust fund. In order to receive the funds, Nebraska must make statutory changes that will extend benefits to more people which will further deplete the unemployment trust fund. Extending benefits will result in a permanent tax increase to businesses unless benefits are equally reduced in qualification areas not affected by UIMA.</p> <p>To qualify for the first third of the money, Nebraska must adopt the "alternative base period". To qualify for the remaining two-thirds, Nebraska must adopt two of the following four benefit options: 1) part-time workers who are denied benefits because they are required to seek full-time work; 2) individuals who leave work due to family reasons including domestic violence; 3) permanently laid-off workers who require additional benefits to participate in training; and 4) benefits for workers who care for dependent family members.</p> <p>Section 1: makes technical changes to section 48-601.</p> <p>Section 2: adopts the alternative base period to allow an individual who does not meet the monetary requirement for benefits in the first 4 of the most recent 5 quarters to use the last 4 completed quarters.</p> <p>Section 3: adopts the part-time option by allowing individuals to seek part-time work and still be eligible for benefits. The majority of the individual's base period must be comprised of part-time work. The individual must be available for at-least 20 hours of part-time work. Section 3 additionally increases the total sum of wages earned in a base period from \$2,500 to \$3,770 and one high quarter from \$800 to \$1,850.</p> <p>Section 4: increases from 12 to 13 weeks the disqualification length for those that voluntarily quit a job without good cause. Increases from 1 to 2 weeks the disqualification length for those that voluntarily quit a job for a better job that does not last. Increases from 12 to 14 weeks the disqualification length for those that have been discharged for misconduct.</p> <p>Section 5: adopts necessary changes for those who have exhausted all regular</p>	2/1/10	<p>4/14/10 Governor signed</p> <p>4/13/10 Passed legislature</p> <p>4/9/10 Final Reading</p> <p>4/9/10 AM 2532 adopted</p> <p>4/8/10 Select File</p> <p>4/8/10 FA 77 adopted</p> <p>4/8/10 AM 2512 adopted</p> <p>4/7/10 General File w/Com. AM 2512</p>

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>unemployment benefits, but are enrolled in an approved training program. Section 6: makes technical changes to comport with section 5. Section 7: sets an operative date of July 1, 2011. Section 8: repealer.</p>		
LB 1040 Fulton	<p>Adopts the Nebraska Municipal Comparability Act. The act, cumulative to the Industrial Relations Act, sets forth new parameters for the Commission of Industrial Relations' determination of comparable wage rates and conditions of employment for municipal employees. The act also creates a uniform calendar for labor negotiations.</p> <p>Section 1: adopts the Nebraska Municipal Comparability Act.</p> <p>Section 2: provides intent language.</p> <p>Section 3: definitional section.</p> <p>Section 4: provides that the act is cumulative to the Industrial Relations Act. However, if there is a conflict, the act is controlling.</p> <p>Section 5-8: establishes negotiation time-lines.</p> <p>Section 9: encourages parties to agree on arrays and provides that an agreed joint array is admissible evidence.</p> <p>Section 10: sets array, work condition and total compensation guidelines for disputes involving municipal employees. Specifies that the commission's order is retroactive to the first day of the fiscal year in dispute.</p> <p>Section 11: amends the Industrial Relations Act to comport with LB 1040.</p> <p>Section 12: repealer.</p> <p>Section 14: emergency clause.</p>	2/22/10	I.P.P.'d at the close of session
LB 1041 Fulton	<p>LB 1041 amends section 48-818 of the Industrial Relations Act to specify that in cases involving wages and conditions of employment, the commission must look to rates and conditions in the same labor market unless there are substantial differences. The commission must conduct a job match comparative analysis of jobs that match eighty-five percent or more.</p>	2/22/10	I.P.P.'d at the close of session

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

LB 1042 Fulton	LB 1042 amends section 48-818 of the Industrial Relations Act to specify that in wage rate cases, the commission, weigh, compare, and adjust for any economic dissimilarity shown to exist which has a impact on prevalent wage rates.	2/22/10	I.P.P.'d at the close of session
LB 1055 Carlson	<p>LB 1055 clarifies the unemployment insurance extended benefit process. It also adds a new section allowing the State to utilize federal extended benefit dollars rather than paying one-half as current law provides.</p> <p>Section 1: elucidates the extended benefit process. States that when an individual's benefit year ends with a period of extended benefits, such benefits will be reduced for any amounts of trade readjustment allowances multiplied by the individual's weekly extended benefit amount. Defines rate of insured unemployment, regular benefits, off indicator and on indicator. Clarifies that the same rules for determining regular benefit eligibility apply to extended benefit eligibility. Sets the criteria for determining the extended benefit amount. Requires the commissioner to publicly announce when an extended benefit period will commence and when it will end. Allows the governor to accept federal extended benefit funds and that they be used before the state's extended benefit funds.</p> <p>Section 2: clarifies that suitable work means employment that pays more than the average weekly benefit amount payable during the applicable benefit year.</p>	2/1/10	<p>4/12/10 Governor signed 4/9/10 Passed Legislature 4/7/10 Final Reading 4/6/10 Select File 3/11/10 General File</p>
LB 1086 McCoy	Before making a final determination on the following year's tax rate, LB 1086 would require the Commissioner of Labor to post on its website the tax rates for each category and hold a public hearing concerning the proposed rates. The commissioner may adjust the tax rate based, in part, on the public comment or phase it in for January through July 1 st . The commissioner must set the tax rate by June 1 st for July 1 st through December 31 st .	2/1/10	I.P.P.'d at the close of session
LB 1090 Business & Labor	<p>LB 1090 was introduced by the Business and Labor Committee at the request of the Department of Administrative Services, Risk Management Division. This bill introduces the claims against the State that are required by statute to be reviewed by the Legislature.</p> <p>Section 1: Tort Claims</p> <p>1. Claim numbers 02-591, 02-592, 02-593, 02-594, 02-595, 02-596 against the Department of Health and Human Services.</p> <p style="text-align: center;">General Fund Claim Amount: \$145,000</p> <p>2. Claim numbers 2006-00661 and 2006-00727 against the Department of Roads.</p> <p style="text-align: center;">Roads Operations Cash Fund Claim Amount: \$32,973.56</p> <p>3. Claim number 2008-02412 against the Department of Roads.</p>	2/22/10 & 3/9/10	<p>4/1/10 Governor signed 3/26/10 Passed Legislature 3/23/10 Final Reading 3/17/10 Select File 3/16/10 AM 2186 adopted 3/12/10 General File w/Com. AM 2186</p>

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<p>Roads Operations Cash Fund Claim Amount: \$1,450,000</p> <p>4. Claim number 2009-03745 against the Nebraska Supreme Court.</p> <p>General Fund Claim Amount: \$225,869.24</p> <p>Section 2: Workers' Compensation Claims</p> <p>Two claims were approved by the board. One for \$19,000 and the other for \$100,000. Both claims will be paid from the Workers' Compensation Claims Revolving Fund.</p> <p>Section 3: grants the Director of Administrative Services authority to issue warrants for payment of the claims enumerated in sections 1 and 2. Clarifies that payment cannot be made until the beneficiaries sign waivers releasing the State of any other claims.</p> <p>Section 4: Agency Write-off Requests</p> <p>The Board approved all of the following requests:</p> <ol style="list-style-type: none"> 1. Request number 2009-03468 from the Nebraska Department of Insurance for \$4,372.15; 2. Request number 2009-03469 for \$40.00 from the Nebraska Department of Insurance; 3. Request number 2009-03470 for \$6.00 from the Nebraska Department of Insurance; 4. Request number 2009-03743 from the Lottery Division of the Department of Revenue for \$19,459.22; 5. Request number 2009-03910 from the Nebraska Department of Health and Human Services for \$60.00; 6. Request number 2010-04016 from the Nebraska Accountability and Disclosure Commission for \$38,251.53; 7. Request number 2010-04102 from the Legislative Council for \$2.89; 8. Request number 2010-04118 from the Nebraska Department of Health and Human Services for \$413,878.22; 9. Request number 2010-04177 from the Military Department for \$1,082.47. <p>Section 5: emergency clause.</p>		
LB 1091 Business & Labor	For those claims filed against the State that are denied by the State Claims Board, such claims may be appealed to the Legislature. The following claimants have requested the Legislature's review. These claims have been submitted by the State Risk Manager for disapproval.	2/22/10	4/1/10 Governor signed 3/26/10 Passed Legislature

**ONE HUNDRED FIRST LEGISLATURE, SECOND SESSION
INDEX AND STATUS OF BILLS REFERENCED TO THE
BUSINESS AND LABOR COMMITTEE**

	<ol style="list-style-type: none"> 1. Claim Number 2009-03278 filed by Chad Brouse for \$200,000 against the Nebraska Medical Center; 2. Claim Number 2009-03279 filed by Chad Brouse for \$200,000 against the Nebraska Medical Center; 3. Claim Number 2009-03294 filed by Grubb & Ellis Healthcare REIT, Inc., for \$45,464.23. 		3/23/10 Final Reading 3/17/10 Select File 3/12/10 General File