

# Business and Labor Committee

## Nebraska Legislature

### Summary of 2020 Legislation

#### One Hundred Sixth Legislature

#### Second Session



#### Committee Members

Senator Matt Hansen, Chair, District 26  
Senator Ben Hansen, Vice Chair, District 16  
Senator Ernie Chambers, District 11  
Senator Sue Crawford, District 45  
Senator Steve Halloran, District 33  
Senator Steve Lathrop, District 12  
Senator Julie Slama, District 1

#### Committee Staff

Tom Green, Legal Counsel  
Keenan Roberson, Committee Clerk

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## List of Bills Referenced to the Business and Labor Committee

### 2019 Carryover Bills

- LB 19 (Briese) Allow withholding from public of reports of injury under the Nebraska Workers' Compensation Act as prescribed and provide duties for the Nebraska Workers' Compensation Court  
**Held in Committee (page 21)**
- LB 254 (McCollister) Adopt the Fair Chance Hiring Act  
**Final Reading (page 14)**
- LB 305 (Crawford) Adopt the Healthy and Safe Families and Workplaces Act  
**General File (page 16)**
- LB 306 (Crawford) Change provisions relating to good cause for voluntarily leaving employment under the Employment Security Law  
**Failed on Final Reading (page 13)**
- LB 311 (Crawford) Adopt the Paid Family and Medical Leave Insurance Act  
**General File (page 16)**
- LB 345 (Wishart) Prohibit mandatory overtime for certain state employees  
**General File (page 17)**
- LB 361 (M. Hansen) Prohibit retaliation under the Nebraska Wage Payment and Collection Act and the Wage and Hour Act  
**Select File (page 15)**
- LB 362 (M. Hansen) Require payment of unpaid wages for violations of the Nebraska Wage Payment and Collection Act  
**Held in Committee (page 21)**
- LB 363 (M. Hansen) Adopt the In the Line of Duty Compensation Act  
**Held in Committee (page 21)**

- LB 364 (Quick) Change provisions relating to a limit on fees under the Nebraska Workers' Compensation Act  
**Held in Committee (page 22)**
- LB 383 (Quick) Provide for an annual adjustment to the minimum wage  
**Held in Committee (page 22)**
- LB 400 (Hunt) Change the minimum wage for persons compensated by way of gratuities  
**General File (page 17)**
- LB 408 (Quick) Change provisions relating to compensation paid upon the death on an employee under the Nebraska Workers' Compensation Act  
**Held in Committee (page 22)**
- LB 448 (McDonnell) Change provisions relating to compensation for burial expenses under the Nebraska Workers' Compensation Act  
**Select File (page 15)**  
*Provisions/portions of LB 448 amended into LB 963 by AM2734*
- LB 465 (M. Hansen) Deny payment of claims against the state  
**Held in Committee (page 22)**
- LB 487 (La Grone) Require the Nebraska Workers' Compensation Court to adopt an evidence-based drug formulary  
**Held in Committee (page 23)**
- LB 526 (McDonnell) Change provisions relating to compensation for temporary disability under the Nebraska Workers' Compensation Act  
**Held in Committee (page 23)**
- LB 527 (Bolz) Adopt the Customized Job Training Act  
**General File (page 18)**  
*Provisions/portions of LB 527 amended into LB 1107 by AM3316*

- LB 576 (Lathrop) Change provisions relating to presumptions regarding causes of death or disability of certain firefighters and firefighter-paramedics  
**Held in Committee (page 24)**
- LB 577 (Vargas) Provide additional powers to the Commissioner of Labor related to investigations under and violations of the Employee Classification Act  
**General File (page 18)**
- LB 604 (Lindstrom) Authorize High-Wage Jobs and Capital Investment Creation Fund entities and provide grants, loans, and economic assistance to such entities  
**General File (page 19)**
- LB 644 (McDonnell) Adopt the Nebraska Workforce Diploma Act  
**Held in Committee (page 24)**
- LB 667 (Vargas) Adopt the Youth Opportunities in Learning and Occupations Act  
**General File (page 19)**

### **2020 Introduced Bills**

- LB 788 (Slama) Change and eliminate provisions relating to the Department of Labor  
**General File (page 19)**  
*Provisions/portions of LB 788 amended into LB 1016 by AM2350*
- LB 813 (Bolz) State intent regarding appropriations for apprenticeships and provide powers for the Department of Labor  
**Held in Committee (page 24)**
- LB 846 (Quick) Change provisions relating to compensation under the Nebraska Workers' Compensation Act  
**Held in Committee (page 24)**

- LB 888 (Hilgers) Change State Tort Claims Act provisions relating to authority of the Risk Manager and State Claims Board  
**General File (page 20)**
- LB 915 (Hunt) Change the minimum wage for persons compensated by way of gratuities  
**Held in Committee (page 25)**
- LB 926 (Business and Labor Committee) Change provisions relating to violations of the Employee Classification Act  
**General File (page 20)**  
*Provisions/portions of LB 926 amended into LB 1016 by AM2350*
- LB 927 (Business and Labor Committee) Provide for payment of claims against the state  
**Enacted (page 8)**
- LB 928 (Business and Labor Committee) Deny claims against the state  
**Held in Committee (page 25)**
- LB 962 (Hunt) Adopt the Nebraska Fair Pay to Play Act  
**Enacted (page 8)**
- LB 963 (Brewer) Change workers' compensation provisions for injuries to first responders and frontline state employees and burial expenses  
**Enacted (page 9)**  
*Provisions/portions of LB 448 amended into LB 963 by AM2734*
- LB 1016 (M. Hansen) Change provisions regarding the worker training program, the Nebraska Wage Payment and Collection Act, the Contractor Registration Act, and the Employee Classification Act and eliminate provisions regarding service letters, high voltage lines, and private employment companies  
**Enacted (page 9)**  
*Provisions/portions of LB 788 and LB 926 amended into LB 1016 by AM2350*

- LB 1060 (Cavanaugh) Include hair textures and protective hairstyles within the definition of race under the Nebraska Fair Employment Practice Act  
**Vetoed (page 12)**
- LB 1101 (Halloran) Change the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act  
**Held in Committee (page 25)**
- LB 1103 (M. Hansen) Change requirements for lump-sum settlement approval or release by the Nebraska Workers' Compensation Court  
**Held in Committee (page 26)**
- LB 1126 (Vargas) Change attorney's fees, penalties, and interest provisions under the Nebraska Workers' Compensation Act  
**Held in Committee (page 26)**
- LB 1127 (Vargas) Change and provide contempt powers for the Nebraska Workers' Compensation Court  
**Held in Committee (page 26)**
- LB 1128 (Vargas) Provide an exception for a claim based on bad faith and a limitation of action under the Nebraska Workers' Compensation Act  
**Held in Committee (page 26)**
- LB 1129 (Vargas) Change evasion of law provisions and ensure certain coverage under the Nebraska Workers' Compensation Act  
**Held in Committee (page 27)**
- LB 1160 (M. Hansen) Adopt the Nebraska Statewide Workforce and Education Reporting System Act  
**Enacted (page 11)**
- LB 1216 (Vargas) Adopt the H3 Rural Renewal Award Act  
**Held in Committee (page 27)**

## Bill Summaries: Bills Enacted

**LB 927 (Business and Labor Committee) Provide for payment of claims against the state**

LB 927 is the state claims bill. It contains one self-insured liability claim; one claim payable out of the Racing Commission's Cash Fund; five tort claims; three workers' compensation claims; and agency write offs by the following agencies: Nebraska Public Employees Retirement System; Department of Health and Human Services; Department of Veterans' Affairs; Department of Transportation; Nebraska State Patrol; Department of Labor; Game and Parks Commission; State Fire Marshal; Department of Motor Vehicles; and the Nebraska Workers' Compensation Court.

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**LB 962 (Hunt) Adopt the Nebraska Fair Pay to Play Act**

LB 962 creates the Nebraska Fair Pay to Play Act. The purpose of the act is to allow college athletes at both public and private schools to earn compensation from use of their name, image, and likeness. The bill permits athletes to sign with a licensed agent and protects them from retaliation for receiving such compensation.

The bill was amended on General file by M. Hansen with AM2580 which clarified terms. It was furthered amended by La Grone AM2650 to change a term and create a one year statute of limitations for bringing a civil action for violation of the act.



**LB 963 (Brewer) Change workers' compensation provisions for injuries to first responders and frontline state employees and burial expenses**

LB 963 allows first responders to establish a prima facie evidence of a personal injury under the Nebraska Workers' Compensation Act for mental injury or mental illness.

It also requires the Department of Health and Human Services to reimburse a first responder for the cost of annual resilience training not otherwise reimbursed by the employer. The DHHS will maintain and update records of first responders who have completed annual resilience training.

The legislation also provides definitions of mental health professionals and resilience training.

The Committee Amendment AM2523 limited the definition of mental health professionals and clarified that the mental injury or illness arose from condition of employment.

On Select file provisions of LB 448 were amended into LB 963 by Senator McDonnell by AM2734.

The bill was returned to select file for AM3294 by Senator Brewer to provide an operative date of July 1, 2021.

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**LB 1016 (M. Hansen) Change provisions regarding the worker training program, the Nebraska Wage Payment and Collection Act, the Contractor Registration Act, and the Employee Classification Act and eliminate provisions regarding service letters, high voltage lines, and private employment companies**

LB 1016 makes changes to the Nebraska Wage Payment and Collection Act. It adds a requirement to the act that an employer shall not retaliate or discriminate against an employee for filing a suit or participating in an investigation. Currently such actions can be sanctioned by the Nebraska Equal Opportunity Commission under their general statutes but no specific provision stated that it was unlawful to retaliate for filing a claim.

It simplifies the relief available to employees to appropriate relief including reasonable attorney's fees and costs. It adds a new subsection that any uncontested citation may be submitted as evidence in a civil action against the employer for unpaid wages. Adds a requirement that any employer who has an unpaid and uncontested citation shall be barred from contracting with the State of Nebraska. Adds a provision that uncontested citations shall be made available to the public upon request. Finally it adds a requirement to the Department of Labor that they will post information on its web site information about compliance with and enforcement of the Nebraska Wage Payment and Collections Act.

The Committee Amendment clarified terms in LB 1016 and included provisions of LB 788 and LB 926.

LB 788 (Slama) changes the due date of the Worker Training Board Report and provides flexibility to the required fee for contractor registration. It also repeals: The Service Letter Law Neb. Rev. Stat. §§ 48-209 to 48-211; The Employment Agency Law Neb. Rev. Stat. §§ 48-501.01 to 48-524, and Neb. Rev. Stat. §48-440 concerning requirements to notify the Commissioner of Labor before operations are performed near overhead high voltage conductors.

LB 926 (Business and Labor Committee) amends the Employee Classification Act by changing the hearing process to mirror the Wage Payment and Collection Act citation and hearing process.

**LB 1160 (M. Hansen) Adopt the Nebraska Statewide Workforce and Education Reporting System Act**

LB 1160 creates the Nebraska Workforce and Education Reporting System Act. The bill supports development of a data system to track educational and workforce outcomes in Nebraska.

The bill was amended by the committee amendment which became the bill. The committee amendment created the act; set out legislative findings; set goals for the Nebraska Statewide Workforce and Education Reporting System; Requires a memorandum of understanding and a report to be filed.

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## Bill Summaries: Bills Vetoed

### **LB 1060 (Cavanaugh) Include hair textures and protective hairstyles within the definition of race under the Nebraska Fair Employment Practice Act**

LB 1060 includes traits historically associated with race, including hair texture and protective hairstyles to the definition of race for the Nebraska Fair Employment Practice Act.

The bill was amended by AM3288 by Senator Cavanaugh on Select File after being pulled back from Final Reading to change the definition of race.

The bill was passed by the legislature and the Governor vetoed the bill after the legislature had adjourned Sine Die and therefore no attempt to override the veto was possible.

## **Bill Summaries: Bills Failed on Final Reading**

### **LB 306 (Crawford) Change provisions relating to good cause for voluntarily leaving employment under the Employment Security Law**

LB 306 creates a new category of good cause for voluntarily leaving employment under the Employment Security Law.

It creates a good cause for leaving employment to care for a family member with a serious health condition and defines those terms. The bill also creates an exception for charges against the employer experience accounts in order that the new proposed exemption will not be charged against the employer's account.

Committee Amendment AM 71 added a requirement that an individual make all reasonable efforts to preserve employment before voluntarily leaving to care for a family member with a serious health condition.

After passing General file with 29 Yes votes and 11 No votes and passing Select File on a voice vote, failed to pass on Final Reading with a vote of 20 Yes votes, 15 No votes, 9 Present and Not Voting and 5 Excused and Not Voting.

No additional action was taken on this bill this year.

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## **Bill Summaries: Bills on Final Reading**

### **LB 254 (McCollister) Adopt the Fair Chance Hiring Act**

LB 254 creates the Fair Chance Hiring Act to require a prospective employer to evaluate a job applicant's qualifications without an initial criminal background check. It is intended to remove criminal history from having a disqualifying impact if the applicant is otherwise qualified for the position. There are exemptions provided for certain jobs.

Senator B. Hansen offered AM 384 on General File and it was adopted. AM 384 rewrote the bill to require that an employer or employment agency that ask an applicant to disclose criminal history afford the applicant the opportunity to explain the circumstances regarding the criminal history.

LB 254 was held on Final Reading by request of the introducer.

No further action was taken this year.

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## **Bill Summaries: Bills on Select File**

### **LB 361 (M. Hansen) Prohibit retaliation under the Nebraska Wage Payment and Collection Act and the Wage and Hour Act**

LB 361 prohibits an employer from retaliating or discriminating against an employee or applicant for employment because the employee or applicant filed a complaint under the Wage and Hour Act or the Nebraska Wage Payment and Collection Act, or participates in an investigation concerning violations of those acts.

The Committee Amendment AM 289 removes applicants from the bill.

LB 361 advanced from General File with a vote with 26 yes votes and 8 no votes. The bill was held on Select File by the request of the introducer.

The bill was not further debated this year.

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### **LB 448 (McDonnell) Change provisions relating to compensation for burial expenses under the Nebraska Workers' Compensation Act**

LB 448 changes the death benefits from the current amount of not more than ten thousand dollars to an amount equal to fourteen times the state average weekly wage.

Committee Amendment AM 935 changes the amount to twelve times the state average weekly wage from fourteen times in the bill.

The bill was advanced to Select File. Senator McDonnell amended the bill with AM2648 to change the calculation for adjusting the increase to use either one percent or the percentage change in the Consumer Price Index.

Provisions of LB 448 were amended into LB 963 by AM2734.

## **Bill Summaries: Bills on General File**

### **LB 305 (Crawford) Adopt the Healthy and Safe Families and Workplaces Act**

LB 305 creates the Healthy and Safe Families and Workplaces Act which requires employers with four or more employees to provide paid sick and safe leave. Safe leave can be used for reasons relating to domestic violence, stalking, or domestic abuse.

The Committee Amendment AM 592 removed domestic partners from the bill.

LB 305 was debated on General File but was not voted on.

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### **LB 311 (Crawford) Adopt the Paid Family and Medical Leave Insurance Act**

LB 311 adopts the Paid Family and Medical Leave Insurance Act. The act creates a paid family and medical leave insurance program to provide partial wage replacement for eligible works to care for themselves or family members.

The Committee Amendment AM 570 makes the following changes: Changes the payback to the Health Care Cash Fund from two year to four year timeline. Allows one year of contribution collections prior to benefit payout as opposed to six months in the original bill. Allows employees to take six weeks of personal medical leave instead of twelve. Removes the term domestic partner.

LB 311 was Senator Cavanaugh's priority bill. The bill was debated on General File but no votes were taken and it was removed from the agenda after three hours of debate per the policy of the Speaker.

LB 311 was not further debated this year.

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**LB 345 (Wishart) Prohibit mandatory overtime for certain state employees**

LB 345 requires employees that work in facilities that provide services to individuals under twenty-four-hour observation shall not be required to work more than twelve consecutive hours. The bill also prohibits such employees from working seven straight days without a day off of work. The bill states that the acceptance of overtime is to be strictly voluntary.

The Committee Amendment AM 626 becomes the bill. The amendment provides definitions of terms. It retains the requirement that an employee may not be required to work more than twelve consecutive hours or be required to work more than seven straight days without a day off. Acceptance of overtime is strictly voluntary and an employee cannot be disciplined in any way for refusing to work overtime hours. The Amendment also adds a provision allowing the director to declare a temporary emergency in the case of riots, natural disasters, or severe weather. The emergency cannot persist for longer than thirty days and notice of the emergency declaration must be provided to the Executive Board.

LB 345 was not debated this year.

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**LB 400 (Hunt) Change the minimum wage for persons compensated by way of gratuities**

LB 400 increases the minimum wage for persons compensated by way of gratuities. Currently the wage is \$2.13/hour. The bill increases the wage to 40% of the minimum wage rate in effect on January 1, 2020 until January 1, 2021 when the wage goes up to 50% of the minimum wage in effect. Assuming the Nebraska minimum wage remains at \$9.00/hour the wage will increase in this bill to \$3.60 on January 1,

2020 and then to \$4.50 on January 1, 2021.

LB 400 was Senator Hunt's priority bill. The bill was debated on General File but no votes were taken and it was removed from the agenda after three hours of debate per the policy of the Speaker.

LB 400 was not further debated this year.

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**LB 527 (Bolz) Adopt the Customized Job Training Act**

The Customized Job Training Act provides a dedicated funding source and legislative guidance for the customized job training grant program that has in previous years been funded periodically through the appropriations process.

Committee Amendment AM 1573 replaces the bill. The amendment creates the Customized Job Training Act administered by the Department of Economic Development and creates a Customized Job Training Cash Fund. The amendment provides grants for net new jobs or a net increase in wages and provides standards for job training reimbursement. The bill does not providing funding for the cash fund.

Provisions of LB 527 were amended into LB 1107 by AM3316.

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**LB 577 (Vargas) Provide additional powers to the Commissioner of Labor related to investigations under and violations of the Employee Classification Act**

LB 577 grants additional powers to the Commissioner of Labor to expedite an investigation under the Employee Classification Act and immediately order the contractor to cease performance when the health, safety, and general welfare of the public is threatened.

LB 577 was not debated this year.

**LB 604 (Lindstrom) Authorize High-Wage Jobs and Capital Investment Creation Fund entities and provide grants, loans, and economic assistance to such entities**

LB 604 creates the High-Wage Jobs and Capital Investment Fund. The fund's purpose is to provide capital to create jobs in high need industries and in all areas of the state. The bill generates a capital investment for qualified jobs and qualified businesses and requires matching private funds. The intent is to enable small businesses to expand and create jobs by providing access to affordable growth capital.

LB 604 was not debated this year.

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**LB 667 (Vargas) Adopt the Youth Opportunities in Learning and Occupations Act**

LB 667 creates the Youth Opportunities in Learning and Occupations Act (YOLO). The intent of the bill is to offer training services to young people and expose them to potential employment opportunities in the state. The bill creates a grant fund within the Department of Labor to provide training for young people in the state. The bill intends to appropriate twenty million dollars for fiscal year 2019-20.

The Committee held a hearing on AM3384 by Senator Vargas which struck the original provisions of LB 667 and introduced a new topic on worker safety in meatpacking operations due to the Coronavirus epidemic.

The bill was not debated this year.

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**LB 788 (Slama) Change and eliminate provisions relating to the Department of Labor**

LB 788 changes the due date for the annual Worker Training Board Report from July 1 to December 31. The bill also provides flexibility to the required fee for contractor registration by allowing a fee up to \$40 instead of setting the fee at \$40.

The bill also outright repeals the following statutes:

- The Service Letter Law Neb. Rev. Stat. §§ 48-209 to 48-211,
- The Employment Agency Law Neb. Rev. Stat. §§ 48-501.01 to 48-524, and
- Neb. Rev. Stat. §48-440 concerning requirements to notify the Commissioner of Labor before operations are performed near overhead high voltage conductors.

Provisions of LB 788 were amended into LB 1016 by AM2350.

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**LB 888 (Hilgers) Change State Tort Claims Act provisions relating to authority of the Risk Manager and State Claims Board**

LB 888 adds clarifying language in the state claims process by adding a reference to the Risk Manager for tort claims against the state.

The bill was not debated this year.

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**LB 926 (Business and Labor Committee) Change provisions relating to violations of the Employee Classification Act**

LB 926 amends the Employee Classification Act by changing the hearing process to mirror the Wage Payment and Collection Act citation and hearing process. The Nebraska Department of Labor administers and enforces both programs. LB 926 provides the same process for both acts.

Provisions of LB 926 were amended into LB 1016 by AM2350.

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**Bill Summaries: Bills Held in Committee**

**LB 19 (Briese) Allow withholding from public of reports of injury under the Nebraska Workers' Compensation Act as prescribed and provide duties for the Nebraska Workers' Compensation Court**

LB 19 intends to keep workers' compensation records private. Records can be accessed by the employee, employer, nonprofits for sending memorials or grief counseling, and if requested, by state or federal investigation or examination.

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**LB 362 (M. Hansen) Require payment of unpaid wages for violations of the Nebraska Wage Payment and Collection Act**

Requires the payment of unpaid wages by the employer found to be in violation of the Nebraska Wage Payment and Collection Act to any affected employees in the citation.

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**LB 363 (M. Hansen) Adopt the In the Line of Duty Compensation Act**

LB363 creates the In the Line of Duty Compensation Act to provide a one-time death benefit to the family of a firefighter or law enforcement officer who dies in the line of duty. To receive compensation, claims would need to be filed with the State Claims Board within one year and would exclude deaths resulting from willful misconduct of the firefighter or law enforcement officer.

The claim would be for \$50,000 and that amount is indexed to the Consumer Price Index for all Urban Consumers and updated annually. The claim is made to the Risk Manager

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**LB 364 (Quick) Change provisions relating to a limit on fees under the Nebraska Workers' Compensation Act**

LB 364 would not allow physicians to charge more than is allowed by a fee schedule set up by the Workers Compensation Court for reports showing the injury was caused by a workplace accident.

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**LB 383 (Quick) Provide for an annual adjustment to the minimum wage**

Starting January 31, 2020 and annually thereafter the State Treasurer shall adjust the minimum wage to reflect the average annual percentage change in the consumer price index (CPI) for the most recent five-year period for which data is available. The minimum wage is adjusted to the nearest cent divisible by five and would go into effect on April 1st.

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**LB 408 (Quick) Change provisions relating to compensation paid upon the death on an employee under the Nebraska Workers' Compensation Act**

LB 408 provides that if an employee is killed in a compensable accident and that employee has no dependents the employee's estate would receive \$25,000.

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**LB 465 (M. Hansen) Deny payment of claims against the state**

There were no denied claims.

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**LB 487 (La Grone) Require the Nebraska Workers' Compensation Court to adopt an evidence-based drug formulary**

LB 487 requires the Workers' Compensation Court to adopt an evidence-based drug formulary for prescription drugs. Such formulary applies to prescription drugs for outpatient use in connection with any workers' compensation claim with a date of injury on or after January 1, 2020.

A prescription drug included in the formulary is presumed reasonable and may be prescribed and dispensed without prior authorization. A prescription drug that is not included in the formulary requires prior authorization from the workers' compensation insurer, risk management pool, or self-insured employer.

The court shall meet and consult with employers, insurers, private sector employee representatives, public sector employee representatives, physicians, pharmacists, and attorneys who represent workers or employers in order to develop the drug formulary.

Any party can request a finding by an independent medical examiner for a prescription drug that is not included and prior authorization has been denied.

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**LB 526 (McDonnell) Change provisions relating to compensation for temporary disability under the Nebraska Workers' Compensation Act**

LB 526 requires that payments for temporary disability under the Nebraska Workers' Compensation Act continue until either a permanent disability has been measured, or thirty days' notice was given to the employee with evidence used to make the determination to cease benefits.

**LB 576 (Lathrop) Change provisions relating to presumptions regarding causes of death or disability of certain firefighters and firefighter-paramedics**

LB576 would establish a rebuttable presumption that firefighters who suffer death or disability as a result of cancer, hypertension or heart or respiratory defect or disease, did so as a result of their work for the purposes of the Nebraska Workers' Compensation Act. This rebuttable presumption already exists for other post-employment benefits.

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**LB 644 (McDonnell) Adopt the Nebraska Workforce Diploma Act**

LB 644 creates a program to give adults an opportunity to earn their high school diploma. The intent of the bill is to increase the number of Nebraskans eligible for certain mid-skill level jobs and to remove barriers to career advancement.

Attorney General Opinion 19-004 provided on the constitutionality of LB 644.

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**LB 813 (Bolz) State intent regarding appropriations for apprenticeships and provide powers for the Department of Labor**

LB 813 states an intent to appropriate four million dollars from the General Fund to the Department of Labor to expend existing initiatives and provide grants for employers in establishing apprenticeship programs.

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**LB 846 (Quick) Change provisions relating to compensation under the Nebraska Workers' Compensation Act**

LB 846 changes the waiting period under the Nebraska Workers' Compensation Act to receive wage benefits for days away from work



due to a workplace injury. Currently, to receive benefits after a workplace injury or illness a worker must be out of the workplace for at least seven days, and in order to receive retroactive benefits for those seven days the worker must be out of the workplace for six weeks or longer.

LB 846 changes those waiting periods from seven days to three days, and from six weeks to two weeks.

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**LB 915 (Hunt) Change the minimum wage for persons compensated by way of gratuities**

LB 915 changes the minimum wage for persons compensated by way of gratuities. Currently the minimum wage is \$2.13 and would increase to \$3.60 on January 1, 2021 and then to \$4.50 after January 1, 2022.

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**LB 928 (Business and Labor Committee) Deny claims against the state**

There were no denied claims.

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**LB 1101 (Halloran) Change the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act**

LB 1101 changes the schedule of compensation for the loss or loss of use of more than one specific body part from injury or illness resulting in a disability under the Nebraska Workers' Compensation Law.

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**LB 1103 (M. Hansen) Change requirements for lump-sum settlement approval or release by the Nebraska Workers' Compensation Court**

LB 1103 removes a requirement that the Nebraska Workers' Compensation Court approve a lump sum settlement if the employee is eligible for Medicare or has a reasonable expectation of becoming eligible for Medicare within thirty months if the employee's right to receive future medical care is specifically excluded from the settlement. Current law already requires both parties to be represented by counsel and by removing this requirement it will allow lump sum settlements of this nature to go into effect without further action required by the Workers' Compensation Court.

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**LB 1126 (Vargas) Change attorney's fees, penalties, and interest provisions under the Nebraska Workers' Compensation Act**

LB 1126 changes when attorney's fees, penalties, and interests are awarded in workers compensation claims.

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**LB 1127 (Vargas) Change and provide contempt powers for the Nebraska Workers' Compensation Court**

LB 1127 explicitly states that the compensation court has contempt power.

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**LB 1128 (Vargas) Provide an exception for a claim based on bad faith and a limitation of action under the Nebraska Workers' Compensation Act**

LB 1128 allows claims against insurance companies for bad faith denial of workers' compensation benefits if the insurer or its agents denied benefits without a reasonable basis.

**LB 1129 (Vargas) Provide an exception for a claim based on bad faith and a limitation of action under the Nebraska Workers' Compensation Act**

LB 1129 requires contractors to carry workers' compensation insurance when a portion of the contract to a contractor or subcontractor when the work is ordinarily done by employees.

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**LB 1216 (Vargas) Adopt the H3 Rural Renewal Award Act**

LB 1216 creates the H3 Rural Renewal Award Act. The intent is to economic development and encourage high wage, high skilled, and high demand occupations in Nebraska counties that have experienced population decline. The bill creates a fund to provide cash awards to eligible individuals.

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**List of Business and Labor Interim Studies**  
**By Priority**

- LR 359 (M. Hansen) Interim study to review the Employment Security Law and the effects of the COVID-19 pandemic on the efficacy of the law
- LR 459 (Vargas) Interim study to review the effects of COVID-19 on the safety of workers in Nebraska
- LR 358 (M. Hansen) Interim study to review the Nebraska Workers' Compensation Act
- LR 391 (Crawford) Interim study to conduct a review of current academic literature and research examining the impact of paid sick leave policies on pandemic spread in various states and industries
- LR 381 (M. Hansen) Interim study to review the collective-bargaining agreements of law enforcement agencies and the statutory requirements for such agreements
- LR 356 (M. Hansen) Interim study to examine issues within the jurisdiction of the Business and Labor Committee
- LR 441 (Cavanaugh) Interim study to examine issues related to paid family and medical leave
- LR 357 (M. Hansen) Interim study to review occupational regulations for locksmiths

## Index of Business and Labor Committee Bills by Subject Matter

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- LB 465 (M. Hansen) Deny payment of claims against the state
- LB 927 (Business and Labor Committee) Provide for payment of claims against the state
- LB 928 (Business and Labor Committee) Deny claims against the state

### Construction and Contractors

- LB 577 (Vargas) Provide additional powers to the Commissioner of Labor related to investigations under and violations of the Employee Classification Act

### Employee Classification Act

- LB 926 (Business and Labor Committee) Change provisions relating to violations of the Employee Classification Act

### Employment Security Law

- LB 305 (Crawford) Adopt the Healthy and Safe Families and Workplaces Act

### Labor Standards and Employment Discrimination

- LB 217 (Pansing Brooks) Prohibit discrimination against an employee for communicating about employee wages, benefits, or other compensation
- LB 254 (McCollister) Adopt the Fair Chance Hiring Act
- LB 305 (Crawford) Adopt the Healthy and Safe Families and Workplaces Act

LB 311 (Crawford) Adopt the Paid Family and Medical Leave Insurance Act

LB 1060 (Cavanaugh) Include hair textures and protective hairstyles within the definition of race under the Nebraska Fair Employment Practice Act

### Minimum Wage

LB 383 (Quick) Provide for an annual adjustment to the minimum wage

LB 400 (Hunt) Change the minimum wage for persons compensated by way of gratuities

LB 915 (Hunt) Change the minimum wage for persons compensated by way of gratuities

### Wage Payment and Collection Act

LB 361 (M. Hansen) Prohibit retaliation under the Nebraska Wage Payment and Collection Act and the Wage and Hour Act

LB 362 (M. Hansen) Require payment of unpaid wages for violations of the Nebraska Wage Payment and Collection Act

LB 1016 (M. Hansen) Change provisions regarding the worker training program, the Nebraska Wage Payment and Collection Act, the Contractor Registration Act, and the Employee Classification Act and eliminate provisions regarding service letters, high voltage lines, and private employment companies

### Workers' Compensation

LB 19 (Briese) Allow withholding from public of reports of injury under the Nebraska Workers' Compensation Act as prescribed and provide duties for the Nebraska Workers' Compensation Court

- LB 364 (Quick) Change provisions relating to a limit on fees under the Nebraska Workers' Compensation Act
- LB 408 (Quick) Change provisions relating to compensation paid upon the death on an employee under the Nebraska Workers' Compensation Act
- LB 448 (McDonnell) Change provisions relating to compensation for burial expenses under the Nebraska Workers' Compensation Act
- LB 487 (La Grone) Require the Nebraska Workers' Compensation Court to adopt an evidence-based drug formulary
- LB 526 (McDonnell) Change provisions relating to compensation for temporary disability under the Nebraska Workers' Compensation Act
- LB 846 (Quick) Change provisions relating to compensation under the Nebraska Workers' Compensation Act
- LB 963 (Brewer) Change workers' compensation provisions for injuries to first responders and frontline state employees and burial expenses
- LB 1101 (Halloran) Change the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act
- LB 1103 (M. Hansen) Change requirements for lump-sum settlement approval or release by the Nebraska Workers' Compensation Court
- LB 1126 (Vargas) Change attorney's fees, penalties, and interest provisions under the Nebraska Workers' Compensation Act
- LB 1127 (Vargas) Change and provide contempt powers for the Nebraska Workers' Compensation Court
- LB 1128 (Vargas) Provide an exception for a claim based on bad faith and a limitation of action under the Nebraska Workers' Compensation Act

LB 1129 (Vargas) Change evasion of law provisions and ensure certain coverage under the Nebraska Workers' Compensation Act

Workforce Development

LB 527 (Bolz) Adopt the Customized Job Training Act

LB 604 (Lindstrom) Authorize High-Wage Jobs and Capital Investment Creation Fund entities and provide grants, loans, and economic assistance to such entities

LB 644 (McDonnell) Adopt the Nebraska Workforce Diploma Act

LB 667 (Vargas) Adopt the Youth Opportunities in Learning and Occupations Act

LB 813 (Bolz) State intent regarding appropriations for apprenticeships and provide powers for the Department of Labor

LB 1160 (M. Hansen) Adopt the Nebraska Statewide Workforce and Education Reporting System Act

LB 1216 (Vargas) Adopt the H3 Rural Renewal Award Act

Miscellaneous

LB 345 (Wishart) Prohibit mandatory overtime for certain state employees

LB 363 (M. Hansen) Adopt the In the Line of Duty Compensation Act

LB 576 (Lathrop) Change provisions relating to presumptions regarding causes of death or disability of certain firefighters and firefighter-paramedics

LB 788 (Slama) Change and eliminate provisions relating to the Department of Labor



LB 888 (Hilgers) Change State Tort Claims Act provisions relating to authority of the Risk Manager and State Claims Board

LB 962 (Hunt) Adopt the Nebraska Fair Pay to Play Act