

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 397

Introduced by Lathrop, 12.

Read first time January 13, 2011

Committee: Business and Labor

A BILL

- 1 FOR AN ACT relating to the Industrial Relations Act; to amend section
- 2 48-801, Reissue Revised Statutes of Nebraska; to redefine
- 3 a term; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-801, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-801 As used in the Industrial Relations Act, unless
4 the context otherwise requires:

5 (1) Person shall include an individual, partnership,
6 limited liability company, association, corporation, business trust,
7 or other organized group of persons;

8 (2) Governmental service shall mean all services
9 performed under employment by the State of Nebraska, any political or
10 governmental subdivision thereof, any municipal corporation, or any
11 public power district or public power and irrigation district;

12 (3) Public utility shall include any individual,
13 partnership, limited liability company, association, corporation,
14 business trust, or other organized group of persons, any political or
15 governmental subdivision of the State of Nebraska, any public
16 corporation, or any public power district or public power and
17 irrigation district, which carries on an intrastate business in this
18 state and over which the government of the United States has not
19 assumed exclusive regulation and control, that furnishes
20 transportation for hire, telephone service, telegraph service,
21 electric light, heat and power service, gas for heating or
22 illuminating, whether natural or artificial, or water service, or any
23 one or more thereof;

24 (4) Employer shall mean the State of Nebraska or any
25 political or governmental subdivision of the State of Nebraska except

1 the Nebraska National Guard or state militia. Employer shall also
2 mean any municipal corporation, any public power district or public
3 power and irrigation district, or any public utility;

4 (5) Employee shall include any person employed by any
5 employer as defined in subdivision (4) of this section;

6 (6) Labor organization shall mean any organization of any
7 kind or any agency or employee representation committee or plan, in
8 which employees participate and which exists for the purpose, in
9 whole or in part, of dealing with employers concerning grievances,
10 labor disputes, wages, rates of pay, hours of employment, or
11 conditions of work;

12 (7) Industrial dispute shall include any controversy
13 concerning terms, tenure, or conditions of employment, or concerning
14 the association or representation of persons in negotiating, fixing,
15 maintaining, changing, or seeking to arrange terms or conditions of
16 employment, or refusal to discuss terms or conditions of employment;

17 (8) Commission shall mean the Commission of Industrial
18 Relations;

19 (9) Commissioner shall mean a member of the commission;

20 and

21 (10) Supervisor shall mean any employee having authority,
22 in the interest of the employer, to hire, transfer, suspend, lay off,
23 recall, promote, discharge, assign, reward, or discipline other
24 employees, or responsibly to direct them or to adjust their
25 grievances, or effectively to recommend such action, if in connection

1 with the foregoing the exercise of such authority is not a merely
2 routine or clerical nature, but requires the use of independent
3 judgment.

4 Sec. 2. Original section 48-801, Reissue Revised Statutes
5 of Nebraska, is repealed.