

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 753

Introduced by Landis, 46

Read first time January 20, 1999

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Nebraska Wage Payment and Collection
2 Act; to amend section 48-1229, Reissue Revised Statutes
3 of Nebraska; to redefine a term; and to repeal the
4 original section.

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

1 Section 1. Section 48-1229, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-1229. For purposes of the Nebraska Wage Payment and
4 Collection Act, unless the context otherwise requires:

5 (1) Employer ~~shall mean~~ means any individual,
6 partnership, limited liability company, association, joint-stock
7 company, trust, corporation, political subdivision, or personal
8 representative of the estate of a deceased individual, or the
9 receiver, trustee, or successor thereof, within or without the
10 state, employing any person within the state as an employee; ~~7~~
11 ~~except that employer shall not be construed to include the state;~~

12 (2) Employee ~~shall mean~~ means any individual permitted to
13 work by an employer pursuant to an employment relationship or who
14 has contracted to sell the goods of an employer and to be
15 compensated by commission. Services performed by an individual for
16 an employer shall be deemed to be employment, unless it is shown
17 that (a) such individual has been and will continue to be free from
18 control or direction over the performance of such services, both
19 under his or her contract of service and in fact, (b) such service
20 is either outside the usual course of business for which such
21 service is performed or such service is performed outside of all
22 the places of business of the enterprise for which such service is
23 performed, and (c) such individual is customarily engaged in an
24 independently established trade, occupation, profession, or
25 business. This subdivision is not intended to be a codification of
26 the common law and shall be considered complete as written;

27 (3) Fringe benefits ~~shall include~~ includes sick and
28 vacation leave plans, disability income protection plans,

1 retirement, pension, or profit-sharing plans, health and accident
2 benefit plans, and any other employee benefit plans or benefit
3 programs regardless of whether the employee participates in such
4 plans or programs; and

5 (4) Wages ~~shall mean~~ means compensation for labor or
6 services rendered by an employee, including fringe benefits, when
7 previously agreed to and conditions stipulated have been met by the
8 employee, whether the amount is determined on a time, task, fee,
9 commission, or other basis. Wages ~~shall include~~ includes
10 commissions on all orders delivered and all orders on file with the
11 employer at the time of termination of employment less any orders
12 returned or canceled at the time suit is filed.

13 Sec. 2. Original section 48-1229, Reissue Revised
14 Statutes of Nebraska, is repealed.