

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 585**

Introduced by Bourne, 8

Read first time January 21, 2003

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend sections 48-1230 to 48-1232,  
2 Reissue Revised Statutes of Nebraska; to require an  
3 itemized statement of deductions on paychecks; to provide  
4 a remedy; to harmonize provisions; and to repeal the  
5 original sections.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 48-1230, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   48-1230. (1) Except as otherwise provided in this  
4 section, each employer shall pay all wages due its employees on  
5 regular days designated by the employer or agreed upon by the  
6 employer and employee. Thirty days' written notice shall be given  
7 to an employee before regular paydays are altered by an employer.  
8 An employer may deduct, withhold, or divert a portion of an  
9 employee's wages only when the employer is required to or may do so  
10 by state or federal law or by order of a court of competent  
11 jurisdiction or the employer has written agreement with the  
12 employee to deduct, withhold, or divert. Whenever an employer,  
13 other than a political subdivision, separates an employee from the  
14 payroll, the unpaid wages shall become due on the next regular  
15 payday or within two weeks of the date of termination, whichever is  
16 sooner. Whenever a political subdivision separates an employee  
17 from the payroll, the unpaid wages shall become due within two  
18 weeks of the next regularly scheduled meeting of the governing body  
19 of the political subdivision if such employee is separated from the  
20 payroll at least one week prior to such meeting. When an employee  
21 of a political subdivision is separated from the payroll less than  
22 one week prior to the next regularly scheduled meeting of the  
23 governing body of the political subdivision, unpaid wages shall be  
24 due within two weeks of the following regularly scheduled meeting  
25 of the governing body of the political subdivision.

26                   (2) Every employer shall furnish each employee with a  
27 legible printed, typewritten, or handwritten itemized statement of  
28 deductions made from that employee's wages for each pay period

1 deductions are made. Employers of domestic labor in private homes  
2 are exempt from the requirements of this subsection.

3           Sec. 2.     Section 48-1231, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           48-1231. (1) An employee having a claim for wages which  
6 are not paid within thirty days of the regular payday designated or  
7 agreed upon may institute suit for such unpaid wages in the proper  
8 court. If an employee establishes a claim and secures judgment on  
9 the claim, such employee shall be entitled to recover (1) the full  
10 amount of the judgment and all costs of such suit and (2) if such  
11 employee has employed an attorney in the case, an amount for  
12 attorney's fees assessed by the court, which fees shall not be less  
13 than twenty-five percent of the unpaid wages. If the cause is  
14 taken to an appellate court and the plaintiff recovers a judgment,  
15 the appellate court shall tax as costs in the action, to be paid to  
16 the plaintiff, an additional amount for attorney's fees in such  
17 appellate court, which fees shall not be less than twenty-five  
18 percent of the unpaid wages. If the employee fails to recover a  
19 judgment in excess of the amount that may have been tendered within  
20 thirty days of the regular payday by an employer, such employee  
21 shall not recover the attorney's fees provided by this section. If  
22 the court finds that no reasonable dispute existed as to the fact  
23 that wages were owed or as to the amount of such wages, the court  
24 may order the employee to pay the employer's attorney's fees and  
25 costs of the action as assessed by the court.

26           (2) An employee having a claim for lack of an itemized  
27 statement of deductions may institute suit for an injunction to  
28 order the employer to comply. The employee shall be awarded

1 reasonable attorney's fees if an injunction is ordered.

2           Sec. 3.     Section 48-1232, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           48-1232.  If an employee establishes a claim and secures  
5 judgment on such claim under subsection (1) of section 48-1231:  
6 (1) An amount equal to the judgment may be recovered from the  
7 employer; or (2) if the nonpayment of wages is found to be willful,  
8 an amount equal to two times the amount of unpaid wages shall be  
9 recovered from the employer.  Any amount recovered pursuant to  
10 subdivision (1) or (2) of this section shall be placed in a fund to  
11 be distributed to the common schools of this state.

12           Sec. 4.     Original sections 48-1230 to 48-1232, Reissue  
13 Revised Statutes of Nebraska, are repealed.