

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 177

Introduced by Smith, 14.

Read first time January 14, 2013

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend section 48-1228, Reissue
2 Revised Statutes of Nebraska; to provide enforcement and
3 penalty provisions to the Nebraska Wage Payment and
4 Collection Act; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1228, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-1228 Sections 48-1228 to 48-1232 and section 2 of this
4 act shall be known and may be cited as the Nebraska Wage Payment and
5 Collection Act.

6 Sec. 2. (1) The Commissioner of Labor may investigate and
7 subpoena records and witnesses related to the enforcement of the
8 Nebraska Wage Payment and Collection Act and may assess a civil
9 penalty of up to one thousand dollars per violation of the act as
10 determined by the commissioner. The commissioner shall determine
11 whether an employer who willfully violates the act by not paying
12 wages owed is liable for waiting time damages to the employee
13 affected, in the amount of fifty percent of the wages owed.
14 Procedures for notice and the opportunity for a hearing shall be
15 pursuant to the Administrative Procedure Act. The employer may appeal
16 an order of the commissioner in accordance with the Administrative
17 Procedure Act.

18 (2) Any employer that continues to violate the act by
19 refusing to pay wages owed or waiting time damages shall be reported
20 by the commissioner to the county attorney for the county in which
21 the violation occurred to prosecute the same in the county court in
22 the county where the offense occurred. An employer found guilty under
23 this subsection shall be guilty of a Class IV misdemeanor and shall
24 be charged with the costs of such action.

25 Sec. 3. Original section 48-1228, Reissue Revised

1 Statutes of Nebraska, is repealed.