## LEGISLATURE OF NEBRASKA

## ONE HUNDRED FOURTH LEGISLATURE

## SECOND SESSION

## **LEGISLATIVE BILL 928**

Introduced by Mello, 5; Baker, 30; Bolz, 29; Campbell, 25; Cook, 13; Crawford, 45; Hansen, 26; Howard, 9; Pansing Brooks, 28.

Read first time January 12, 2016

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to labor; to amend sections 48-1220 and
- 2 48-1221, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to discriminatory wage practices based on sex; and to
- 4 repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

LB928 2016

1 Section 1. Section 48-1220, Reissue Revised Statutes of Nebraska, is

- 2 amended to read:
- 3 48-1220 As used in sections 48-1219 to 48-1227.01, unless the
- 4 context otherwise requires:
- (1) Employee shall mean any individual employed by an employer, 5
- including individuals employed by the state or any of its political 6
- 7 subdivisions including public bodies;
- (2) Employer shall mean any person acting directly or indirectly in 8
- 9 the interest of an employer in relation to one or more employees.
- 10 Employer engaged in an industry who has fifteen or more employees for
- each working day in each of twenty or more calendar weeks in the current 11
- or preceding calendar year, any agent of such person, and any party whose 12
- business is financed in whole or in part under the Nebraska Investment 13
- Finance Authority Act, and includes the State of Nebraska, 14
- governmental agencies, and political subdivisions, regardless of the 15
- 16 number of employees, but such term shall not include the United States, a
- 17 corporation wholly owned by the government of the United States, or an
- 18 Indian tribe;
- (3) Wage rate shall mean all compensation for employment including 19
- payment in kind and amounts paid by employers for employee benefits as 20
- defined by the commission in regulations issued under sections 48-1219 to 21
- 22 48-1227;
- 23 (4) Employ shall include to suffer or permit to work;
- 24 (5) Commission shall mean the Equal Opportunity Commission;—and
- 25 (6) Person shall include one or more individuals, partnerships,
- liability companies, corporations, 26 limited legal representatives,
- trustees, trustees in bankruptcy, or voluntary associations; and -27
- 28 (7) Occupation shall include any industry, trade, business or branch
- thereof, or any employment or class of employment, but shall not include 29
- domestic employment in private homes. 30
- Sec. 2. Section 48-1221, Reissue Revised Statutes of Nebraska, is 31

- 1 amended to read:
- 2 48-1221 (1) No employer shall discriminate between employees in the
- 3 same establishment on the basis of sex, by paying wages to any employee
- 4 in any occupation in this state such establishment at a wage rate less
- 5 than the rate at which the employer pays any employee of the opposite sex
- 6 in such establishment for comparable equal work on jobs which require
- 7 <u>comparable</u> equal skill, effort, and responsibility—under similar working
- 8 conditions. Wage differentials are not within this prohibition where such
- 9 payments are made pursuant to: (a) An established seniority system; (b) a
- 10 merit increase system; or (c) a system which measures earning by quantity
- or quality of production or any factor other than sex.
- 12 (2) An employer who is paying a wage differential in violation of
- 13 the provisions of sections 48-1219 to 48-1227 shall not, in order to
- 14 comply with it, reduce the wage rates of any employee.
- 15 (3) No person shall cause or attempt to cause an employer to
- 16 discriminate against any employee in violation of the provisions of
- 17 sections 48-1219 to 48-1227.
- 18 (4) No employer may discharge or discriminate against any employee
- 19 by reason of any action taken by such employee to invoke or assist in any
- 20 manner the enforcement of the provisions of sections 48-1219 to 48-1227.
- 21 (5) An unlawful employment practice occurs under this section when a
- 22 discriminatory compensation decision or other practice is adopted; when
- 23 <u>an individual becomes subject to a discriminatory compensation decision</u>
- 24 or other practice; or when an individual is affected by application of a
- 25 discriminatory compensation decision or other practice, including each
- 26 <u>time wages, benefits, or other compensation is paid, resulting in whole</u>
- 27 <u>or in part from such a decision or other practice.</u>
- 28 Sec. 3. Original sections 48-1220 and 48-1221, Reissue Revised
- 29 Statutes of Nebraska, are repealed.