Introduced by Hunt, 8; Hansen, M., 26.

Read first time January 10, 2020

Committee: Business and Labor

1 A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2018; to change the minimum wage for persons compensated by way of gratuities; to change provisions relating to the posting of information; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,
Section 1. Section 48-1203, Revised Statutes Cumulative Supplement, 2018, is amended to read:

48-1203 (1) Except as otherwise provided in this section and section 48-1203.01, every employer shall pay to each of his or her employees a minimum wage of:

(a) Seven dollars and twenty-five cents per hour through December 31, 2014;

(b) Eight dollars per hour on and after January 1, 2015, through December 31, 2015; and

(c) Nine dollars per hour on and after January 1, 2016.

(2) (a) For persons compensated by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay wages at the minimum rate provided in subdivision (2) of this section of two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section. In determining whether or not the individual is compensated by way of gratuities, the burden of proof shall be upon the employer.

(b) The minimum wage rate for persons compensated by way of gratuities shall be:

(i) Two dollars and thirteen cents per hour for wages paid prior to January 1, 2021;

(ii) Three dollars and sixty cents per hour for wages paid on or after January 1, 2021, and before January 1, 2022; and

(iii) Four dollars and fifty cents per hour for wages paid on or after January 1, 2022.

(3) Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate which would otherwise be applicable.
Sec. 2. Section 48-1205, Reissue Revised Statutes of Nebraska, is amended to read:

48-1205 Every employer subject to the Wage and Hour Act provisions of sections 48-1201 to 48-1209 shall keep a summary of the act sections furnished by the Commissioner of Labor without charge, posted in a conspicuous place on or about the premises wherein any person subject to the act provisions of sections 48-1201 to 48-1209 is employed. The summary shall include the minimum wage amounts in effect under the act.

Sec. 3. Original section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2018, are repealed.