

AMENDMENTS TO LB397

Introduced by Cavanaugh, J., 9.

1           1. Insert the following new section:

2           **Sec. 3.** Section 48-443, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           48-443 ~~(1) Every (1)(a) Not later than January 1, 1994, every public~~  
5 ~~and private~~ employer subject to the Nebraska Workers' Compensation Act  
6 shall establish a safety committee. Such committee shall adopt and  
7 maintain an effective written injury prevention program.

8           ~~(b) A client of a professional employer organization is not relieved~~  
9 ~~of its obligation to establish a safety committee based on its workers~~  
10 ~~being co-employees of the professional employer organization. A~~  
11 ~~professional employer agreement shall not allocate the client's~~  
12 ~~responsibility to establish a safety committee to the professional~~  
13 ~~employer organization. For purposes of this subdivision, the terms~~  
14 ~~client, professional employer organization, and professional employer~~  
15 ~~agreement shall have the same meaning as in section 48-2702. This~~  
16 ~~subdivision becomes operative on January 1, 2012.~~

17           (2)(a) For public employers subject to collective-bargaining  
18 agreements, the establishment of the safety committee shall be  
19 accomplished through the collective-bargaining process.

20           (b) For public employers not subject to collective-bargaining  
21 agreements, the safety committee shall be composed of an equal number of  
22 members representing employees and the employer. Employee members shall  
23 not be selected by the employer but shall be selected pursuant to  
24 procedures prescribed in rules and regulations adopted and promulgated by  
25 the Commissioner of Labor.

26           (c) The cost of maintaining and operating the safety committee shall  
27 be minimal to the public employer.

1           (3) A public ~~An~~ employer shall compensate employee members of the  
2 safety committee at their regular hourly wage plus their regular benefits  
3 while the employees are attending committee meetings or otherwise engaged  
4 in committee duties.

5           (4) An employee shall not be discharged or discriminated against by  
6 his or her employer because he or she makes any oral or written complaint  
7 to the safety committee or any governmental agency having regulatory  
8 responsibility for occupational safety and health, and any employee so  
9 discharged or discriminated against shall be reinstated and shall receive  
10 reimbursement for lost wages and work benefits caused by the employer's  
11 action.

12           (5) The Commissioner of Labor shall adopt and promulgate rules and  
13 regulations to carry out this section.

14           2. On page 13, line 1, strike "48-443, 48-444," and insert "48-444".

15           3. Renumber the remaining sections and correct the repealer  
16 accordingly.