

AMENDMENTS TO LB532

Introduced by Business and Labor.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** For purposes of sections 1 to 9 of this act:

4 (1) Agency means an agency, department, board, or commission of this
5 state or of a political subdivision of this state that issues a license
6 for purposes of operating a business in this state;

7 (2) Approved method of notice means certified mail or any other
8 manner of delivery by which the United States Postal Service can verify
9 delivery or any method of service recognized under Chapter 25, article 5;

10 (3) Commissioner means the Commissioner of Labor;

11 (4) Department means the Department of Labor;

12 (5) Employee means:

13 (a) An individual who performs labor or services in this state for
14 an employer pursuant to an employment relationship between the person and
15 employer; or

16 (b) An independent contractor of an employer;

17 (6)(a) Employer means a person engaged in an industry who has
18 twenty-five or more employees for each working day in each of twenty or
19 more calendar weeks in the current or preceding calendar year.

20 (b) Employer does not include local, state, or federal governmental
21 agencies or political subdivisions or any corporation wholly owned by
22 such an agency or subdivision;

23 (7) Employment has the same meaning as in section 48-604, except
24 that the exclusion in subdivision (5) of such section shall not apply;

25 (8) E-Verify means the electronic verification of the work
26 authorization program of the Illegal Immigration Reform and Immigrant
27 Responsibility Act of 1996, 8 U.S.C. 1324a, or an equivalent federal

1 program designated by the United States Department of Homeland Security
2 or other federal agency authorized to verify the work eligibility status
3 of a newly hired employee pursuant to the Immigration Reform and Control
4 Act of 1986;

5 (9) License means any agency license, permit, certificate, approval,
6 registration, charter, or similar form of authorization required by law
7 and issued by an agency for the purpose of doing business in this state;
8 and

9 (10) Unauthorized alien has the same meaning as in 8 U.S.C. 1324a(h)
10 (3).

11 **Sec. 2.** (1) An employer shall, after making an offer of employment
12 which has been accepted by an employee, verify the employment
13 authorization of each such employee using E-Verify. Such verification
14 shall occur within the period after hiring stipulated by federal law,
15 regulations, and procedures.

16 (2) If the commissioner determines that an employer has violated
17 this section, the commissioner shall notify the employer of such
18 determination using an approved method of notice. The employer has
19 fifteen working days after the date of the notice to contest such
20 determination. Notice of contest shall be sent to the commissioner who
21 shall provide a hearing in accordance with the Administrative Procedure
22 Act.

23 (3) Upon a final determination that an employer has violated this
24 section, the commissioner shall:

25 (a) For a first violation, impose a civil penalty of five hundred
26 dollars for each employee the employer failed to verify;

27 (b) For a second violation, impose a civil penalty of one thousand
28 dollars for each employee the employer failed to verify; and

29 (c) For a third or subsequent violation:

30 (i) Impose a civil penalty of two thousand five hundred dollars for
31 each employee the employer failed to verify; and

1 (ii) Notify any agency which has issued a license to such employer
2 that such agency shall suspend such license for a period to be determined
3 by the commissioner, which shall be at least thirty days and not more
4 than six months.

5 (4) The department shall remit civil penalties collected under this
6 section to the State Treasurer for distribution in accordance with
7 Article VII, section 5, of the Constitution of Nebraska.

8 **Sec. 3.** (1) An employer shall not knowingly employ an unauthorized
9 alien.

10 (2) If the commissioner determines that an employer has violated
11 this section, the commissioner shall notify the employer of such
12 determination using an approved method of notice. The employer has
13 fifteen working days after the date of the notice to contest such
14 determination. Notice of contest shall be sent to the commissioner who
15 shall provide a hearing in accordance with the Administrative Procedure
16 Act.

17 (3) Upon a final determination that an employer has violated this
18 section, the commissioner shall:

19 (a) For a first violation, impose a civil penalty of five hundred
20 dollars for each unauthorized alien that was a subject of the violation;

21 (b) For a second violation, impose a civil penalty of one thousand
22 dollars for each unauthorized alien that was a subject of the violation;
23 and

24 (c) For a third or subsequent violation:

25 (i) Impose a civil penalty of two thousand five hundred dollars for
26 each unauthorized alien that was a subject of the violation; and

27 (ii) Notify any agency which has issued a license to such employer
28 that such agency shall suspend such license for a period to be determined
29 by the commissioner, which shall be at least thirty days and not more
30 than six months.

31 (4) The department shall remit civil penalties collected under this

1 section to the State Treasurer for distribution in accordance with
2 Article VII, section 5, of the Constitution of Nebraska.

3 (5) An employer who in good faith verifies the employment
4 authorization of a new employee using E-Verify shall, subject to rebuttal
5 by evidence, be presumed to have not knowingly violated this section.

6 (6) An employer who terminates an employee in order to comply with
7 this section shall not be subject to a civil action for wrongful
8 termination of the employee.

9 **Sec. 4.** The department shall develop and administer a statewide
10 random auditing program to inspect employers for compliance with sections
11 1 to 9 of this act. Each year the department shall audit from one to five
12 percent of employers in the state.

13 **Sec. 5.** The department and its inspectors, agents, or designees
14 upon proper presentation of credentials to the owner, manager, or agent
15 of the employer may enter at reasonable times and have the right to
16 question either publicly or privately any employer, owner, manager, or
17 agent and the employees of the employer and inspect, investigate,
18 reproduce, or photograph original business records relevant to
19 determining compliance with sections 1 to 9 of this act.

20 **Sec. 6.** (1) The department shall establish a dedicated public
21 website to assist employers in complying with sections 1 to 9 of this
22 act.

23 (2) The department shall maintain a public database of violations of
24 sections 1 to 9 of this act on its public website.

25 (3) On or before January 1, 2027, and on or before each January 1
26 thereafter, the department shall electronically submit a report to the
27 Legislature concerning enforcement of sections 1 to 9 of this act. Such
28 report shall describe enforcement actions taken, costs of administering
29 such sections, and civil penalties collected under such sections.

30 **Sec. 7.** Each agency shall include notice of the requirements of
31 sections 1 to 9 of this act in any application for a license.

1 **Sec. 8.** Sections 1 to 9 of this act shall be implemented in a
2 manner consistent with the federal laws, regulations, and procedures
3 governing E-Verify and the employment of unauthorized aliens, protecting
4 the civil rights of all persons and respecting the privileges and
5 immunities of United States citizens.

6 **Sec. 9.** The department may adopt and promulgate rules and
7 regulations to carry out sections 1 to 9 of this act.

8 **Sec. 10.** Section 44-3,158, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 44-3,158 (1) For purposes of this section:

11 (a) Assigned risk employer means a Nebraska employer that is in good
12 faith entitled to, but is unable to obtain, workers' compensation
13 insurance through ordinary methods; and

14 (b) Director means the Director of Insurance.

15 (2)(a) The director shall enter into an agreement with one or more
16 workers' compensation insurers to provide workers' compensation insurance
17 to assigned risk employers. In selecting an insurer to become an assigned
18 risk insurer, the director shall consider the cost of coverage to
19 assigned risk employers, the loss control and claims handling services
20 available from the workers' compensation insurer, the financial condition
21 of the workers' compensation insurer, and any other relevant factors. An
22 agreement entered into under this subsection may not exceed five years.

23 (b) If the director determines that the cost of workers'
24 compensation insurance premiums for an insurer to provide assigned risk
25 coverage pursuant to such an agreement would be unreasonably high, the
26 director may enter into an agreement in which the assigned risk insurer
27 covers a portion of the losses incurred by the assigned risk employer.
28 Any agreement that involves an average rate level of less than two and
29 one-half times the prospective loss costs approved for an advisory
30 organization pursuant to section 44-7511 shall not be considered
31 unreasonably high for the purposes of this section. Pursuant to any such

1 agreement, remaining losses shall be assessed against all workers'
2 compensation insurers writing workers' compensation insurance in this
3 state and risk management pools created under the Intergovernmental Risk
4 Management Act based on their workers' compensation premiums written in
5 this state or contributions made to risk management pools. Assigned risk
6 premiums shall be excluded from the basis for such assessments.

7 (c) If the assigned risk system described in subdivisions (2)(a) and
8 (b) of this section ceases to be viable because no qualified insurer is
9 willing to provide workers' compensation coverage at an average rate
10 level of two and one-half times the prospective loss costs approved for
11 an advisory organization pursuant to section 44-7511 without also
12 requiring substantial sharing of losses with all other workers'
13 compensation insurers writing workers' compensation insurance in this
14 state and risk management pools created under the Intergovernmental Risk
15 Management Act, then the director may, after consultation with insurers
16 authorized to issue workers' compensation insurance policies in this
17 state, create a reasonable alternative assigned risk system involving the
18 sharing of premiums and losses for assigned risk employers among all such
19 workers' compensation insurers writing workers' compensation insurance in
20 this state and such risk management pools. If established, such
21 alternative assigned risk system shall not utilize an average rate level
22 of less than two and one-half times the prospective loss costs approved
23 for an advisory organization pursuant to section 44-7511.

24 (3) The director may adopt and promulgate rules and regulations to
25 carry out this section.

26 (4) An employer shall not be considered to be in good faith entitled
27 to be covered by workers' compensation insurance under this section if:

28 ~~(a) The employer is required to establish a safety committee~~
29 ~~pursuant to sections 48-443 to 48-445 and is not in compliance with such~~
30 ~~sections;~~

31 (a) ~~(b)~~ The employer is in default on workers' compensation

1 premiums;

2 ~~(b) (e)~~ The employer has failed to reimburse an insurer for amounts
3 to be repaid pursuant to workers' compensation insurance written on a
4 policy with a deductible;

5 ~~(c) (d)~~ The employer has failed to provide an insurer reasonable
6 access to books and records necessary for a premium audit;

7 ~~(d) (e)~~ The employer has defrauded or attempted to defraud an
8 insurer; or

9 ~~(e) (f)~~ The employer is found to have been owned or controlled by
10 persons who owned or controlled a prior employer that is or would be
11 ineligible for coverage pursuant to subdivisions ~~(4)(a) (4)(b)~~ through
12 ~~(d) (e)~~ of this section.

13 **Sec. 11.** Section 48-144.03, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 48-144.03 (1) Notwithstanding policy provisions that stipulate a
16 workers' compensation insurance policy to be a contract with a fixed term
17 of coverage that expires at the end of the term, coverage under a
18 workers' compensation insurance policy shall continue in full force and
19 effect until notice is given in accordance with this section.

20 ~~(2) No cancellation of a workers' compensation insurance policy~~
21 ~~within the policy period shall be effective unless notice of the~~
22 ~~cancellation is given by the workers' compensation insurer to the~~
23 ~~Nebraska Workers' Compensation Court and to the employer. No such~~
24 ~~cancellation shall be effective until thirty days after the giving of~~
25 ~~such notices, except that the cancellation may be effective ten days~~
26 ~~after the giving of such notices if such cancellation is based on (a)~~
27 ~~notice from the employer to the insurer to cancel the policy, (b)~~
28 ~~nonpayment of premium due the insurer under any policy written by the~~
29 ~~insurer for the employer, (c) failure of the employer to reimburse~~
30 ~~deductible losses as required under any policy written by the insurer for~~
31 ~~the employer, or (d) failure of the employer, if covered pursuant to~~

1 ~~section 44-3,158, to comply with sections 48-443 to 48-445.~~

2 ~~(3) No workers' compensation insurance policy shall expire or lapse~~
3 ~~at the end of the policy period unless notice of nonrenewal is given by~~
4 ~~the workers' compensation insurer to the compensation court and to the~~
5 ~~employer. No workers' compensation insurance policy shall expire or lapse~~
6 ~~until thirty days after the giving of such notices, except that a policy~~
7 ~~may expire or lapse ten days after the giving of such notices if the~~
8 ~~nonrenewal is based on (a) notice from the employer to the insurer to not~~
9 ~~renew the policy, (b) nonpayment of premium due the insurer under any~~
10 ~~policy written by the insurer for the employer, (c) failure of the~~
11 ~~employer to reimburse deductible losses as required under any policy~~
12 ~~written by the insurer for the employer, or (d) failure of the employer,~~
13 ~~if covered pursuant to section 44-3,158, to comply with sections 48-443~~
14 ~~to 48-445.~~

15 ~~(4) Subsections (2) and (3) of this section terminate on January 1,~~
16 ~~2012. Subsections (5), (6), and (7) of this section apply beginning on~~
17 ~~January 1, 2012.~~

18 ~~(2)(a) (5)(a)~~ This subsection applies to workers' compensation
19 policies other than master policies or multiple coordinated policies
20 obtained by a professional employer organization.

21 (b) No cancellation of a policy within the policy period shall be
22 effective unless notice of the cancellation is given by the workers'
23 compensation insurer to the compensation court and to the employer. No
24 such cancellation shall be effective until thirty days after giving such
25 notices, except that the cancellation may be effective ten days after the
26 giving of such notices if such cancellation is based on (i) notice from
27 the employer to the insurer to cancel the policy, (ii) nonpayment of
28 premium due the insurer under any policy written by the insurer for the
29 employer, or (iii) failure of the employer to reimburse deductible losses
30 as required under any policy written by the insurer for the employer, ~~or~~
31 ~~(iv) failure of the employer, if covered pursuant to section 44-3,158, to~~

1 ~~comply with sections 48-443 to 48-445.~~

2 (c) No policy shall expire or lapse at the end of the policy period
3 unless notice of nonrenewal is given by the workers' compensation insurer
4 to the compensation court and to the employer. No policy shall expire or
5 lapse until thirty days after giving such notices, except that a policy
6 may expire or lapse ten days after the giving of such notices if the
7 nonrenewal is based on (i) notice from the employer to the insurer to not
8 renew the policy, (ii) nonpayment of premium due the insurer under any
9 policy written by the insurer for the employer, or (iii) failure of the
10 employer to reimburse deductible losses as required under any policy
11 written by the insurer for the employer, ~~or (iv) failure of the~~
12 ~~employer, if covered pursuant to section 44-3,158, to comply with~~
13 ~~sections 48-443 to 48-445.~~

14 ~~(3)(a) (6)(a)~~ This subsection applies to workers' compensation
15 master policies obtained by a professional employer organization.

16 (b) No cancellation of a master policy within the policy period
17 shall be effective unless notice of the cancellation is given by the
18 workers' compensation insurer to the compensation court and to the
19 professional employer organization. No such cancellation shall be
20 effective until thirty days after giving such notices.

21 (c) No termination of coverage for a client or any employees of a
22 client under a master policy within the policy period shall be effective
23 unless notice is given by the workers' compensation insurer to the
24 compensation court and to the professional employer organization. No such
25 termination of coverage shall be effective until thirty days after giving
26 such notices, except that the termination of coverage may be effective
27 ten days after the giving of such notices if such termination is based on
28 (i) notice from the client to the professional employer organization or
29 the insurer to terminate the coverage or (ii) notice from the
30 professional employer organization of the client's nonpayment of premium.

31 (d) No master policy shall expire or lapse at the end of the policy

1 period unless notice of nonrenewal is given by the workers' compensation
2 insurer to the compensation court and to the professional employer
3 organization. No master policy shall expire or lapse until thirty days
4 after giving such notices.

5 (e) Notice of the cancellation or nonrenewal of a master policy or
6 the termination of coverage for a client or the employees of a client
7 under such a policy shall be given by the professional employer
8 organization to the client within fifteen days after the cancellation,
9 nonrenewal, or termination unless replacement coverage has been obtained.

10 (4)(a) (7)(a) This subsection applies to workers' compensation
11 multiple coordinated policies obtained by a professional employer
12 organization.

13 (b) No cancellation of a policy within the policy period shall be
14 effective unless notice of the cancellation is given by the workers'
15 compensation insurer to the compensation court, to the professional
16 employer organization, and to the client employer. No such cancellation
17 shall be effective until thirty days after giving such notices, except
18 that the cancellation may be effective ten days after giving such notices
19 if such cancellation is based on (i) notice from the client to the
20 professional employer organization or the insurer to cancel the policy,
21 (ii) notice from the professional employer organization of the client's
22 nonpayment of premium or failure to reimburse deductibles for policies
23 issued pursuant to section 48-146.03, ~~(iii) failure of the client, if~~
24 ~~covered pursuant to section 44-3,158, to comply with sections 48-443 to~~
25 ~~48-445, or (iii) (iv) for policies issued pursuant to section 44-3,158,~~
26 nonpayment of premium or failure to reimburse deductibles for policies
27 issued pursuant to section 48-146.03.

28 (c) No termination of coverage for any employees of the client
29 during the policy period shall be effective unless notice is given by the
30 workers' compensation insurer to the compensation court, to the
31 professional employer organization, and to the client. No such

1 termination of coverage shall be effective until thirty days after giving
2 such notices, except that the termination of coverage may be effective
3 ten days after the giving of such notices if such termination is based on
4 (i) notice from the client to the professional employer organization or
5 the insurer to terminate the coverage or (ii) notice from the
6 professional employer organization of the client's nonpayment of premium
7 or failure to reimburse deductibles for policies issued pursuant to
8 section 48-146.03.

9 (d) No policy shall expire or lapse at the end of the policy period
10 unless notice of nonrenewal is given by the workers' compensation insurer
11 to the compensation court, to the professional employer organization, and
12 to the client. No policy shall expire or lapse until thirty days after
13 giving such notices, except that a policy may expire or lapse ten days
14 after the giving of such notices if the nonrenewal is based on (i) notice
15 from the client to the professional employer organization or the insurer
16 to not renew the policy, (ii) notice from the professional employer
17 organization of the client's nonpayment of premium or failure to
18 reimburse deductibles for policies issued pursuant to section 48-146.03,
19 ~~(iii) failure of the client, if covered pursuant to section 44-3,158, to~~
20 ~~comply with sections 48-443 to 48-445, or (iii) (iv) for policies issued~~
21 pursuant to section 44-3,158, nonpayment of premium or failure to
22 reimburse deductibles for policies issued pursuant to section 48-146.03.

23 (e) An insurer may refrain from sending notices required by this
24 subsection to a professional employer organization's client based upon
25 the professional employer organization's representation that coverage has
26 been or will be replaced. Such representation shall not absolve the
27 insurer of its responsibility to continue coverage if such representation
28 proves inaccurate.

29 (5) ~~(8)~~ Notwithstanding other provisions of this section, if
30 replacement workers' compensation insurance coverage has been secured
31 with another workers' compensation insurer, then the cancellation or

1 nonrenewal of the policy or the termination of coverage for a client or
2 employees of a client under the policy shall be effective as of the
3 effective date of such other insurance coverage.

4 ~~(6)~~ (9) The notices required by this section shall state the reason
5 for the cancellation or nonrenewal of the policy or termination of
6 coverage for a client or employees of a client under a policy.

7 ~~(7)~~ (10) The notices required by this section shall be provided in
8 writing and shall be deemed given upon the mailing of such notices by
9 certified mail, except that notices from insurers to the compensation
10 court may be provided by electronic means if such electronic means is
11 approved by the administrator of the compensation court. If notice is
12 provided by electronic means pursuant to such an approval, it shall be
13 deemed given upon receipt and acceptance by the compensation court.

14 **Sec. 12.** Section 48-446, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 48-446 ~~(1) There is hereby created the Workplace Safety~~
17 ~~Consultation Program. It is the intent of the Legislature that such~~
18 ~~program help provide employees in Nebraska with safe and healthful~~
19 ~~workplaces.~~

20 ~~(2) Under the Workplace Safety Consultation Program, the Department~~
21 ~~of Labor may conduct workplace inspections and consultations to determine~~
22 ~~whether employers are complying with standards issued by the federal~~
23 ~~Occupational Safety and Health Administration or the federal Mine Safety~~
24 ~~and Health Administration for safe and healthful workplaces. Workplace~~
25 ~~inspections and safety consultations shall be performed by employees of~~
26 ~~the Department of Labor who are knowledgeable and experienced in the~~
27 ~~occupational safety and health field and who are trained in the federal~~
28 ~~standards and in the recognition of safety and health hazards. The~~
29 ~~Department of Labor may employ qualified persons as may be necessary to~~
30 ~~carry out this section.~~

31 ~~(3) All employers shall be subject to occupational safety and health~~

1 ~~inspections covering their Nebraska operations. Employers shall be~~
2 ~~selected by the Commissioner of Labor for inspection on the basis of~~
3 ~~factors intended to identify the likelihood of workplace injuries and to~~
4 ~~achieve the most efficient utilization of safety personnel of the~~
5 ~~Department of Labor. Such factors shall include:~~

6 ~~(a) The amount of premium paid by the employer for workers'~~
7 ~~compensation insurance;~~

8 ~~(b) The experience modification produced by the experience rating~~
9 ~~system referenced in section 44-7524;~~

10 ~~(c) Whether the employer is covered by workers' compensation~~
11 ~~insurance under section 44-3,158;~~

12 ~~(d) The relative hazard of the employer's type of business as~~
13 ~~evidenced by insurance rates or loss costs filed with the Director of~~
14 ~~Insurance for the insurance rating classification or classifications~~
15 ~~applicable to the employer;~~

16 ~~(e) The nature, type, or frequency of accidents for the employer as~~
17 ~~may be reported to the Department of Insurance, the Nebraska Workers'~~
18 ~~Compensation Court, or the Department of Labor;~~

19 ~~(f) Workplace hazards as may be reported to the Department of~~
20 ~~Insurance, the Nebraska Workers' Compensation Court, or the Department of~~
21 ~~Labor;~~

22 ~~(g) Previous safety and health history;~~

23 ~~(h) Possible employee exposure to toxic substances;~~

24 ~~(i) Requests by employers for the Department of Labor to inspect~~
25 ~~their workplaces or otherwise provide consulting services on a basis by~~
26 ~~which the employer will reimburse the Department of Labor; and~~

27 ~~(j) All other relevant factors.~~

28 ~~(4) Hazards identified by an inspection shall be eliminated within a~~
29 ~~reasonable time as specified by the Commissioner of Labor.~~

30 ~~(5) An employer who refuses to eliminate workplace hazards in~~
31 ~~compliance with an inspection shall be referred to the federal~~

1 ~~Occupational Safety and Health Administration or the federal Mine Safety~~
2 ~~and Health Administration for enforcement.~~

3 ~~(6) At the discretion of the Commissioner of Labor, inspection of an~~
4 ~~employer may be repeated to ensure compliance by the employer, with the~~
5 ~~expenses incurred by the Department of Labor to be paid by the employer.~~

6 ~~(7) The Commissioner of Labor shall adopt and promulgate rules and~~
7 ~~regulations establishing a schedule of fees for consultations and~~
8 ~~inspections. Such fees shall be established with due regard for the costs~~
9 ~~of administering the Workplace Safety Consultation Program. The cost of~~
10 ~~consultations and inspections shall be borne by each employer for which~~
11 ~~these services are rendered.~~

12 ~~(8) There is hereby created the Workplace Safety Consultation~~
13 ~~Program Cash Fund. The fund terminates on the operative date of this~~
14 ~~section, and the State Treasurer shall transfer any money in the fund on~~
15 ~~such date to the General Fund. All fees collected pursuant to the~~
16 ~~Workplace Safety Consultation Program shall be remitted to the State~~
17 ~~Treasurer for credit to the fund and shall be used for the sole purpose~~
18 ~~of administering the program. Any money in the fund available for~~
19 ~~investment shall be invested by the state investment officer pursuant to~~
20 ~~the Nebraska Capital Expansion Act and the Nebraska State Funds~~
21 ~~Investment Act.~~

22 ~~(9) Each employer provided a consultation or inspection by the~~
23 ~~Department of Labor shall retain up-to-date records for each place of~~
24 ~~employment as recommended by the inspection or consultation. The employer~~
25 ~~shall make such records available to the Department of Labor upon request~~
26 ~~to ensure continued progress of the employer's efforts to comply with the~~
27 ~~federal Occupational Safety and Health Administration or the federal Mine~~
28 ~~Safety and Health Administration standards.~~

29 ~~(10) Any person who knowingly operates or causes to be operated a~~
30 ~~business in violation of recommendations to correct serious or imminent~~
31 ~~hazards as identified by the Workplace Safety Consultation Program shall~~

1 ~~be referred to the federal Occupational Safety and Health Administration~~
2 ~~or the federal Mine Safety and Health Administration.~~

3 ~~(11) The Attorney General, acting on behalf of the Commissioner of~~
4 ~~Labor, or the county attorney in a county in which a business is located~~
5 ~~or operated may apply to the district court for an order against any~~
6 ~~employer in violation of this section.~~

7 ~~(12) The Workplace Safety Consultation Program shall not be~~
8 ~~construed to alter the duty of care or the liability of an owner or a~~
9 ~~business for injuries or death of any person or damage to any property.~~
10 ~~The state and its officers and employees shall not be construed to assume~~
11 ~~liability arising out of an accident involving a business by reason of~~
12 ~~administration of the Workplace Safety Consultation Program.~~

13 ~~(13) Inspectors employed by the Department of Labor may inspect any~~
14 ~~place of employment with or without notice during normal hours of~~
15 ~~operation. Such inspectors may suspend the operation of equipment~~
16 ~~determined to constitute an imminent danger situation. Operation of such~~
17 ~~equipment shall not resume until the hazardous or unsafe condition is~~
18 ~~corrected to the satisfaction of the inspector.~~

19 ~~(14) No person with a reasonable cause to believe the truth of the~~
20 ~~information shall be subject to civil liability for libel, slander, or~~
21 ~~any other relevant tort cause of action by virtue of providing~~
22 ~~information without malice on workplace hazards or the nature, type, or~~
23 ~~frequency of accidents to the Department of Insurance, the Nebraska~~
24 ~~Workers' Compensation Court, or the Department of Labor.~~

25 ~~(15) Safety and health inspectors employed by the Department of~~
26 ~~Labor shall have the right and power to enter any premise, building, or~~
27 ~~structure, public or private, for the purpose of inspecting any work area~~
28 ~~or equipment. A refusal by the employer of entry by a safety and health~~
29 ~~inspector employed by the Department of Labor shall be a violation of~~
30 ~~this subsection. If the Commissioner of Labor finds, after notice and~~
31 ~~hearing, that an employer has violated this subsection, he or she may~~

1 ~~order payment of a civil penalty of not more than one thousand dollars~~
2 ~~for each violation. Each day of continued violation shall constitute a~~
3 ~~separate violation.~~

4 ~~(16) The Commissioner of Labor shall adopt and promulgate rules and~~
5 ~~regulations to carry out this section.~~

6 **Sec. 13.** Section 48-628, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 48-628 (1) An individual shall be disqualified for benefits for any
9 week of unemployment in which the commissioner finds he or she has
10 failed, without good cause, to apply for available, suitable work when so
11 directed by the employment office or the commissioner, to respond to an
12 offer for a job interview for suitable work within one week, to respond
13 to an offer for a job for suitable work within one week, to appear for a
14 previously scheduled job interview for suitable work without notifying
15 the prospective employer of the need to cancel or reschedule the
16 interview, to accept suitable work offered him or her, or to return to
17 his or her customary self-employment, if any, and for the twelve weeks
18 immediately thereafter. The total benefit amount to which he or she is
19 then entitled shall be reduced by an amount equal to the number of weeks
20 for which he or she has been disqualified by the commissioner. The
21 commissioner may consider the manner of communication established between
22 the individual and the prospective employer about how the interview will
23 be conducted or a job offer will be extended in determining if an
24 individual failed to appear for a previously scheduled job interview
25 without notifying the prospective employer of the need to cancel or
26 reschedule the interview or failed to respond to an offer for a job.

27 (2) In determining whether or not any work is suitable for an
28 individual, the commissioner shall consider the following:

29 (a) The degree of risk involved to the individual's health, safety,
30 and morals;

31 (b) His or her physical fitness and prior training;

1 (c) His or her experience and prior earnings;

2 (d) His or her length of unemployment and prospects for securing
3 local work in his or her customary occupation; and

4 (e) The distance of the available work from his or her residence.

5 (3) Notwithstanding any other provisions of the Employment Security
6 Law, no work shall be deemed suitable and benefits shall not be denied
7 under such law to any otherwise eligible individual for refusing to
8 accept new work under any of the following conditions:

9 (a) If the position offered is vacant due directly to a strike,
10 lockout, or other labor dispute;

11 (b) If the wages, hours, or other conditions of the work offered are
12 substantially less favorable to the individual than those prevailing for
13 similar work in the locality; or

14 (c) If, as a condition of being employed, the individual would be
15 required to join a company union or to resign from or refrain from
16 joining any bona fide labor organization.

17 (4) Notwithstanding any other provisions in this section relating to
18 failure to apply for or a refusal to accept suitable work, no otherwise
19 eligible individual shall be denied benefits with respect to any week in
20 which he or she is in training with the approval of the commissioner.

21 (5) No individual shall be disqualified for refusing to apply for
22 available, full-time work or accept full-time work under subsection (1)
23 of this section solely because such individual is seeking part-time work
24 if the majority of the weeks of work in an individual's base period
25 include part-time work. For purposes of this subsection, seeking only
26 part-time work shall mean seeking less than full-time work having
27 comparable hours to the individual's part-time work in the base period,
28 except that the individual must be available for work at least twenty
29 hours per week.

30 **Sec. 14.** Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of this act become
31 operative on January 1, 2026. The other sections of this act become

1 operative three calendar months after adjournment of this legislative
2 session.

3 **Sec. 15.** If any section in this act or any part of any section is
4 declared invalid or unconstitutional, the declaration shall not affect
5 the validity or constitutionality of the remaining portions.

6 **Sec. 16.** Original sections 44-3,158, 48-144.03, 48-446, and 48-628,
7 Reissue Revised Statutes of Nebraska, are repealed.

8 **Sec. 17.** The following sections are outright repealed: Sections
9 48-443, 48-444, and 48-445, Reissue Revised Statutes of Nebraska.