

AMENDMENTS TO LB415

(Amendments to Standing Committee amendments, AM545)

Introduced by Strommen, 47.

1 1. Strike section 4 and insert the following new section:

2 **Sec. 4.** Section 8, Initiative Law 2024, No. 436, is amended to
3 read:

4 Sec. 8. (1) The Commissioner of Labor shall issue a citation to an
5 employer when an investigation reveals that the employer may have
6 violated the Nebraska Healthy Families and Workplaces Act.

7 (2) When a citation is issued, the commissioner shall notify the
8 employer of the proposed administrative penalty, if any, by certified
9 mail, by any other manner of delivery by which the United States Postal
10 Service can verify delivery, or by any method of service recognized under
11 Chapter 25, article 5. The administrative penalty shall not be more than
12 five hundred dollars in the case of a first violation and not more than
13 five thousand dollars in the case of a second or subsequent violation.

14 (3) The employer has fifteen working days after the date of the
15 citation or penalty to contest such citation or penalty. Notice of
16 contest shall be sent to the commissioner who shall provide a hearing in
17 accordance with the Administrative Procedure Act.

18 (4) Any employer who has an unpaid citation for a violation of the
19 Nebraska Healthy Families and Workplaces Act shall be barred from
20 contracting with the state or any political subdivision until such
21 citation is paid. If a citation has been contested as described in
22 subsection (3) of this section, it shall not be considered an unpaid
23 citation under this subsection until after such contest has been
24 resolved.

25 (5) Citations issued under this section and the names of employers
26 who have been issued a citation shall be made available to the public

1 upon request, except that this subsection shall not apply to any
2 citations that are being contested as described in subsection (3) of this
3 section.

4 (6) An employee having a claim for a violation of the Nebraska
5 Healthy Families and Workplaces Act may institute suit for legal and
6 equitable relief in the district proper court in the county where the
7 employer's principal place of business is located. In any action brought
8 to enforce the Nebraska Healthy Families and Workplaces Act, the court
9 shall have jurisdiction to grant such legal or equitable relief as the
10 court deems appropriate to effectuate the purposes of the act. If an
11 employee establishes a claim and secures judgment on the claim, such
12 employee shall also be entitled to recover the full amount of the
13 judgment ~~and all costs of such suit, including reasonable attorney's~~
14 ~~fees~~.

15 (7) If an employee institutes suit against an employer under
16 subsection (6) of this section, any citation that is issued against an
17 employer under subsection (1) of this section and that relates directly
18 to the facts in dispute shall be admitted into evidence unless
19 specifically excluded by the court. If a citation has been contested as
20 described in subsection (3) of this section, it shall not be admitted
21 into evidence under this subsection until such contest has been resolved.

22 (8) A civil action brought under this section shall be commenced no
23 later than one ~~four~~ calendar year ~~years~~ after the cause of action
24 accrues.