

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 258

Introduced by Raybould, 28.

Read first time January 14, 2025

Committee:

1 A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section
2 48-1203.01, Reissue Revised Statutes of Nebraska, and section
3 48-1203, Revised Statutes Cumulative Supplement, 2024; to change
4 provisions relating to the minimum wage and the training wage; to
5 enact a youth minimum wage; to harmonize provisions; and to repeal
6 the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 48-1203, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 48-1203 (1) Except as otherwise provided in this section and section
4 48-1203.01, every employer shall pay to each of his or her employees a
5 minimum wage of:

6 (a) Nine dollars per hour through December 31, 2022;

7 (b) Ten dollars and fifty cents per hour on and after January 1,
8 2023, through December 31, 2023;

9 (c) Twelve dollars per hour on and after January 1, 2024, through
10 December 31, 2024;

11 (d) Thirteen dollars and fifty cents per hour on and after January
12 1, 2025, through December 31, 2025; and

13 (e) Fifteen dollars per hour on and after January 1, 2026, through
14 December 31, 2026.

15 (2) The minimum wage established in subdivision (1)(e) of this
16 section shall be increased on January 1, 2027, and on January 1 of
17 successive years, by the lesser of (a) one and one-half percent, rounded
18 to the nearest cent, or (b) the increase in the cost of living. The
19 increase in the cost of living, which shall be measured by the percentage
20 increase, if any, as of August of the previous year over the level as of
21 August of the year preceding that year in the consumer price index for
22 all urban consumers (CPI-U) for the Midwest Region, or its successor
23 index, as published by the U.S. Department of Labor, or its successor
24 agency, with the amount of the minimum wage increase rounded up to the
25 nearest multiple of five cents. No later than October 15 of each year,
26 commencing October 15, 2026, the Nebraska Department of Labor shall
27 calculate and publish the minimum wage rate that will take effect the
28 following January 1.

29 (3) For persons compensated by way of gratuities such as waitresses,
30 waiters, hotel bellhops, porters, and shoeshine persons, the employer
31 shall pay wages at the minimum rate of two dollars and thirteen cents per

1 hour, plus all gratuities given to them for services rendered. The sum of
2 wages and gratuities received by each person compensated by way of
3 gratuities shall equal or exceed the applicable minimum wage rate
4 provided in subsection (1) or (2) of this section. In determining whether
5 or not the individual is compensated by way of gratuities, the burden of
6 proof shall be upon the employer.

7 (4) Any employer employing student-learners as part of a bona fide
8 vocational training program shall pay such student-learners' wages at a
9 rate of at least seventy-five percent of the minimum wage rate which
10 would otherwise be applicable under this section.

11 (5) An employer may pay a youth minimum wage of thirteen dollars and
12 fifty cents per hour to an employee who:

13 (a) Is at least fourteen years of age but younger than sixteen years
14 of age; and

15 (b) Is not an emancipated minor.

16 **Sec. 2.** Section 48-1203.01, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 48-1203.01 (1) An employer may pay a new employee who is at least
19 sixteen years of age but younger than eighteen younger than twenty years
20 of age and who is not a seasonal or migrant worker or an emancipated
21 minor a training wage rate as described in subsection (2) of this section
22 of at least seventy-five percent of the federal minimum wage for ninety
23 days from the date the new employee was hired. An employer may pay such
24 new employee the training wage rate for an additional ninety-day period
25 while the new employee is participating in on-the-job training which (a)
26 (1) requires technical, personal, or other skills which are necessary for
27 his or her employment and (b) (2) is approved by the Commissioner of
28 Labor. No more than one-fourth of the total hours paid by the employer
29 shall be at the training wage rate.

30 (2) For the purposes of this section, the training wage rate shall
31 be:

1 (a) Thirteen dollars and fifty cents per hour through December 31,
2 2026; and

3 (b) A rate of seventy-five percent of the minimum wage rate that
4 would otherwise be applicable under section 48-1203 on and after January
5 1, 2027.

6 (3) An employer shall not pay the training wage rate if the hours of
7 any other employee are reduced or if any other employee is laid off and
8 the hours or position to be filled by the new employee is substantially
9 similar to the hours or position of such other employee. An employer
10 shall not dismiss or reduce the hours of any employee with the intention
11 of replacing such employee or his or her hours with a new employee
12 receiving the training wage rate.

13 **Sec. 3.** Original section 48-1203.01, Reissue Revised Statutes of
14 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
15 2024, are repealed.