

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 573

Introduced by Guereca, 7.

Read first time January 22, 2025

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to meat and poultry workers; to adopt the Meat
- 2 and Poultry Workers and Contractors Protection Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 5 of this act shall be known and may be
2 cited as the Meat and Poultry Workers and Contractors Protection Act.

3 **Sec. 2.** The Legislature finds that:

4 (1) Meat and poultry slaughter and processing is a particularly
5 dangerous occupation, with meat and poultry processing workers suffering
6 injuries at measurably higher rates than workers in other private sector
7 industries;

8 (2) Meat and poultry processing workers face double the rate of
9 amputations as the average worker in private industry, and injuries such
10 as sprains, lacerations, and contusions are common among poultry workers;

11 (3) Meat and poultry processing workers suffer from musculoskeletal
12 injuries, such as carpal tunnel syndrome, trigger finger, tendinitis,
13 rotator cuff injuries, lower back injuries, and chronic pain and
14 numbness, in numbers that can exceed fifty percent of workers;

15 (4) Higher line speeds in meat and poultry processing facilities are
16 recognized risk factors that lead to increased risk of both laceration
17 and musculoskeletal injuries;

18 (5) Meat and poultry processing work was and continues to be
19 particularly dangerous as it pertains to contracting and spreading
20 COVID-19, avian influenza, and other illnesses due to, among other
21 factors:

22 (a) The easily transmissible nature of the illnesses via aerosol and
23 droplets;

24 (b) The close proximity of meat processing workers;

25 (c) Cold conditions inside meat processing facilities; and

26 (d) The pace and physical rigor of meat and poultry processing work;

27 (6) Enforcement of the requirements of the Occupational Safety and
28 Health Administration in the meat and poultry processing industry has
29 been fundamentally inadequate, especially during the COVID-19 pandemic;

30 (7) In 2024, four cases of avian influenza were confirmed in Gage,
31 Nemaha, Dodge, Sarpy, and Lancaster counties, with two of the cases

1 associated with concentration of commercial bird flocks; and

2 (8) Meat and poultry workers are considered to be essential workers
3 for maintaining Nebraska's world class, flourishing, and critical
4 agricultural economy.

5 Sec. 3. For purposes of the Meat and Poultry Workers and
6 Contractors Protection Act:

7 (1) Affected contract grower means an owner of a CAFO that raises
8 livestock or poultry pursuant to a written contract, marketing
9 arrangement, or other arrangement with a covered industrial operator, and
10 whose CAFO is impacted by a disaster mitigation event;

11 (2) Affected contractor means an individual or entity that supplies,
12 either with or without a contract, a covered industrial operator with a
13 worker to perform labor directly or indirectly related to a disaster
14 mitigation event;

15 (3) CAFO means a concentrated animal feeding operation as defined in
16 40 C.F.R. 122.23;

17 (4) Commissioner means the Commissioner of Labor;

18 (5) Covered industrial operator means a slaughterhouse or
19 meatpacking plant with over two hundred fifty employees, an enclosed
20 large CAFO, and any facility required to obtain a National Pollutant
21 Discharge Elimination System permit as a condition to operate;

22 (6)(a) Covered worker means an employee who performs labor in
23 connection with a disaster mitigation event for a covered industrial
24 operator.

25 (b) Covered worker includes any employee of an affected contract
26 grower, or of another affected contractor, of a covered industrial
27 operator;

28 (7) Disaster mitigation event means a disaster event affecting a
29 covered industrial operator that triggers activities described in a
30 disaster mitigation plan submitted by the covered industrial operator;

31 (8) Disaster mitigation plan means:

1 (a) A description of the type, location, and extent of all potential
2 disaster events that can affect livestock or poultry housed in a high-
3 risk CAFO, including information on previous occurrences of disaster
4 events and the probability of future disaster events;

5 (b) A plan to ensure that animals do not go without necessary
6 resources such as shelter, food, and water during an extreme weather
7 event;

8 (c) A plan to increase flexibility and resiliency, including (i)
9 identifying ways to house animals past their intended slaughter date and
10 (ii) alternative slaughter and processing arrangements, including
11 contracting with small-scale Department of Agriculture, state-certified,
12 or mobile operations with existing capacity, in the event of supply chain
13 disruptions;

14 (d) A plan for accessing necessary resources, personal protective
15 equipment, and labor to carry out depopulation in ways that most rapidly
16 render animals unconscious in the event that depopulation is unavoidable;

17 (e) A plan for disposal of any deceased animals that (i) satisfies
18 requirements under all relevant federal, state, and local environmental
19 and public health laws and (ii) does not rely on unlined burial or onsite
20 incineration;

21 (f) A plan to mitigate a public health threat associated with
22 diseases and other ailments spread or contracted through airborne
23 transmission or contact with humans or animals that have contracted a
24 disease that results in identified threats to human health, including,
25 but not limited to, COVID-19 and associated strains and avian influenza;
26 and

27 (g) Other information, as determined appropriate by the
28 commissioner; and

29 (9) Employee means an individual performing any labor for a covered
30 industrial operator, including through an affected contract grower or
31 other affected contractor, unless:

1 (a) The individual is free from control and direction in connection
2 with the performance of the labor, both under the contract for the
3 performance of labor and in fact;

4 (b) The labor is performed outside the usual course of the business
5 of the covered industrial operator; and

6 (c) The individual is customarily engaged in an independently
7 established trade, occupation, profession, or business of the same nature
8 as that involved in the labor performed.

9 **Sec. 4.** (1) Each covered industrial operator shall submit a
10 disaster mitigation plan to the commissioner.

11 (2) During a disaster mitigation event and for a period of not less
12 than two years following the disaster mitigation event, the covered
13 industrial operator shall offer each covered worker and affected contract
14 grower of the covered industrial operator full compensation for any
15 injury or illness that occurred during the disaster mitigation event
16 pursuant to the Nebraska Workers' Compensation Act.

17 (3) In the case of a disaster mitigation event, the covered
18 industrial operator shall provide any covered worker terminated by the
19 covered industrial operator, or by an affected contract grower or other
20 affected contractor of the covered industrial operator impacted by the
21 disaster mitigation event, during the sixty-day period following the
22 disaster mitigation event with twelve weeks of severance pay, at a weekly
23 rate equal to the average weekly earnings of the covered worker during
24 the disaster mitigation event.

25 (4) In any case in which a covered industrial operator terminates
26 the contract of an affected contract grower following a disaster
27 mitigation event, the covered industrial operator shall provide an amount
28 of lost revenue to the affected contract grower equal to the affected
29 contract grower's revenue from the covered industrial operator during the
30 preceding one hundred eighty days.

31 (5) The commissioner shall receive, investigate, and attempt to

1 resolve complaints of violations of this section. The commissioner may
2 assess a civil penalty of up to fifteen thousand dollars against a
3 covered industrial operator that violates any provision of this section.

4 (6) Not later than ninety days after the effective date of this act,
5 the commissioner shall develop a process to monitor compliance with the
6 requirements of this section that requires covered industrial operators
7 to provide information to demonstrate such compliance.

8 (7) A covered industrial operator that employs or contracts with
9 covered workers, affected contract growers, or other affected contractors
10 related to a disaster mitigation event shall not discharge, cause to be
11 discharged, or in any other manner discriminate against any covered
12 worker or affected contract grower because such covered worker or
13 affected contract grower (a) has filed any complaint or instituted or
14 caused to be instituted any proceeding under or related to this section
15 or (b) has testified or is about to testify in any such proceeding.

16 (8)(a) An action to recover damages or obtain relief may be
17 maintained against any covered industrial operator in any court of
18 competent jurisdiction by one or more covered workers or affected
19 contract growers for and on behalf of themselves and other similarly
20 situated covered workers or affected contract growers.

21 (b) A covered industrial operator who violates this section shall be
22 liable to each covered worker or affected contract grower that is
23 aggrieved by the violation for (i) damages in the amount of unpaid wages,
24 salary, overtime compensation, or other compensation denied or lost by
25 reason of the violation and (ii) an additional equal amount as liquidated
26 damages.

27 (c) In a civil action brought under this subsection in which the
28 plaintiff prevails, the court shall award the plaintiff reasonable
29 attorney's fees and costs of the action.

30 (d) The commissioner may bring an action in any court of competent
31 jurisdiction to recover damages or obtain relief on behalf of a covered

1 worker or affected contract grower aggrieved by a violation of this
2 section.

3 **Sec. 5.** (1) The commissioner shall require all covered industrial
4 operators employing a minimum of twenty-five employees to provide
5 information to each employee on their rights to collectively bargain and
6 join or form a union pursuant to 29 C.F.R. Subtitle B, Chapter 1, as well
7 as sections 6, 7, and 15(a)(3) of the Fair Labor Standards Act of 1938,
8 29 U.S.C. 206, 207, and 215(a)(3).

9 (2) The commissioner shall assess a civil penalty of up to fifteen
10 thousand dollars against a covered industrial operator that violates any
11 provision of this section or who is found to have taken part in any acts
12 of misinformation, intimidation, or wrongful termination against workers
13 who attempt to or successfully form or join a union.

14 (3)(a) The commissioner shall appoint a Workers and Contractors Task
15 Force consisting of the following members:

16 (i) An attorney with a license to practice in the State of Nebraska
17 with a proven client list and track record of representing workers and
18 agricultural corporations;

19 (ii) Two unionized members representing meat and poultry workers and
20 contractors; and

21 (iii) Two members representing the agricultural industry.

22 (b) The task force shall also include two members of the Agriculture
23 Committee of the Legislature, to be selected by the chairperson of such
24 committee. The two legislative members shall be nonvoting members of the
25 task force and shall not be members of the same political party.

26 (c) The task force shall meet at least four times per year.

27 (d) The task force shall also hold three meetings per year with
28 affected stakeholders and other interested parties. One meeting shall be
29 held in the eastern part of the state, one in the central part of the
30 state, and one in the western part of the state. The locations shall be
31 selected in coordination with the commissioner with input from affected

1 stakeholders and other interested parties.

2 (e) The task force shall submit an annual report to the commissioner
3 and the Legislature evaluating the effectiveness of the Meat and Poultry
4 Workers and Contractors Protection Act and shall include recommendations
5 and guidance on how best to enforce and implement the act.