

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 921

Introduced by Ibach, 44.

Read first time January 09, 2026

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to labor; to amend section 48-2209, Reissue
- 2 Revised Statutes of Nebraska; to adopt the Nebraska Worker
- 3 Adjustment and Retraining Notification Act; to change certain
- 4 employer duties under the Non-English-Speaking Workers Protection
- 5 Act; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 6 of this act shall be known and may be
2 cited as the Nebraska Worker Adjustment and Retraining Notification Act.

3 **Sec. 2.** For purposes of the Nebraska Worker Adjustment and
4 Retraining Notification Act:

5 (1) Business closing means the permanent or temporary shutdown of a
6 single site of employment of one or more facilities or operating units
7 that will result in an employment loss for twenty-five or more employees,
8 other than part-time employees;

9 (2) Department means the Department of Labor;

10 (3) Employee means a worker who may reasonably expect to experience
11 an employment loss as a consequence of a proposed business closing or
12 mass layoff by an employer;

13 (4) Employer means a person who employs twenty-five or more
14 employees, excluding part-time employees;

15 (5) Employment loss means an employment termination, other than a
16 discharge for cause, voluntary separation, or retirement; a layoff
17 exceeding six months; or a reduction in hours of more than fifty percent
18 of work of individual employees during each month of a six-month period.
19 Employment loss does not include instances when a business closing or
20 mass layoff is the result of the relocation or consolidation of part or
21 all of the employer's business and, before the business closing or mass
22 layoff, the employer offers to transfer the employee to a different site
23 of employment within a reasonable commuting distance with no more than a
24 six-month break in employment;

25 (6) Mass layoff means a reduction in employment force that is not
26 the result of a business closing and results in an employment loss at a
27 single site of employment during any thirty-day period of twenty-five or
28 more employees, other than part-time employees;

29 (7) Part-time employee means an employee who is employed for an
30 average of fewer than twenty hours per week or an employee, including a
31 full-time employee, who has been employed for fewer than six of the

1 twelve months preceding the date on which notice is required. However, if
2 an applicable collective bargaining agreement defines a part-time
3 employee, such definition shall supersede the definition in this
4 subdivision;

5 (8) Representative means an exclusive representative of employees
6 within the meaning of section 9(a) of the federal National Labor
7 Relations Act, 29 U.S.C. 151 et seq., and the federal Railway Labor Act,
8 45 U.S.C. 151 et seq.; and

9 (9) Single site of employment means a single location or a group of
10 contiguous locations, such as a group of structures that form a campus or
11 business park or separate facilities across the street from each other.

12 **Sec. 3.** (1)(a) An employer who plans a business closing or a mass
13 layoff shall not order such action until the end of a sixty-day period
14 which begins after the employer serves written notice of such action to
15 the affected employees or their representatives and to the department.
16 However, if an applicable collective bargaining agreement designates a
17 different notice period, the notice period in the collective bargaining
18 agreement shall govern. The employer shall provide notice to the
19 department if the worker is covered by a collective bargaining agreement.

20 (b) An employer who has previously announced and carried out a
21 short-term mass layoff of six months or less which is extended beyond six
22 months due to business circumstances not reasonably foreseeable at the
23 time of the initial mass layoff is required to give notice when it
24 becomes reasonably foreseeable that the extension is required. A mass
25 layoff extending beyond six months from the date the mass layoff
26 commenced for any other reason shall be treated as an employment loss
27 from the date of commencement of the mass layoff.

28 (c) In the case of the sale of part or all of a business, the seller
29 is responsible for providing notice of any business closing or mass
30 layoff which will take place up to and on the effective date of the sale.
31 The buyer is responsible for providing notice of any business closing or

1 mass layoff that will take place thereafter.

2 (2)(a) Notice from the employer to the affected employees or their
3 representatives and to the department shall be in written form and shall
4 contain the following:

5 (i) The name and address of the employment site where the business
6 closing or mass layoff will occur, and the name and telephone number of a
7 company official to contact for further information;

8 (ii) A statement as to whether the planned action is expected to be
9 permanent or temporary and, if the entire business is to be closed, a
10 statement to that effect;

11 (iii) The expected date of the first employment loss and the
12 anticipated schedule for employment losses; and

13 (iv) The job titles of positions to be affected and the names of the
14 employees currently holding the affected jobs. The notice to the
15 department shall also include the addresses of the affected employees.
16 The department shall maintain the confidentiality of the names and
17 addresses of employees received by the department.

18 (b) The notice may include additional information useful to the
19 employees, such as information about available dislocated worker
20 assistance and, if the planned action is expected to be temporary, the
21 estimated duration, if known.

22 (3) Any reasonable method of delivery to the affected employees or
23 their representatives and the department which is designed to ensure
24 receipt of notice of at least sixty days before the planned action is
25 acceptable. In the case of notification directly to affected employees,
26 insertion of notice into pay envelopes is a viable option.

27 **Sec. 4.** (1) If a business closing or mass layoff constitutes a
28 strike or constitutes a lockout not intended to evade the requirements of
29 the Nebraska Worker Adjustment and Retraining Notification Act, notice is
30 not required to be given by the employer. The Nebraska Worker Adjustment
31 and Retraining Notification Act does not require an employer to serve

1 written notice when permanently replacing an employee who is deemed to be
2 an economic striker under the federal National Labor Relations Act. The
3 Nebraska Worker Adjustment and Retraining Notification Act shall not be
4 deemed to validate or invalidate any judicial or administrative ruling
5 relating to the hiring of permanent replacements for economic strikers
6 under the federal National Labor Relations Act. If an employer hires
7 temporary workers to replace employees during the course of a strike or
8 lockout and later terminates these temporary workers at the conclusion of
9 the strike or lockout, the Nebraska Worker Adjustment and Retraining
10 Notification Act does not require an employer to serve written notice on
11 the terminated temporary workers.

12 (2)(a) When affected employees will not be terminated on the same
13 date, the date of the first individual employment loss within the sixty-
14 day notice period triggers the notice requirement. An employee's last day
15 of employment is considered the date of that employee's layoff. The first
16 and subsequent groups of terminated employees are entitled to a full
17 sixty days' notice.

18 (b) An employer shall give notice if the number of employment losses
19 of two or more actions in any ninety-day period triggers the notice
20 requirements in section 3 of this act for a business closing or a mass
21 layoff. An employer is not required to give notice if the number of
22 employment losses from one action in a thirty-day period does not meet
23 the requirements of section 3 of this act. All employment losses in any
24 ninety-day period shall be aggregated to trigger the notice requirement
25 unless the employer demonstrates to the department that the employment
26 losses during the ninety-day period are the result of separate and
27 distinct actions and causes.

28 (3)(a) Additional notice is required if the date or schedule of
29 dates of a planned business closing or mass layoff is extended beyond the
30 date or the ending date of any period announced in the original notice.

31 (b) If the postponement is for less than thirty days, the additional

1 notice shall be given as soon as possible to the affected employees or
2 their representatives and the department and shall include reference to
3 the earlier notice, the date to which the planned action is postponed,
4 and the reasons for the postponement. The notice shall be given in a
5 manner which will provide the information to all affected employees.

6 (c) If the postponement is for more than thirty days, the additional
7 notice shall be treated as new notice subject to the provisions of
8 section 3 of this act.

9 (4)(a) An exception to the sixty-day notice applies to business
10 closings, but not to mass layoffs, if the following requirements are met:

11 (i) An employer must have been actively seeking capital or business
12 at the time that the sixty-day notice would have been required by seeking
13 financing or refinancing through the arrangement of loans or the issuance
14 of stocks, bonds, or other methods of internally generated financing, or
15 by seeking additional money, credit, or business through any other
16 commercially reasonable method. The employer must identify specific
17 actions taken to obtain capital or business;

18 (ii) The employer must, at the time notice is actually given,
19 provide a statement of explanation for reducing the notice period in
20 addition to the other notice requirements in section 3 of this act;

21 (iii) There must have been a realistic opportunity to obtain the
22 financing or business sought;

23 (iv) The financing or business sought must have been sufficient, if
24 obtained, to have enabled the employer to avoid or postpone the shutdown.
25 The employer must be able to objectively demonstrate that the amount of
26 capital or the volume of new business sought would have enabled the
27 company to keep the facility, operating unit, or site open for a
28 reasonable period of time; and

29 (v) The employer reasonably and in good faith must have believed
30 that giving the required notice would have precluded the employer from
31 obtaining the needed capital or business. The employer must be able to

1 objectively demonstrate that the employer reasonably thought that a
2 potential customer or source of financing would have been unwilling to
3 provide the new business or capital if notice had been given. This
4 condition may be satisfied if the employer can show that the financing or
5 business source would not choose to do business with a troubled company
6 or with a company whose workforce would be looking for other jobs.

7 (b) The exception provided in subdivision (4)(a) of this section
8 shall be narrowly construed.

9 (5) An exception to the sixty-day notice applies to business
10 closings and to mass layoffs if the following requirements are met:

11 (a) Business circumstances occurred that were not reasonably
12 foreseeable at the time that the sixty-day notice would have been
13 required. An important indicator of a reasonably unforeseeable business
14 circumstance is that the circumstance is caused by some sudden, dramatic,
15 and unexpected action or condition outside the employer's control;

16 (b) The employer must, at the time notice is actually given, provide
17 a statement of explanation for reducing the notice period in addition to
18 the other notice requirements in section 3 of this act; and

19 (c) The employer must exercise commercially reasonable business
20 judgment as would a similarly situated employer in predicting the demands
21 of the employer's particular market. The employer is not required to
22 accurately predict general economic conditions that also may affect
23 demand for products or services.

24 (6)(a) An exception to the sixty-day notice applies to business
25 closings and to mass layoffs if the following requirements are met:

26 (i) A natural disaster occurred at the time that the sixty-day
27 notice would have been required. Floods, earthquakes, droughts, storms,
28 tornadoes, and similar effects of nature shall be considered natural
29 disasters for purposes of this subsection;

30 (ii) The employer must, at the time notice is actually given,
31 provide a statement of explanation for reducing the notice period in

1 addition to the other notice requirements in section 3 of this act; and

2 (iii) An employer must be able to demonstrate that the business
3 closing or mass layoff is a direct result of the natural disaster.

4 (b) If a business closing or mass layoff occurs as an indirect
5 result of a natural disaster, the exception provided in this subsection
6 does not apply but the unforeseeable business circumstance exception
7 provided in subsection (5) of this section may be applicable.

8 (7) The sixty-day notice requirement in section 3 of this act may be
9 reduced by the number of days for which severance payments or wages in
10 lieu of notice are paid by the employer to the employee for work days
11 occurring during the notice period. A severance payment or wages in lieu
12 of notice shall be at least an amount equivalent to the regular pay the
13 employee would earn for the work days occurring during the notice period.

14 **Sec. 5.** (1) The department shall enforce the Nebraska Worker
15 Adjustment and Retraining Notification Act.

16 (2) An employer who violates section 3 of this act shall be subject
17 to a civil penalty of not more than one hundred dollars for each day of
18 the violation.

19 (3) The civil penalty provided for in this section shall be the
20 exclusive remedy for any violation of the Nebraska Worker Adjustment and
21 Retraining Notification Act. Under the act, a court shall not have
22 authority to enjoin a business closing or mass layoff.

23 **Sec. 6.** The department may adopt and promulgate rules and
24 regulations to carry out the Nebraska Worker Adjustment and Retraining
25 Notification Act.

26 **Sec. 7.** Section 48-2209, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 48-2209 If an employer or a representative of an employer actively
29 recruits any non-English-speaking persons for employment in this state
30 and if more than ten percent of the employees of an employer are non-
31 English-speaking employees who and speak the same non-English language,

1 the employer shall:

2 ~~(1) Make an interpreter provide a bilingual employee who is~~
3 ~~conversant in the identified non-English language and~~ available at the
4 worksite for each shift during which a non-English-speaking employee is
5 employed. If a Spanish-speaking interpreter is needed, the employer shall
6 select an interpreter from a list of interpreters developed by the
7 commissioner. If an interpreter is needed for a language other than
8 Spanish, the employer shall select an interpreter capable of explaining
9 and responding to ~~(1) explain and respond~~ to questions regarding the
10 terms, conditions, and daily responsibilities of employment; and

11 (2) Employ an individual who shall serve as a referral agent to
12 community services for the non-English-speaking employees. The name of
13 the individual serving as the referral agent shall be provided at each
14 worksite. Such information shall be provided in the language of the non-
15 English-speaking employees. The primary responsibility of the referral
16 agent shall be to develop and maintain a list of contact persons and
17 agencies, telephone numbers, and addresses of the community services
18 provided within the community where the relevant worksite is located. The
19 referral agent shall assist non-English-speaking employees in working
20 with and through those services.

21 **Sec. 8.** Original section 48-2209, Reissue Revised Statutes of
22 Nebraska, is repealed.