

LEGISLATIVE BILL 412

Approved by the Governor May 25, 1989

Introduced by Business and Labor Committee, Coordsen,
32, Chairperson; Hefner, 19; Pirsch, 10;
Morrissett, 1; Korshoj, 16; Lindsay, 9

AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the minimum wage rate for persons compensated by way of gratuities; to repeal the original section; and to declare an emergency.

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

Section 1. That section 48-1203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1203. (1) Every employer shall pay to each of his or her employees; as defined in section 48-1202, wages at the minimum rate of three dollars and thirty-five cents per hour, except that as to persons as otherwise provided in this section.

(2) For persons compensated primarily by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay wages at the minimum rate of two dollars and one cent per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section. In determining whether or not the individual is compensated primarily by way of gratuities, the burden of proof shall be upon the employer.

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

Sec. 2. That original section 48-1203, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.