

BUSINESS AND LABOR COMMITTEE OF THE NEBRASKA LEGISLATURE

SUMMARY OF 2023-24 LEGISLATION

One Hundred Eighth Legislature
First and Second Session

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Senator Teresa Ibach, Vice-Chairperson, District 44
Senator Carol Blood, District 3
Senator Steve Halloran, District 33
Senator Ben Hansen, District 16
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FIRST SESSION: LIST OF BUSINESS AND LABOR BILLS AND RESOLUTIONS

- LB 5** (Blood) Provide for compensability under Nebraska Workers' Compensation Act for mental injuries resulting from workplace violence
Held in Committee
- LB 15** (Briese) Change provisions of the Wage and Hour Act
On General File
- LB 56** (McKinney) Adopt the Diaper Changing Accommodation Act
On General File
- LB 57** (Cavanaugh, M.) Adopt the Paid Family and Medical Leave Insurance Act
Held in Committee
- LB 101** (Erdman) Provide for an exemption from the Nebraska Workers' Compensation Act for certain agricultural operations
Held in Committee
- LB 161** (McDonnell) Change provisions of the Workplace Privacy Act
On General File
- LB 191** (Halloran) Adopt the Critical Infrastructure Utility Worker Protection Act and change provisions relating to the Contractor Registration Act, the Employment Security Law, the Nebraska Workers' Compensation Act, and the Rural Workforce Housing Investment Act
Bill Enacted
- LB 203** (Riepe) Provide for a release of employee medical records as prescribed under the Nebraska Workers' Compensation Act
Held in Committee
- LB 249** (Briese) Change provisions of the Rural Workforce Housing Investment Act
Amended into LB 191; Indefinitely Postponed
- LB 267** (Brewer) Adopt the Critical Infrastructure Utility Worker Protection Act
Amended into LB 191; Indefinitely Postponed
- LB 272** (Vargas) Change provisions relating to the date when compensation begins under the Nebraska Workers' Compensation Act
Held in Committee
- LB 282** (Riepe) Provide for payment of claims and approve a contract claim against the state
Bill Enacted

- LB 283** (Riepe) Deny claims against the state
On General File
- LB 327** (Raybould) Change provisions relating to the minimum wage (Wage and Hour Act)
On General File
- LB 335** (Halloran) Adopt the Health Care Staffing Agency Registration Act
On General File
- LB 367** (Conrad) Adopt the Fair Chance Hiring Act
Held in Committee
- LB 380** (Conrad) Changes to the Nebraska Fair Employment Practice Act to provide for jury trials and prohibit discrimination for exercise of rights under the Nebraska Workers' Compensation Act
Held in Committee
- LB 393** (Erdman) Change regulation of detasseling and roguing and hybrid seed corn
Held in Committee
- LB 405** (Vargas) Change provisions of the Non-English-Speaking Workers Protection Act
Held in Committee
- LB 426** (Riepe) Change the number of judges on the Nebraska Workers' Compensation Court
Amended into LB 799; Indefinitely Postponed
- LB 427** (Riepe) Eliminate fees of nonresident contractors under the Contractor Registration Act
Amended into LB 191; Indefinitely Postponed
- LB 443** (Albrecht) Change provisions relating to compensation for total disability under the Nebraska Workers' Compensation Act
Held in Committee
- LB 459** (McDonnell) Require reimbursement by the State Fire Marshal for premiums for benefits provided pursuant to the Firefighter Cancer Benefits Act
Held in Committee
- LB 460** (McDonnell) Provide for reimbursement of mental health examinations and resilience training for certain persons under the Nebraska Workers' Compensation Act
Amended into LB 191; Indefinitely Postponed
- LB 464** (Vargas) Change provisions relating to proof of mental injuries and mental illness for first responders under the Nebraska Workers' Compensation Act
Withdrawn
- LB 469** (Kauth) Change composition of the state protective service bargaining unit
Held in Committee

- LB 489** (von Gillern) Exclude marketplace network contractors working for marketplace network platforms from the Employment Security Law
Held in Committee
- LB 501** (Cavanaugh, M.) Provide for compensation under the Nebraska Workers' Compensation Act for cancers experienced by firefighters
Held in Committee
- LB 502** (Cavanaugh, M.) Adopt the Warehouse Worker Protection Act
Held in Committee
- LB 558** (Day) Require payment of a minimum wage for all school district employees
Held in Committee
- LB 618** (McDonnell) Redefine public benefits and change provisions of the Employment Security Law relating to the disqualification of certain aliens
Held in Committee
- LB 639** (Blood) Change provisions of Nebraska Workers' Compensation Act relating to rules and regulations, case progression standards, and summons and eliminate requirements to distribute copies of certain materials
Amended into LB 191; Indefinitely Postponed
- LB 665** (Riepe) Clarify language on rules and regulations under the Employment Security Law
Held in Committee
- LB 666** (Riepe) Change provisions of the Employment Security Law
Amended into LB 191; Indefinitely Postponed
- LB 670** (Hunt) Prohibit discrimination under the Nebraska Fair Employment Practice Act on the basis of gender identity or sexual orientation and prohibit discrimination by employers regardless of size
Held in Committee
- LB 671** (Hansen, B.) Allow the Nebraska Training and Support Cash Fund to be used for retention of existing employees of Nebraska businesses
Amended into LB 191; Indefinitely Postponed
- LB 678** (Day) Change provisions and definitions of the Nebraska Fair Employment Practice Act relating to disability
Held in Committee
- LB 752** (Cavanaugh, M.) Prohibit discrimination in employment by any entity receiving state funding
Held in Committee

FIRST SESSION: BILL SUMMARIES - BILLS ENACTED

LB 191 (Halloran) Adopt the Critical Infrastructure Utility Worker Protection Act and change provisions relating to the Contractor Registration Act, the Employment Security Law, the Nebraska Workers' Compensation Act, and the Rural Workforce Housing Investment Act

As originally introduced; LB 191 would have made certain workers' compensation injury reports confidential for 60 days from the date of filing. The bill was gutted by a committee amendment on general file, AM 1330, in order to replace it with a committee omnibus bill relating to the regulation of business and labor law in Nebraska.

The committee omnibus package includes provisions of seven bills that make technical changes to existing law:

- LB 249 (Briese), Change provisions of the Rural Workforce Housing Investment Act, as amended by AM 400, adds the extension of sewer or water service as an eligible activity under the Rural Workforce Housing Investment Act.
- Provisions of LB 267 (Brewer), prioritize resources such as personal protective equipment, vaccines and medical treatment for critical infrastructure utility workers during a civil defense emergency.
- LB 427 (Riepe), Eliminate fees relating to nonresident contractors under the Contractor Registration Act, amends the Nebraska Contractor Registration Act to no longer require out-of-state contractors to pay a one-time \$25 registration fee or submit a \$25 fee for each contract they receive of at least \$10,000;
- LB 460 (McDonnell), Provide for reimbursement of mental health examinations and resilience training for certain persons under the Nebraska Workers' Compensation Act, requires the state Department of Health and Human Services to reimburse first responders for examination costs related to mental health injuries that are not reimbursed by their employer and requires that rates be established by the Critical Incident Stress Management program;
- LB 639 (Blood), Change provisions of Nebraska Workers' Compensation Act relating to rules and regulations, case progression standards, and summons and eliminate requirements to distribute copies of certain materials, changes notice requirements on proposed workers' compensation regulations and eliminates certain other hearing and summons requirements;
- LB 666 (Riepe), Change provisions of the Employment Security Law, amends the state Employment Security Law to allow employers to choose their preferred method of document delivery and extends the deadline for employers to submit voluntary contributions to the state Department of Labor from January 10 to February 28 each year; and
- LB 671 (Hansen), allows the Nebraska Training and Support Cash Fund to be used for employee retention for Nebraska businesses.

LB 282 (Riepe) Provide for payment of claims and approve a contract claim against the state

LB 282, introduced by the Chair of the Business and Labor Committee at the request of the Department of Administrative Services (DAS). This bill introduced claims against the State that are required by statute to be reviewed by the Legislature. The State Risk Manager submits tort and workers' compensation claims against the State and certain write-offs for the Legislature's review and the appropriation of funds. AM 687 and AM 1354 included additional claims brought by DAS.

FIRST SESSION: BILL SUMMARIES - GENERAL FILE

LB 15 (Briese) Change provisions of the Wage and Hour Act

In November 2022, Nebraskans voted to increase the state minimum wage from \$9 to \$10.50 per hour on Jan. 1, 2023. The rate then increases incrementally until reaching \$15 per hour on Jan. 1, 2026, and adjusts annually going forward based on the Consumer Price Index to account for cost-of-living increases.

LB 15 would set the minimum wage for employees age 14 to 17 at \$9 through 2023, increasing .25 cents per year until reaching \$10 per hour in 2026.

LB 15 also would allow employers to pay new employees who are not seasonal or migrant workers between ages 18 and 20 a minimum training wage of \$9.25 through 2024, increasing to \$10 per hour through 2026. Beginning Jan. 1, 2027, the training wage would be 75 percent of the otherwise applicable minimum wage.

LB 56 (McKinney) Adopt the Diaper Changing Accommodation Act

LB 56 creates the Diaper Changing Accommodation Act. This Act aims to improve the availability of publicly accessible diaper changing stations throughout the state by requiring baby changing tables be made available in men's and women's restrooms in public restroom spaces. Place on general file with AM 400, which increased the substantially renovated provision, requiring a restroom renovation cost in excess of twenty thousand dollars to install a diaper changing station, up from the original ten thousand dollars.

LB 161 (McDonnell) Change provisions of the Workplace Privacy Act

LB 161 would limit employee tracking to that of when the Governor proclaims a public health state of emergency and establishes guidance on how that data is stored and used.

LB 283 (Riepe) Deny claims against the state

LB 283, introduced by the Chair of the Business and Labor Committee at the request of the Department of Administrative Services (DAS). The purpose of the bill is to introduce the claims filed against the State that were denied by the State Claims Board. LB 283 was placed on general file, however no claims were denied by the state.

LB 327 (Raybould) Change provisions relating to the minimum wage under Wage and Hour Act

LB 327 would cap the upcoming annual cost-of-living increases by the lesser of 1.5 percent or the CPU to the state's minimum wage beginning Jan. 1, 2028.

*LB 15 and LB 327 each advanced separately to general file. LB 15 was later merged into LB 327 by committee amendment AM 713.

LB 335 (Halloran) Adopt the Health Care Staffing Agency Registration Act

LB 335 creates the Health Care Staffing Agency Registration Act. This Act, administered by the Department of Labor would require all Health Care Staffing Agencies to register annually with the Department when operating in the state of Nebraska.

The Act requires staffing agencies to register annually with the Department. Creates an accessible database available to the public about specific information on each health care staffing agency. Requires staffing agencies to remit an annual fee, to provide proof of insurance, and requires agencies to maintain documentation that a staff member meets the minimum licensing, certification, training, and health requirements for the staff member's position in the health care facility or service. The Act also Prohibits an agency from restricting the employment opportunities of a staff member by charging a fee or including a non-compete clause.

AM 468 amends the bill to more strictly define which staff workers would be covered under the Act, reduces the reporting requires by agencies to the DOL, increases the annual registration fee, removes requirement for agencies to file fee schedules.

FIRST SESSION: BILL SUMMARIES - HELD IN COMMITTEE

LB 5 (Blood) Provide for compensability under Nebraska Workers' Compensation Act for mental injuries resulting from workplace violence

Nebraska Revised Statute § 48-101.01 refers to Mental injuries and mental illness unaccompanied by physical injury. Previous legislation allows first responders (LB 963, 2020) and correctional officers (LB 407, 2021) to establish workers compensation eligibility for a mental injury or mental illness unaccompanied by physical injury.

LB 5 amends Neb. Rev. Stat. § 48-101.01, allowing recovery of benefits for mental injuries and mental illness unaccompanied by physical injury for an employee whose mental injuries or mental illness were caused by workplace violence (shooting, hostage situation, act of terrorism, or similar act of violence occurring in the workplace) if the employee establishes, through a mental health professional, the medical causation between the mental injury or mental illness, and the workplace violence by medical evidence.

LB 101 (Erdman) Provide for an exemption from the Nebraska Workers' Compensation Act for certain agricultural operations

The intent of LB 101 is to provide small employers with the opportunity to file a waiver with the Workers' Compensation Court that would make clear that a potential contractor would not be held liable for claims in the event of a workplace accident. Currently, employers with fewer than ten (10) employees are not required to carry Workers' Compensation Insurance.

LB 203 (Riepe) Provide for a release of employee medical records as prescribed under the Nebraska Workers' Compensation Act

LB 203 amends the Nebraska Workers' Compensation Act by requiring any employee filing a claim for workers' compensation benefits to provide a patient's waiver upon the request of a compensation insurer, employer, or self-insurer to assist in the investigation of the employee's claim. Failure to provide the patient's waiver would toll the commencement of the 30-day period for purposes of liability under the penalty provisions of the Workers' Compensation Act. The bill would exempt records relating to sexual abuse, human immunodeficiency virus, reproductive health conditions, mental health condition, unless seeking benefits for mental health injuries or alcohol or controlled substance abuse from being disclosed pursuant to a patient waiver.

LB 272 (Vargas) Change provisions relating to the date when compensation begins under the Nebraska Workers' Compensation Act

LB 272 would reduce the “waiting time” period from seven to three calendar days and the “retroactive” benefits waiting period, the date disability began, would be shortened from forty-two days to fourteen days.

The waiting time period refers to the number of days the injured worker must miss work before he or she may begin to receive indemnity payments. If an injured worker misses more than seven days of work, the worker would receive benefits for the days that exceed the waiting period. If the injured worker exceeds the “retroactive” benefits waiting period, they would receive benefits for the workdays missed during the waiting time period.

LB 367 (Conrad) Adopt the Fair Chance Hiring Act

LB 367 creates the Fair Chance Hiring Act and requires a prospective employer to evaluate a job applicant’s qualifications, without an initial inquiry about the applicant’s history of criminal law violations. The purpose of the bill is to remove criminal history from having an automatic disqualifying impact, so long as the applicant is otherwise qualified for the position.

LB 367 would apply to any private employer having fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year and any state governmental agencies, and political subdivisions, regardless of the number of employees.

LB 367 permits a prospective employer or employment agency to inquire as to an applicant’s criminal record, verbally or in writing, after the applicant has received a conditional offer of employment so long as consideration of a criminal history is otherwise required by federal or state law; a federal or state law specifically disqualifies an applicant with a criminal background; and the inquiry or request for disclosure is limited to the types of criminal offenses that the employer or employment agency is required to consider or that disqualify the applicant.

LB 367 further provides that if an employer or employment agency intends to deny an applicant a position of employment solely or in part because of the applicant’s criminal record, the employer or employment agency shall send a written pre-adverse action notice to the applicant prior to a final decision. The notice shall provide information regarding the basis for denial or disqualification and related material. The applicant has ten days to respond with mitigation or rehabilitation evidence or any information challenging the accuracy of the conviction or convictions.

LB 367 also requires employers to maintain records for applicants and authorizes the Nebraska Equal Opportunity Commission to enforce provisions of this act by investigating violations and imposing sanctions.

LB 380 (Conrad) Changes to the Nebraska Fair Employment Practice Act to provide for jury trials and prohibit discrimination for exercise of rights under the Nebraska Workers' Compensation Act

LB 380 amends § 48-121 by establishing an unlawful employment practice under the Nebraska Fair Employment Practice Act for a covered entity to discriminate or retaliate against an individual because the individual has reported a work-related injury, brought a claim, or sought remedies under the Nebraska Workers' Compensation Act (NWCA).

The NWCA is a compromise between employers and employees, that employees give up the complete compensation they may receive from tort law in exchange for no-fault benefits for most economic losses from work-related injuries. Employers receive immunity from common-law suits. The employer also gives up its normal defenses and assumes automatic liability, while the employee gives up their own right to common law verdicts. This bill would potentially allow employees to pursue both relief under NWCA as well as common law verdicts and conflicts with the intent of the compromise of NWCA.

LB 393 (Erdman) Change regulation of detasseling and roguing and hybrid seed corn

LB 393 amends Neb. Rev. Stat. §§ 48-302, 48-313 and 81-2, 157. The bill seeks to limit the working hours for employees hired for detasseling and roguing work, requires the reporting the number of acres of corn to be planted, and adds detailed language regarding the unlawful conduct regarding the sale or false representation of any seed corn as hybrid.

LB 393 was later amended by AM 322, which changed the working hours for any person detasseling or roguing and broadened compliance requirements to include all employers who plant seed corn such as contracted companies by the seed companies.

LB 405 (Vargas) Change provisions of the Non-English-Speaking Workers Protection Act

The Nebraska Legislature enacted the Nebraska Meatpacking Industry Workers Bill of Rights (MW Bill of Rights) into state law known as the Nebraska Non-English-Speaking Workers Protection Act. This act established a meatpacking industry worker rights coordinator position within the Nebraska Department of Labor to inspect meatpacking plants and to annually report upon the industry's compliance with the rights listed in the MW Bill of Rights.

LB 405 expands the reporting requirements of meatpacking operators and provides for the report to be publicly available on the department's website. Establishes visitation rights of the coordinator to meatpacking operators and allows for private interviews of employers and employees. The bill also allows for disclosure to the appropriate authorities if a violation is discovered by the coordinator or department official.

LB 443 (Albrecht) Change provisions relating to compensation for total disability under the Nebraska Workers' Compensation Act

LB 443 would provide for termination of total disability benefits at age 72, unless an employee is injured after age 67, in which case total disability benefits would cease after five years from such compensation having initially been paid. The bill would exempt spinal cord injuries resulting in paralysis and severe brain or closed-head injuries and total or industrial blindness from the limitations on the duration of total disability benefits.

LB 459 (McDonnell) Require reimbursement by the State Fire Marshal for premiums for benefits provided pursuant to the Firefighter Cancer Benefits Act

In 2021, the Legislature adopted the Firefighter Cancer Benefits Act, which authorized any rural or suburban fire protection district, airport authority, city, village, or nonprofit corporation to provide enhanced cancer benefits to both paid and volunteer firefighters.

LB 459 would appropriate General Funds to the State Fire Marshal for reimbursement to such rural or suburban fire protection districts, airport authorities, cities, villages, or nonprofit corporations that provide enhanced cancer benefits pursuant to the Firefighter Cancer Benefits Act for the annual cost of premiums for such enhanced cancer benefits.

LB 469 (Kauth) Change composition of the state protective service bargaining unit

Nebraska Revised Statute § 81-1373 grants that state employees' have the right to organize for the purpose of collective bargaining. There are twelve bargaining units for all state agencies (with some exceptions such as the University of Nebraska, the Nebraska state colleges, and other constitutional offices). Each of these units consist of state employees whose job classifications are occupationally and functionally related and who share a community of interest.

LB 469 changes the composition of the state protective service bargaining unit by adding parole officers and probation officers.

LB 489 (Von Gillern) Exclude marketplace network contractors working for marketplace network platforms from the Employment Security Law

LB 489 amends the Employment Security Law to exclude marketplace network contractors working for marketplace network platforms from the Employment Security Law. These are workers engaged in services utilizing tech applications such as Uber and DoorDash. The bill specifies the nature of their employment as independent contractors.

LB 501 (Cavanaugh, M.) Provide for compensation under the Nebraska Workers' Compensation Act for cancers experienced by firefighters

LB 501 amends Neb. Rev. Stat. § 48-1,110 and provides for compensation under the Nebraska Workers' Compensation Act for known cancers experienced by volunteer and professional firefighters.

Cancer that results in either temporary or permanent disability or death is an occupational disease and compensable under the Nebraska Workers' Compensation act. This applies to firefighters who were exposed to carcinogens or reasonably known human carcinogens during the course of their employment or service.

LB 502 (Cavanaugh, M.) Adopt the Warehouse Worker Protection Act

LB 502 creates the Warehouse Worker Protection Act and is intended to protect warehouse workers from unreasonable work requirements. Companies who employ 100 workers in a single warehouse or 500 workers in multiple warehouses would be required to disclose work speed data to current and former employees and to inform workers about their performance and rights in the workplace. The law also protects workers from adverse employment actions because of a failure to meet undisclosed speed quotes or quotas that do not allow for proper breaks.

LB 558 (Day) Require payment of a minimum wage for all school district employees

LB 558 would create an hourly wage for all school employees, requiring school districts to pay employees at least 70% of the Nebraska statewide average hourly wage. No wages would be lowered by LB 558.

LB 57 (Cavanaugh, M.) Adopt the Paid Family and Medical Leave Insurance Act

LB 57 adopts the Paid Family and Medical Leave Insurance Act. The Act creates a paid family and medical leave insurance program to provide partial wage replacement for eligible workers to care for themselves or family members. The program would be financed through employer contributions to the program.

LB 618 (McDonnell) Redefine public benefits and change provisions of the Employment Security Law relating to the disqualification of certain aliens

LB 618 expands unemployment insurance benefit eligibility to individuals employed through a work authorization under the Deferred Action for Childhood Arrivals (DACA) program.

LB 618 proposes to close the gap so that all qualified workers in Nebraska who pay unemployment insurance taxes have equal access to the unemployment insurance benefits they have earned.

LB 665 (Riepe) Clarify language on rules and regulations under the Employment Security Law

LB 665 clarifies the language of Nebraska Revised Statute §48-608 in regards to the adoption and promulgation of the Employment Security Law.

LB 670 (Hunt) Prohibit discrimination under the Nebraska Fair Employment Practice Act on the basis of gender identity or sexual orientation and prohibit discrimination by employers regardless of size

Existing state law contains numerous provisions prohibiting discrimination on the basis of race, color, creed, religion, ancestry, sex, marital status, national origin, familial status, handicap, age, or disability.

LB 670 would add sexual orientation and gender identity to the list of prohibited reasons for employment discrimination under the Nebraska Fair Employment Practice Act.

LB 670 would prohibit discrimination in employment based on sexual orientation or gender identity regardless of size, classifying them by Class I (15 or more employees) and Class II (one or more employees), with some exceptions.

LB 678 (Day) Change provisions and definitions of the Nebraska Fair Employment Practice Act relating to disability

The Nebraska Fair Employment Practice Act (Neb. Rev. Stat. § 48-1101) makes it unlawful for an employer to discriminate against its employee on the basis of the employee's opposition to an unlawful practice.

LB 678 suggests the Act's language as underinclusive in the definition and provisions sections relating to workers with disabilities. The bill intends to clarify these sections to ensure all persons with disability status are protected by the Nebraska Fair Employment Practice Act.

LB 752 (Cavanaugh, M.) Prohibit discrimination in employment by any entity receiving state funding

LB 752 seeks to prohibit discrimination in employment by any entity receiving state funding.

FIRST SESSION: BILL SUMMARIES - INDEFINETLY POSTPONED

LB 249 (Briese) Change provisions of the Rural Workforce Housing Investment Act

As amended by AM 400, adds the extension of sewer or water service as an eligible activity under the Rural Workforce Housing Investment Act.

LB 249 was Amended into LB 191

LB 267 (Brewer) Adopt the Critical Infrastructure Utility Worker Protection Act

Provisions of LB 267 prioritize resources such as personal protective equipment, vaccines and medical treatment for critical infrastructure utility workers during a civil defense emergency.

LB 267 was Amended into LB 191

LB 426 (Riepe) Change the number of judges on the Nebraska Workers' Compensation Court

LB 426 would reduce the number of judges on the Nebraska Workers' Compensation Court from seven to six. The number of judges that sit on the Court is set by statute. The workload of the judges of the Compensation court has been reduced due to statutory changes, declining litigation and a reduction of workplace injuries. In order to promote the efficient administration of justice, the number of judges should be reduced from seven to six to reflect the reduced workload of the adjudication branch of the Court.

LB 426 was Amended into LB 799

LB 427 (Riepe) Eliminate fees relating to nonresident contractors under the Contractor Registration Act

Amends the Nebraska Contractor Registration Act to no longer require out-of-state contractors to pay a one-time \$25 registration fee or submit a \$25 fee for each contract they receive of at least \$10,000;

LB 427 was Amended into LB 191

LB 460 (McDonnell) Provide for reimbursement of mental health examinations and resilience training for certain persons under the Nebraska Workers' Compensation Act

Requires the state Department of Health and Human Services to reimburse first responders for examination costs related to mental health injuries that are not reimbursed by their employer and requires that rates be established by the Critical Incident Stress Management program

LB 460 was Amended into LB 191

LB 639 (Blood) Change provisions of Nebraska Workers' Compensation Act relating to rules and regulations, case progression standards, and summons and eliminate requirements to distribute copies of certain materials

LB 639 (Blood), Change provisions of Nebraska Workers' Compensation Act relating to rules and regulations, case progression standards, and summons and eliminate requirements to distribute copies of certain materials, changes notice requirements on proposed workers' compensation regulations and eliminates certain other hearing and summons requirements

LB 639 was Amended into LB 191

LB 666 (Riepe) Change provisions of the Employment Security Law

Amends the state Employment Security Law to allow employers to choose their preferred method of document delivery and extends the deadline for employers to submit voluntary contributions to the state Department of Labor from Jan. 10 to Feb. 28 each year

LB 666 was Amended into LB 191

LB 671 (Hansen, B.) Allow the Nebraska Training and Support Cash Fund to be used for retention of existing employees of Nebraska businesses

LB 671 amends the Nebraska Training and Support Cash Fund to also be used for retention of existing employees of Nebraska Businesses.

LB 671 was Amended into LB 191

SECOND SESSION: LIST OF BUSINESS AND LABOR BILLS AND RESOLUTIONS

- LB 827** (Blood) Adopt the Entertainment Industry Child Performer Protection Act
Held in Committee
- LB 851** (Jacobson) Change provisions relating to internship grants
Bill Enacted
- LB 906** (Riepe) Change provisions relating to child labor laws
Bill Enacted
- LB 961** (Dungan) Prohibit Noncompete for Lower Wage Employees
Held in Committee
- LB 993** (Ibach) Adopt the Apprenticeship Grant Act
On General File
- LB 1017** (Bosn) Change the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act
Bill Enacted
- LB 1069** (Halloran) Change provisions relating to the State Fire Marshal, the Boiler Inspection Act, and the Nebraska Natural Gas Pipeline Safety Act of 1969 and eliminate the Nebraska Fire Safety Appeal Board
Bill Enacted
- LB 1139** (M. Cavanaugh) Adopt Paid Family and Medical Leave Insurance Act
Held in Committee
- LB 1170** (Riepe) Change provisions of the Employment Security Law relating to benefit amounts and periods of disqualification for benefits
On General File
- LB 1188** (Riepe) Provide for payment of claims against the state
Bill Enacted
- LB 1189** (Riepe) Deny claims against the state
Held in Committee
- LB 1213** (Walz) Require employers to provide twenty hours of paid leave per year for school-related activities
Held in Committee

LB 1393 (Hansen) Change provisions relating to the combined tax rate under the Employment Security Law and the Nebraska Student-Athlete Name, Image, or Likeness Rights Act
Bill Enacted

LB 1408 (Sanders) Require human trafficking informational posters in hotels, require hotels to adopt a policy and train employees, and limit liability as prescribed
On General File

LR275CA (Blood) - Constitutional amendment to repeal provisions that prohibit a person from being denied employment because of membership in or non-membership in a labor organization
Withdrawn

SECOND SESSION: BILL SUMMARIES - BILLS ENACTED

LB 851 (Jacobson) Change provisions relating to internship grants

LB 851 amends Neb. Rev. Stat. § 81-1210.02 by increasing the number of companies eligible for internship grants and expanding a provision regarding telecommuting. The bill increases the number of companies eligible for internship grants from less than 50 full-time equivalent employees to less than 150 full-time equivalent employees. AM 2207 revises telecommunication section to reflect the bill's intent to allow telecommute opportunities throughout the state of Nebraska, rather than just within 30 miles from the college, university, or other institution of higher education where the student is enrolled and if the higher education institution is located within Nebraska.

LB 906 (Riepe) Change Provisions relating to child labor laws

LB 906 increases the penalties for violations of child labor laws, broadens who is able to visit an employer to investigate suspected violations of child labor laws and grants the Commissioner of Labor the ability to subpoena records from any employer suspected of violating child labor laws.

LB 1017 (Bosn) Change the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act

LB 1017 amends Neb. Rev. Stat. § 48-121(3), clarifying the circumstances under which workers compensation benefits are awarded based upon loss of earning capacity in cases where a loss or loss of use of more than one hand, arm foot, leg, or any combination thereof, has resulted in from the same accident or illness. AM 2683 removed the definition of loss of use, that loss or loss of use of multiple parts of the same extremity, such as an arm or leg, arm, resulting from the same accident or illness does not entitle loss of earning capacity benefits.

LB 1069 (Halloran) Change provisions relating to the State Fire Marshal, the Boiler Inspection Act, and the Nebraska Natural Gas Pipeline Safety Act of 1969 and eliminate the Nebraska Fire Safety Appeal Board

LB 1069 amends several statutes related to the Nebraska State Fire Marshal Agency. Changes include; removing references to the Fire Safety Appeals Board and utilizing a Hearing Officer, changing open burning permit criteria for local fire departments, increasing civil penalties for violations of the Nebraska Natural Gas Pipeline Safety requirements, increasing annual pipeline meter assessment fees, reducing time requirements for renewal of water-based fire protection system contractors, and reducing the number of boilers inspected annually.

AM 2583 to LB 1069 includes additional due process language in accordance with the Administrative Procedure Act for suspected violations of the Nebraska Natural Gas Pipeline Safety Act. This due process language details notice from the State Fire Marshal to include determination of the probable violation with documentation related to the investigation. After receiving notice, the party suspected of violations of the Act has sixty days to answer by either agreeing to or disputing with the determination. In response to the answer, the State Fire Marshal may require additional information and the party has

thirty business days to respond. If there is no violation, the State Fire Marshal will issue a letter and close the matter. If there is a violation of the Act, the State Fire Marshal will issue an order finding the party in violation and provide the party a right to a hearing. A final order may be determined if the party fails to request a hearing within thirty days or upon review of the hearing officer's findings. The party has the ability to appeal a final order from the State Fire Marshal. The amendment also clarifies civil penalties for the One-Call Notification System Act and the Nebraska Natural gas Pipeline Safety Act and how a court should consider the appropriateness of such penalty of violations of these acts.

LB 1188 (Riepe) Provide for payment of claims and approve a contract claim against the state

LB 1188, introduced by the Chair of the Business and Labor Committee at the request of the Department of Administrative Services. This bill introduced claims against the State that are required by statute to be reviewed by the Legislature. The State Risk Manager submits tort and workers' compensation claims against the State and certain write-offs for the Legislature's review and the appropriation of funds.

The Business and Labor Committee held a hearing on AM 3018 to LB 1188 as a result of new state claims settled by the Attorney General's Office since the initial hearing of LB 1188. AM 3018 amends LB 1188 by including two workers compensation settlement claims. AM 3113 amends AM 3018 by including two new state insurance fund tort claims settled by the Attorney General's office.

LB 1393 (Hansen) Change provisions relating to the combined tax rate under the Employment Security Law and the Nebraska Student-Athlete Name, Image, or Likeness Rights Act

LB 1393 proposes amendments to the Nebraska Student Athlete Name, Image, or Likeness Rights Act (NIL) allowing Nebraska's postsecondary institutions to be more directly involved with regards to NIL activities. Changes include:

- Expands protections of NIL rights language when a student-athlete "intends to earn" NIL compensation rather than just when they have earned.
- Also expands rights to not only to name, image, or likeness, but also the student-athletes athletic reputation.
- New provision states NIL compensation agreements do not create an employee-employer relationship between the student-athlete and the postsecondary institution.
- Giving third parties the ability to partner with postsecondary institutions and student-athletes to help create/support
- Removes provision restricting payment for NIL contracts to student-athletes from the postsecondary institution if it is permitted by law, contract, or settlement.
- Further protects the disclosure of NIL contractual agreements between the postsecondary institution and the student-athlete.
- New provision created would protect employees of the postsecondary institution from damages caused by their decisions/actions made in the ordinary course of intercollegiate athletics, which would result in a student-athlete's inability to earn NIL compensation.

SECOND SESSION: BILL SUMMARIES - GENERAL FILE

LB 993 (Ibach) Adopt the Apprenticeship Grant Act

LB 993 creates the Apprenticeship Grant Act, creating grants allowing individuals who are underemployed and receive economic assistance to enter a new workforce development apprenticeship program. The act allows businesses to apply for grants through Department of Economic Development as long as certain requirements are met. Requirements such as apprenticeships be registered in Nebraska, the apprentice participates in the “SNAP Next Program” or programs affiliated with the Nebraska Workforce Innovation and Opportunity Act, and the business intends to offer full-time employment upon successful completion of the program.

AM 2372 would amend LB 993 by limiting the total number of apprenticeship grants available to a businesses within a 12 month period. Additionally, the amendment also creates a sunset date of June 30, 2030.

LB 1170 (Riepe) Change provisions of the Employment Security Law relating to benefit amounts and periods of disqualification for benefits

LB 1170 changes provisions related to the Employment Security Law by reducing the maximum amount of unemployment benefits a person is eligible for from 26 weeks to 16 weeks. The bill also proportionally reduces the maximum benefits payable when a disqualification is assessed such as; voluntarily leaving work, involuntarily leaving work (misconduct), and rejecting suitable work.

LB 1408 (Sanders) Require human trafficking informational posters in hotels, require hotels to adopt a policy and train employees, and limit liability as prescribed

LB 1408 would require hotels to be included on the list of places where human trafficking informational materials are posted. These materials are designed to educate the public and connect human trafficking victims to critical resources. The bill also establishes the development of human trafficking training curriculum and would require hotel owners to train all employees within 180 days of employment and to be in compliance with human trafficking laws within the state.

AM 2887 amends LB 1408 by removing the requirement that hotels provide mandatory training and establishing training curriculum in human trafficking to their employees. Additionally, AM 2887 removes the Department of Labor as the custodian of documenting training completion by hotels and their employees. As provided by the Attorney General’s Office, hotels would be maintaining their own training archives, and would be responsible for publishing their compliance on their own websites. Finally, this amendment broadens definitions of hotel employees to “employees of hotels and similar public lodging establishments” and defines the meaning of hotel as described in Neb. Rev. Stat. § 81-3707 instead of referencing only the statute in the original bill.

SECOND SESSION: BILL SUMMARIES - HELD IN COMMITTEE

LB 827 (Blood) Adopt the Entertainment Industry Child Performer Protection Act

LB 827 creates the Entertainment Industry Child Performer Protection Act. This legislation increases labor protections for child performers, preventing excessive hours and lack of fair compensation, and protecting them from potential financial exploitation by their employers and family.

LB 961 (Dungan) Prohibit non-compete agreements for lower-wage employees

LB 961 eliminates employers from enforcing non-compete agreements for low-income employees. According to the bill, “low-income employee” means those who earn no more than \$100,000.

LB 1139 (Cavanaugh, M.) Adopt the Paid Family and Medical Leave Insurance Act

LB 1139 adopts the Paid Family and Medical Leave Insurance Act. The Act creates a paid family and medical leave insurance program to provide partial wage replacement for eligible workers to care for themselves or family members. The program would be financed through employer contributions to the program.

LB 1189 (Riepe) Deny claims against the state

LB 1189, introduced by the Chair of the Business and Labor Committee at the request of the Department of Administrative Services (DAS). The purpose of the bill is to introduce the claims filed against the State that were denied by the State Claims Board. LB 1189 remained in committee because no claims were denied by the state.

LB 1213 (Walz) Require employers to provide twenty hours of paid leave per year for school-related activities

LB 1213 would require employers to provide twenty hours of paid leave per year for school-related activities. According to the bill, school related activities leave includes, but is not limited to, parent-teacher conferences, disciplinary meetings or proceedings, extracurricular or athletic competitions or events, volunteer activities, and orientation programs.

**SECOND SESSION: BILL SUMMARIES - INDEFINITELY
POSTPONED/WITHDRAWN**

LR 275CA (Blood) - Constitutional amendment to repeal provisions that prohibit a person from being denied employment because of membership in or non-membership in a labor organization (Withdrawn)

BUSINESS AND LABOR GUBERNATORIAL APPOINTMENTS

- **John Albin** – Commissioner, Department of Labor
- **Dallas Jones** – Commission of Industrial Relations
- **Steven Bley** – Boiler Safety Code Advisory Board
- **Spencer Hartman** – Commission of Industrial Relations

DETAILED INDEX OF BUSINESS AND LABOR COMMITTEE

Document	Primary Introducer	Status	Description
LB 5	Blood	Held in Committee	Provide for compensability under Nebraska Workers' Compensation Act for mental injuries resulting from workplace violence
LB 15	Briese	On General File	Change provisions of the Wage and Hour Act
LB 56	McKinney	On General File	Adopt the Diaper Changing Accommodation Act
LB 57	Cavanaugh, M.	Held in Committee	Adopt the Paid Family and Medical Leave Insurance Act
LB 101	Erdman	Held in Committee	Provide for an exemption from the Nebraska Workers' Compensation Act for certain agricultural operations
LB 161	McDonnell	On General File	Change provisions of the Workplace Privacy Act
LB 191	Halloran	Enacted	Adopt the Critical Infrastructure Utility Worker Protection Act and change provisions relating to the Contractor Registration Act, the Employment Security Law, the Nebraska Workers' Compensation Act, and the Rural Workforce Housing Investment Act
LB 203	Riepe	Held in Committee	Provide for a release of employee medical records as prescribed under the Nebraska Workers' Compensation Act
LB 249	Briese	Indefinitely postponed	Change provisions of the Rural Workforce Housing Investment Act
LB 267	Brewer	Indefinitely postponed	Adopt the Critical Infrastructure Utility Worker Protection Act
LB 272	Vargas	Held in Committee	Change provisions relating to the date when compensation begins under the Nebraska Workers' Compensation Act
LB 282	Riepe	Enacted	Provide for payment of claims and approve a contract claim against the state
LB 283	Riepe	On General File	Deny claims against the state
LB 327	Raybould	On General File	Change provisions relating to the minimum wage under the Wage and Hour Act
LB 335	Halloran	On General File	Adopt the Health Care Staffing Agency Registration Act
LB 367	Conrad	Held in Committee	Adopt the Fair Chance Hiring Act
LB 380	Conrad	Held in Committee	Changes to the Nebraska Fair Employment Practice Act to provide for jury trials and prohibit discrimination for exercise of rights under the Nebraska Workers' Compensation Act
LB 393	Erdman	Held in Committee	Change regulation of detasseling and roguing and hybrid seed corn
LB 405	Vargas	Held in Committee	Change provisions of the Non-English-Speaking Workers Protection Act
LB 426	Riepe	Indefinitely postponed	Change the number of judges on the Nebraska Workers' Compensation Court
LB 427	Riepe	Indefinitely postponed	Eliminate fees relating to nonresident contractors under the Contractor Registration Act
LB 443	Albrecht	Held in Committee	Change provisions relating to compensation for total disability under the Nebraska Workers' Compensation Act

LB 459	McDonnell	Held in Committee	Require reimbursement by the State Fire Marshal for premiums for benefits provided pursuant to the Firefighter Cancer Benefits Act
LB 460	McDonnell	Indefinitely postponed	Provide for reimbursement of mental health examinations and resilience training for certain persons under the Nebraska Workers' Compensation Act
LB 464	Vargas	Withdrawn	Change provisions relating to proof of mental injuries and mental illness for first responders under the Nebraska Workers' Compensation Act
LB 469	Kauth	Held in Committee	Change composition of the state protective service bargaining unit
LB 489	von Gillern	Held in Committee	Exclude marketplace network contractors working for marketplace network platforms from the Employment Security Law
LB 501	Cavanaugh, M.	Held in Committee	Provide for compensation under the Nebraska Workers' Compensation Act for cancers experienced by firefighters
LB 502	Cavanaugh, M.	Held in Committee	Adopt the Warehouse Worker Protection Act
LB 558	Day	Held in Committee	Require payment of a minimum wage for all school district employees
LB 618	McDonnell	Held in Committee	Redefine public benefits and change provisions of the Employment Security Law relating to the disqualification of certain aliens
LB 639	Blood	Indefinitely postponed	Change provisions of Nebraska Workers' Compensation Act relating to rules and regulations, case progression standards, and summons and eliminate requirements to distribute copies of certain materials
LB 665	Riepe	Held in Committee	Clarify language on rules and regulations under the Employment Security Law
LB 666	Riepe	Indefinitely postponed	Change provisions of the Employment Security Law
LB 670	Hunt	Held in Committee	Prohibit discrimination under the Nebraska Fair Employment Practice Act on the basis of gender identity or sexual orientation and prohibit discrimination by employers regardless of size
LB 671	Hansen, B.	Indefinitely postponed	Allow the Nebraska Training and Support Cash Fund to be used for retention of existing employees of Nebraska businesses
LB 678	Day	Held in Committee	Change provisions and definitions of the Nebraska Fair Employment Practice Act relating to disability
LB 752	Cavanaugh, M.	Held in Committee	Prohibit discrimination in employment by any entity receiving state funding
LB 827	Blood	Enacted	Adopt the Entertainment Industry Child Performer Protection Act
LB 851	Jacobson	Enacted	Change provisions relating to internship grants
LB 906	Riepe	Enacted	Change provisions relating to child labor laws
LB 961	Dungan	Enacted	Prohibit noncompete agreements for lower-wage employees
LB 993	Ibach	Enacted	Adopt the Apprenticeship Grant Act
LB 1017	Bosn	Held In Committee	Change the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act
LB 1069	Halloran	Enacted	Change provisions relating to the State Fire Marshal, pipeline facility administration assessments, and the Boiler Inspection Act and eliminate the Nebraska Fire Safety Appeal Board, appeals procedures, and obsolete provisions
LB 1139	M. Cavanaugh	On General File	Adopt Paid Family and Medical Leave Insurance Act
LB 1170	Riepe	On General File	Change provisions of the Employment Security Law relating to benefit amounts and periods of disqualification for benefits

LB 1188	Riepe	On General File	Provide for payment of claims against the state
LB 1189	Riepe	Held In Committee	Deny claims against the state
LB 1213	Walz	Held In Committee	Require employers to provide twenty hours of paid leave per year for school-related activities
LB 1393	Hansen	Held In Committee	Change provisions of the Nebraska Student-Athlete Name, Image, or Likeness Rights Act
LB 1408	Sanders	Held In Committee	Require human trafficking informational posters in hotels, require hotels to adopt a policy and train employees, and limit liability as prescribed
LR 275CA	Blood	Withdrawn	Constitutional Amendment removing Right to Work
LR 174	Riepe	Interim Study	Interim study to examine issues raised in LB 335, 2023, relating to the impact health care staffing agencies have on the delivery of health care services
LR 193	McDonnell	Interim Study	Interim study to research and explore employee privacy concerns related to digital tracking in nonemergency situations
LR 210	McKinney	Interim Study	Interim study to examine the emigration of skilled and educated individuals out of the State of Nebraska
LR 225	Riepe	Interim Study	Interim study to determine ways to incentivize the growth in the number of apprenticeship programs and youth apprenticeship participants in Nebraska
LR 354	Conrad	Interim Study	Interim study to assess state-led programs pertaining to the Nebraska workforce
LR 444	Wishart	Interim Study	Interim study to examine issues raised in LB 335, 2023, relating to the impact health care staffing agencies have on the delivery of health care services