

**ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014**  
**COMMITTEE STATEMENT**  
**LB560**

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**Hearing Date:** Monday February 04, 2013  
**Committee On:** Business and Labor  
**Introducer:** Mello  
**One Liner:** Provide enforcement provisions to certain labor and employment acts

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Ashford, Chambers, Hansen, Harr, Lathrop, McGill, Wallman  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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<b>Proponents:</b>	<b>Representing:</b>
Heath Mello	District 5
Abbie Kretz	Heartland Workers Center
Kevin Hilton	North Central States Regional Council of Carpenters
Ken Mass	Nebraska State AFL-CIO
Darcy Tromanhauser	Nebraska Appleseed
Ernesto Medina	Episcopal Diocese of Nebraska

<b>Opponents:</b>	<b>Representing:</b>
<b>Neutral:</b>	<b>Representing:</b>
Catherine Lang	Nebraska Department of Labor

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**Summary of purpose and/or changes:**

LB 560 amends the Nebraska Fair Employment Practice Act, the Wage and Hour Act, the Nebraska Wage Payment and Collection Act, and the Employee Classification Act.

The Nebraska Fair Employment Practice Act is amended to require the Equal Opportunity Commission to require every employer, employment agency, and labor organization subject to the Act to make and keep records relevant to the determination of unlawful employment practices for a minimum of five years. The Wage and Hour Act is amended to prohibit discrimination or retaliation against an individual, who has opposed an unlawful practice under the Act or has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act. An employer is required to furnish each employee on each payday with an itemized statement listing wages earned and deductions for each pay period earnings and deductions were made. The statements may be in print or electronic form. The Act is further amended to allow the Commissioner of Labor to subpoena records and witnesses related to enforcement of the Act; provides that violations of the Act are a Class IV misdemeanor and that the county attorney of the appropriate county shall prosecute violations of the Act. Additional language is added to the Act to prohibit discrimination or retaliation against an individual, who has opposed an unlawful practice under the Act or has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act. The Employee Classification Act is amended to prohibit discrimination or retaliation against an individual, who has opposed an unlawful practice under the Act or has made a charge, testified, assisted, or participated in any manner in

an investigation, proceeding, or hearing under the Act.

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**Explanation of amendments:**

AM 1958 amends LB 560 and adds LB 903. AM 1958 removes the portions of LB 560 pertaining to the keeping of records, retaliation actions, and the criminal penalties. The investigatory and subpoena language is amended to add that the information sought must be relevant and reasonable in scope. The criminal penalty is replaced with a civil penalty that is similar to the penalties provided under the Contractor Registration Act. The fine is \$500 for a first offense and \$5,000 for subsequent offenses. Employers can contest the citation.

LB 903 is amended to address the concerns brought by the University and DAS. It was unclear whether the term deliver as used in the bill included the method that both entities employ to provide earning statements. Both provide access via the internet. Accordingly, AM 1958 adds "or make available" to accommodate the concern. Additionally, AM 1958 specifies that if an employer provides access to the statement at its normal place of business, it must do so for all shifts.

Testifiers for LB 903:

Proponents:

Rodney Vlcek (Nebraska State AFL-CIO)

Kim Quick (Teamsters)

Patrick J. Sweaney (Teamsters)

Kevin Hilton (North Central States Regional Council of Carpenters)

Kevin Mulcahy (North Central States Regional Council of Carpenters)

Abbie Kretz (Heartland Workers Center)

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Steve Lathrop, Chairperson