

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 494

Introduced by Nordquist, 7; Crawford, 45; Haar, 21; Hansen, 26; Howard,
9; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28.

Read first time January 20, 2015

Committee: Business and Labor

1 A BILL FOR AN ACT relating to labor; to amend section 48-1205, Reissue
2 Revised Statutes of Nebraska, and section 48-1203, Reissue Revised
3 Statutes of Nebraska, as amended by section 1, Initiative Law 2014,
4 No. 425; to change the minimum wage for persons compensated by way
5 of gratuities; to provide duties for the Commissioner of Labor; and
6 to repeal the original sections.

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

1 Section 1. Section 48-1203, Reissue Revised Statutes of Nebraska, as
2 amended by section 1, Initiative Law 2014, No. 425, is amended to read:

3 48-1203 (1) Except as otherwise provided in this section and section
4 48-1203.01, every employer shall pay to each of his or her employees a
5 minimum wage of:

6 (a) Seven dollars and twenty-five cents per hour through December
7 31, 2014;

8 (b) Eight dollars per hour on and after January 1, 2015, through
9 December 31, 2015; and

10 (c) Nine dollars per hour on and after January 1, 2016.

11 (2) For persons compensated by way of gratuities such as waitresses,
12 waiters, hotel bellhops, porters, and shoeshine persons, the employer
13 shall pay cash wages at the minimum rate calculated in this subsection ~~of~~
14 ~~two dollars and thirteen cents per hour,~~ plus all gratuities given to
15 them for services rendered.

16 For the one-year period beginning on the effective date of this act,
17 the minimum cash wage per hour shall be three dollars. For each
18 succeeding one-year period until the minimum cash wage under this
19 subsection equals fifty percent of the minimum wage in effect under
20 subsection (1) of this section, the minimum cash wage shall be equal to
21 the amount for the preceding year increased by the lesser of ninety-five
22 cents or the amount necessary for the wage to equal fifty percent of the
23 minimum wage in effect under subsection (1) of this section, rounded to
24 the nearest multiple of five cents. For each succeeding one-year period
25 after the year in which the minimum cash wage under this subsection first
26 equals fifty percent of the minimum wage in effect under subsection (1)
27 of this section, the minimum cash wage shall be equal to the amount for
28 the preceding year increased by the amount necessary to ensure that the
29 minimum cash wage in effect under this subsection remains equal to fifty
30 percent of the minimum wage in effect under subsection (1) of this
31 section, rounded to the nearest multiple of five cents.

1 The sum of cash wages and gratuities received by each person
2 compensated by way of gratuities shall equal or exceed the minimum wage
3 rate provided in subsection (1) of this section. In determining whether
4 or not the individual is compensated by way of gratuities, the burden of
5 proof shall be upon the employer.

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

10 Sec. 2. Section 48-1205, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 48-1205 (1) Every employer subject to the Wage and Hour Act
13 ~~provisions of sections 48-1201 to 48-1209~~ shall keep a summary of the act
14 ~~sections 48-1201 to 48-1209~~, furnished by the Commissioner of Labor
15 without charge, posted in a conspicuous place on or about the premises
16 wherein any person subject to the act provisions of sections 48-1201 to
17 48-1209 is employed. Minimum wage amounts in effect shall also be posted
18 by such employers and shall be furnished by the commissioner without
19 charge.

20 (2) The Commissioner of Labor shall calculate the minimum wage
21 amounts as provided in sections 48-1203 and 48-1203.01, recalculate such
22 amounts whenever there is a change, and provide notice of such amounts
23 and the date the amounts become effective to employers subject to the
24 Wage and Hour Act.

25 Sec. 3. Original section 48-1205, Reissue Revised Statutes of
26 Nebraska, and section 48-1203, Reissue Revised Statutes of Nebraska, as
27 amended by section 1, Initiative Law 2014, No. 425, are repealed.