

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 780**

Introduced by Gragert, 40.

Read first time January 05, 2022

Committee: Business and Labor

1 A BILL FOR AN ACT relating to employment; to amend sections 48-302,  
2 48-303, and 48-675, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to child labor; to change provisions relating to  
4 employment certificate approval and record keeping; to change  
5 provisions relating to Employment Security Law and short-time  
6 compensation plans; and to repeal the original sections.

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

1 Section 1. Section 48-302, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 48-302 (1) No child under sixteen years of age shall be employed or  
4 permitted or suffered to work in any employment as defined in section  
5 48-301 within this state unless the person or corporation employing the  
6 child procures and keeps on file, accessible to the attendance officers  
7 and to the Department of Labor and its assistants and employees, an  
8 employment certificate as prescribed in section 48-304 and keeps one ~~two~~  
9 complete list ~~lists~~ of all such children employed in the building, ~~one on~~  
10 file in and ~~one conspicuously posted near the principal entrance of the~~  
11 building in which such children are employed.

12 (2) Upon the termination of the employment of a child so registered  
13 whose certificate is so filed, such certificate shall be transmitted by  
14 the employer to the person authorizing the certificate pursuant to  
15 section 48-303 and shall be turned over to such ~~the~~ child ~~named~~ upon  
16 demand.

17 (3) Any attendance officer or the Department of Labor or its  
18 assistants and employees may demand that any employer in whose place of  
19 business a child apparently under the age of sixteen years is employed or  
20 permitted or suffered to work, and whose employment certificate is not  
21 then filed as required by this section, either furnish within ten days  
22 satisfactory evidence that such child is in fact over sixteen years of  
23 age or cease to employ or permit or suffer such child to work in such  
24 place of business. The same evidence of the age of such child may be  
25 required from such employer as is required on the issuance of an  
26 employment certificate as provided in section 48-304, and the employer  
27 furnishing such evidence shall not be required to furnish any further  
28 evidence of the age of the child.

29 (4) In case such employer fails to produce and deliver to the  
30 attendance officer or the Commissioner of Labor within ten days after  
31 demand such evidence of the age of any child as may be required under the

1 provisions of section 48-304 and continues to employ such child or permit  
2 or suffer such child to work in such place of business, proof of the  
3 giving of such notice and of such failure to produce and file such  
4 evidence shall be prima facie evidence in any prosecution brought for a  
5 violation of this section that such child is under sixteen years of age  
6 and is unlawfully employed.

7 Sec. 2. Section 48-303, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 48-303 Except as otherwise provided in this section, an employment  
10 certificate shall be approved only by the principal of the school the  
11 child attends ~~superintendent of the school district in which the child~~  
12 ~~resides~~ or by a person authorized by him or her in writing or, when there  
13 is no principal superintendent, by a person authorized by the chief  
14 administrative officer of the school or the county superintendent  
15 ~~district officers~~, except that no ~~school district officer or other~~ person  
16 authorized by this section may approve such certificate for any child  
17 then in or about to enter his or her own employment or the employment of  
18 a firm or corporation of which he or she is a member, officer, or  
19 employee or in whose business he or she is interested. If a child who  
20 resides in an adjoining state seeks to work in Nebraska, the Department  
21 of Labor may approve the employment certificate. The officer or person  
22 approving such certificate may administer the oath provided for therein  
23 or in any investigation or examination necessary for the approval  
24 thereof. No fee shall be charged for approving any such certificate or  
25 for administering any oath or rendering any services related thereto. The  
26 ~~school board or board of education of each school district~~ approving the  
27 employment certificate, or the department if the department has approved  
28 the employment certificate, shall establish and maintain proper records  
29 where copies of all such certificates and all documents connected  
30 therewith shall be filed and preserved and shall provide the necessary  
31 clerical services for carrying out sections 48-302 to 48-313. The person

1 who issued the employment certificate shall report to the department any  
2 complaint concerning the conditions of employment of a child for whom a  
3 certificate is in force. Upon receipt of the report, the department shall  
4 make such investigation as it deems advisable to protect an individual  
5 child or to promote the youth-work program.

6 Sec. 3. Section 48-675, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 48-675 (1) The commissioner shall approve or disapprove a short-time  
9 compensation plan in writing within thirty days after its receipt and  
10 promptly communicate the decision to the employer. A decision  
11 disapproving the plan shall clearly identify the reasons for the  
12 disapproval. The disapproval shall be final, but the employer shall be  
13 allowed to submit another short-time compensation plan for approval not  
14 earlier than forty-five days after the date of the disapproval, except  
15 that the commissioner may, for good cause shown, approve a plan for an  
16 employer within such forty-five-day period.

17 (2) Except as provided in subsection (4) of this section, a ~~(2)(a)~~A  
18 short-time compensation plan will only be approved for a contributory  
19 employer that (a) is eligible for experience rating under section  
20 48-649.03, (b) has a positive balance in the employer's experience  
21 account, (c) has filed all quarterly reports and other reports required  
22 under the Employment Security Law, and (d) has paid all obligation  
23 assessments, contributions, interest, and penalties due through the date  
24 of the employer's application.

25 (3) Except as provided in subsection (4) of this section, a ~~(b)~~A  
26 short-time compensation plan will only be approved for an employer liable  
27 for making payments in lieu of contributions that has filed all quarterly  
28 reports and other reports required under the Employment Security Law and  
29 has paid all obligation assessments, payments in lieu of contributions,  
30 interest, and penalties due through the date of the employer's  
31 application.

1           ~~(4) The commissioner may, for good cause shown, waive any~~  
2 ~~requirement in subsection (2) or (3) of this section.~~

3           Sec. 4.   Original sections 48-302, 48-303, and 48-675, Reissue  
4 Revised Statutes of Nebraska, are repealed.