

AMENDMENTS TO LB 674

Introduced by Judiciary

1 1. Strike the original section and insert the following
2 new sections:

3 Section 1. (1) For purposes of this section:

4 (a) Employer means a person which employs any individual
5 within this state as an employee;

6 (b) Employee means any individual permitted to work by
7 an employer pursuant to an employment relationship or who has
8 contracted to sell the goods of an employer and to be compensated
9 by commission. Services performed by an individual for an employer
10 shall be deemed to be employment, unless it is shown that (i)
11 such individual has been and will continue to be free from control
12 or direction over the performance of such services, both under
13 his or her contract of service and in fact, (ii) such service
14 is either outside the usual course of business for which such
15 service is performed or such service is performed outside of all
16 the places of business of the enterprise for which such service
17 is performed, and (iii) such individual is customarily engaged
18 in an independently established trade, occupation, profession, or
19 business. This subdivision is not intended to be a codification of
20 the common law and shall be considered complete as written;

21 (c) Person means the state or any individual,
22 partnership, limited liability company, association, joint-stock
23 company, trust, corporation, political subdivision, or personal

1 representative of the estate of a deceased individual, or the
2 receiver, trustee, or successor thereof;

3 (d) Temporary employee means an employee of a temporary
4 help firm assigned to work for the clients of such temporary help
5 firm; and

6 (e) Temporary help firm means a firm that hires its own
7 employees and assigns them to clients to support or supplement
8 the client's work force in work situations such as employee
9 absences, temporary skill shortages, seasonal workloads, and
10 special assignments and projects.

11 (2) Except as otherwise provided in subsection (3) of
12 this section, an employer shall not:

13 (a) Publicly post or publicly display in any manner
14 more than the last four digits of an individual's social security
15 number, including intentional communication of more than the last
16 four digits of the social security number or otherwise making more
17 than the last four digits of the social security number available
18 to the general public or to an individual's coworkers;

19 (b) Require an individual to transmit more than the last
20 four digits of his or her social security number over the Internet
21 unless the connection is secure or the information is encrypted;

22 (c) Require an individual to use more than the last four
23 digits of his or her social security number to access an Internet
24 web site unless a password, unique personal identification number,
25 or other authentication device is also required to access the
26 Internet web site; or

27 (d) Require an individual to use more than the last four

1 digits of his or her social security number as an employee number
2 for any type of employment-related activity.

3 (3) (a) Except as otherwise provided in subdivision (b) of
4 this subsection, an employer shall be permitted to use more than
5 the last four digits of an employee's social security number only
6 for:

7 (i) Compliance with state or federal laws, rules, or
8 regulations;

9 (ii) Internal administrative purposes, including
10 provision of more than the last four digits of social security
11 numbers to third parties for such purposes as administration
12 of personnel benefit provisions for the employer and employment
13 screening and staffing; and

14 (iii) Commercial transactions freely and voluntarily
15 entered into by the employee with the employer for the purchase of
16 goods or services.

17 (b) The following uses for internal administrative
18 purposes described in subdivision (a) (ii) of this subsection shall
19 not be permitted:

20 (i) As an identification number for occupational
21 licensing;

22 (ii) As an identification number for drug-testing
23 purposes except when required by state or federal law;

24 (iii) As an identification number for company meetings;

25 (iv) In files with unrestricted access within the
26 company;

27 (v) In files accessible by any temporary employee unless

1 the temporary employee is bonded or insured under a blanket
2 corporate surety bond or equivalent commercial insurance; or

3 (vi) For posting any type of company information.

4 (4) An employer who violates this section is guilty of a
5 Class V misdemeanor.

6 (5) Evidence of a conviction under this section is
7 admissible in evidence at a civil trial as evidence of the
8 employer's negligence.

9 Sec. 2. This act becomes operative on September 1, 2008.