

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB107

Hearing Date: Monday January 26, 2009
Committee On: Business and Labor
Introducer: Haar
One Liner: Require an employer to provide an employee a reason for termination

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

Vote Results:
Aye: 5 Senators Council, Lathrop, McGill, Wallman, White
Nay: 2 Senators Carlson, Schilz
Absent:
Present Not Voting:

Proponents:
Sen. Ken Haar
Steve Grabowski
Mark McGuire
Christy Henjes
Ken Mass
Amanda Houck

Representing:
Introducer
Nebraska Fraternal Order of Police
Nebraska State Education Association
South Sioux City Teachers Association
Nebraska State AFL-CIO
Self

Opponents:
Mark McQueen
Peggy Noll

Mark Pankoke
Ron Sedlacek
Korby Gilbertson

Representing:
Spencer Fane Britt & Browne
Noll Human Resource Services and Human Resource
Association of Midlands
Lincoln Human Resources Management Association
Nebraska Chamber of Commerce
Nebraska Health Care Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB 107 Requires employers to provide certain employees the reason for employment termination.

Section 1 provides that certain employees must be given a reason for termination and an opportunity to respond to the termination. The requirement applies to employers as defined under the Industrial Relations Act to include the State of Nebraska, municipal corporations, public power and irrigation districts and public utilities. It also applies to nonexempt employees under the Fair Labor Standards Act.

Section 2 clarifies that the bill does not negate any procedures agreed to by contract or afforded by other laws.

Explanation of amendments:

Committee Amendment 490 to LB 107 replaces the original provisions of the bill. The amendment restricts application

to public employers as defined by Neb. Rev. Stat. 48-801. Public employees may request in writing within seven days of termination the specific reason of said termination. Upon receipt, the employer must respond with the specific reason in writing within seven days.

Noncompliance with the legislation neither creates nor affects a cause of action and does not affect or change the State's employment-at-will doctrine. Section 3 clarifies that the legislation does not negate or repeal collective bargaining agreements or laws providing rights to certain employees.

An employer found in violation of the legislation is subject to an infraction as defined in Neb. Rev. Stat. 29-431 and subject to a fine pursuant to Neb. Rev. Stat. 29-436.

Steve Lathrop, Chairperson