

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 113

Introduced by Dubas, 34.

Read first time January 06, 2011

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to
2 amend sections 48-1101 and 48-1104, Reissue Revised
3 Statutes of Nebraska; to prohibit discrimination based
4 upon an individual's credit history or credit report as
5 prescribed; to harmonize provisions; and to repeal the
6 original sections.

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

1 Section 1. Section 48-1101, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-1101 It is the policy of this state to foster the
4 employment of all employable persons in the state on the basis of
5 merit regardless of their race, color, religion, sex, disability, or
6 national origin and to safeguard their right to obtain and hold
7 employment without discrimination because of their race, color,
8 religion, sex, disability, or national origin. Denying equal
9 opportunity for employment because of race, color, religion, sex,
10 disability, or national origin is contrary to the principles of
11 freedom and is a burden on the objectives of the public policy of
12 this state. The policy of this state does not require any person to
13 employ an applicant for employment because of his or her race, color,
14 religion, sex, disability, or national origin, and the policy of this
15 state does not require any employer, employment agency, labor
16 organization, or joint labor-management committee to grant
17 preferential treatment to any individual or to any group because of
18 race, color, religion, sex, disability, or national origin.

19 It is the public policy of this state that all people in
20 Nebraska, both with and without disabilities, shall have the right
21 and opportunity to enjoy the benefits of living, working, and
22 recreating within this state. It is the intent of the Legislature
23 that state and local governments, Nebraska businesses, Nebraska labor
24 organizations, and Nebraskans with disabilities understand their
25 rights and responsibilities under the law regarding employment

1 discrimination and the prevention of discrimination on the basis of
2 disability.

3 It is the policy of this state that a person should not
4 be discriminated against in obtaining or retaining employment because
5 of his or her credit history or credit report unless such information
6 directly relates to a bona fide occupational qualification for
7 employment.

8 Sec. 2. Section 48-1104, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 48-1104 It shall be an unlawful employment practice for
11 an employer:

12 (1) To fail or refuse to hire, to discharge, or to harass
13 any individual, or otherwise to discriminate against any individual
14 with respect to compensation, terms, conditions, or privileges of
15 employment, because of such individual's race, color, religion, sex,
16 disability, marital status, or national origin; ~~or~~

17 (2) To limit, advertise, solicit, segregate, or classify
18 employees in any way which would deprive or tend to deprive any
19 individual of employment opportunities or otherwise adversely affect
20 such individual's status as an employee, because of such individual's
21 race, color, religion, sex, disability, marital status, or national
22 origin; or -

23 (3) To fail or refuse to hire, to discharge, or to harass
24 any individual, or otherwise to discriminate against any individual
25 with respect to compensation, terms, conditions, or privileges of

1 employment, because of the individual's credit history or credit
2 report, unless the information in the individual's credit history or
3 credit report directly relates to a bona fide occupational
4 qualification for employment.

5 Sec. 3. Original sections 48-1101 and 48-1104, Reissue
6 Revised Statutes of Nebraska, are repealed.