

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2013-14		FY 2014-15	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$149,148		\$152,845	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$149,148		\$152,845	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 560 amends the Nebraska Fair Employment Practice Act, the Wage and Hour Act, the Nebraska Wage Payment and Collection Act, and the Employee Classification Act.

The Nebraska Fair Employment Practice Act is amended to require the Equal Opportunity Commission to require every employer, employment agency, and labor organization subject to the Act to make and keep records relevant to the determination of unlawful employment practices for a minimum of five years.

The Wage and Hour Act is amended to prohibit discrimination or retaliation against an individual, who has opposed an unlawful practice under the Act or has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act.

The Nebraska Wage Payment and Collection Act is amended to require an employer to provide within ten working days, an employee who files a written request with a statement listing wages earned and paydays. The employer is also required to furnish each employee on each payday with an itemized statement listing wages earned and deductions for each pay period earnings and deductions were made. The statements may be in print or electronic form.

The Act is further amended to allow the Commissioner of Labor to subpoena records and witnesses related to enforcement of the Act; provides that violations of the Act are a Class IV misdemeanor and that the county attorney of the appropriate county shall prosecute violations of the Act. Additional language is added to the Act to prohibit discrimination or retaliation against an individual, who has opposed an unlawful practice under the Act or has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act.

The Employee Classification Act is amended to prohibit discrimination or retaliation against an individual, who has opposed an unlawful practice under the Act or has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act.

The Department of Labor indicates that they receive over 33,000 contacts each year related to the Wage Payment and Collection Act. Currently, the department has no statutory authority to investigate wage claims but provides assistance by way of providing information to assist citizens. They also perform 1,247 wage conciliation actions annually and, where jurisdiction is authorized, pursue select cases.

The Department of Labor estimates that LB 560 will significantly increase the scope and number of investigations they perform and that an additional 2.0 FTE will be required to handle a substantial increase in cases per year. The new FTE will be for Labor Law Specialists.

Based on current activity regarding contacts and actions by the department, the estimate of fiscal impact appears reasonable and there is no basis to disagree with the Department of Labor's estimate.

The Equal Opportunity Commission estimates an expenditure of \$300 to reprint the Fair Employment Practice Act.

We have no basis to disagree with the Commission's estimate of expenditure but believe they can absorb the printing cost.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 560	AM:	AGENCY/POLT. SUB: Equal Opportunity Commission
REVIEWED BY: Gary Bush	DATE: January 31, 2013	PHONE: 471-4161
COMMENTS: Agency's estimate of impact appears to be reasonable provided that a reprint of the Fair Employment Practice Act would be required.		

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 560	AM:	AGENCY/POLT. SUB: Dept. of Labor
REVIEWED BY: Gary Bush	DATE: January 31, 2013	PHONE: 471-4161
COMMENTS: Concur with agency's estimate of impact.		

Please complete ALL (5) blanks in the first three lines.

2013

LB⁽¹⁾ 560 FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Equal Opportunity Commission

Prepared by: ⁽³⁾ Kathy Bogenreif Date Prepared: ⁽⁴⁾ 1-28-13 Phone: ⁽⁵⁾ 471-4061

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2013-14</u>		<u>FY 2014-15</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>300.00</u>	<u> </u>	<u> </u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>300.00</u>	<u> </u>	<u> </u>	<u> </u>

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

Estimate includes cost to reprint Fair Employment Practice Act. No additional costs anticipated from this change.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2013-14</u>	<u>2014-15</u>
	<u>13-14</u>	<u>14-15</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Benefits.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Operating.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Travel.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital outlay.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Aid.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital improvements.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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2013

LB⁽¹⁾ 560 FISCAL NOTE

State Agency OR Political Subdivision Name: (2) Nebraska Department of Labor

Prepared by: (3) Debbie Kay Ward Date Prepared: (4) 1/29/2013 Phone: (5) 402-471-2492

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2013-14</u>		<u>FY 2014-15</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>149,148</u>	<u> </u>	<u>152,845</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>148,148</u>	<u> </u>	<u>152,845</u>	<u> </u>

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

- **Explanation of Estimate:** The Department of Labor receives over 33,000 contacts related to the Nebraska Wage Payment & Collection Act each year. Currently the Department has no statutory authority to investigate wage claims but provides assistance by way of providing information to assist citizens in understanding the law.
- If no payment has been made, the Department exercises its responsibility to enforce the Wage and Hours Act to assure the payment of minimum wage.
- The Department conducts 1,247 wage conciliation actions annually and pursues select cases, when jurisdiction is authorized under the Nebraska Wage & Hour Act.
- LB 560 proposes to provide jurisdiction to the Department of Labor to investigate and subpoena records and witnesses related to the enforcement of the Nebraska Wage Payment & Collection Act.
- If LB 560 passes, the scope and number of investigations would significantly increase.
- The Department estimates that 2 full-time staff would be required to handle an additional 1200 cases each per.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2013-14 EXPENDITURES</u>	<u>2014-15 EXPENDITURES</u>
	<u>13-14</u>	<u>14-15</u>		
Labor Law Specialist	<u>2</u>	<u>2</u>	<u>\$77,132</u>	<u>\$79,061</u>
Benefits.....			<u>\$33,849</u>	<u>\$36,353</u>
Operating.....			<u>\$11,458</u>	<u>\$11,744</u>
Travel.....			<u>\$2,000</u>	<u>\$2,000</u>
Capital outlay.....			<u>\$1,600</u>	
Indirect costs.....			<u>\$23,109</u>	<u>\$23,687</u>
Capital improvements.....				
TOTAL.....			<u>\$149,148</u>	<u>\$152,845</u>

