

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 903

Introduced by Lathrop, 12.

Read first time January 15, 2014

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Nebraska Wage Payment and Collection Act;
2 to amend sections 48-1230 and 48-1231, Reissue Revised
3 Statutes of Nebraska; to require a pay statement for
4 employees; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1230, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-1230 (1) Except as otherwise provided in this section,
4 each employer shall pay all wages due its employees on regular days
5 designated by the employer or agreed upon by the employer and
6 employee. Thirty days' written notice shall be given to an employee
7 before regular paydays are altered by an employer. An employer may
8 deduct, withhold, or divert a portion of an employee's wages only
9 when the employer is required to or may do so by state or federal law
10 or by order of a court of competent jurisdiction or the employer has
11 written agreement with the employee to deduct, withhold, or divert.

12 ~~(2) Within ten working days after a written request is~~
13 ~~made by an employee, an employer shall furnish such employee with an~~
14 ~~itemized statement listing the wages earned and the deductions made~~
15 ~~from the employee's wages under subsection (1) of this section for~~
16 ~~each pay period that earnings and deductions were made. The statement~~
17 ~~may be in print or electronic format.~~

18 (2) On each regular payday, the employer shall deliver to
19 each employee, by mail or electronically, or shall provide at the
20 employee's normal place of employment during normal employment hours
21 a wage statement showing, at a minimum, the identity of the employer,
22 the hours the employee worked, the wages earned by the employee, and
23 deductions made for the employee. However, the employer need not
24 provide information on hours worked for employees who are exempt from
25 overtime under the federal Fair Labor Standards Act of 1938, under 29

1 C.F.R. part 541, unless the employer has established a policy or
2 practice of paying to or on behalf of exempt employees overtime, a
3 bonus, or a payment based on hours worked, whereupon the employer
4 shall send or otherwise provide a statement to the exempt employees
5 showing the hours the employee worked or the payments made to the
6 employee by the employer, as applicable.

7 (3) Except as otherwise provided in section 48-1230.01:

8 (a) Whenever an employer, other than a political
9 subdivision, separates an employee from the payroll, the unpaid wages
10 shall become due on the next regular payday or within two weeks of
11 the date of termination, whichever is sooner; and

12 (b) Whenever a political subdivision separates an
13 employee from the payroll, the unpaid wages shall become due within
14 two weeks of the next regularly scheduled meeting of the governing
15 body of the political subdivision if such employee is separated from
16 the payroll at least one week prior to such meeting, or if an
17 employee of a political subdivision is separated from the payroll
18 less than one week prior to the next regularly scheduled meeting of
19 the governing body of the political subdivision, the unpaid wages
20 shall be due within two weeks of the following regularly scheduled
21 meeting of the governing body of the political subdivision.

22 Sec. 2. Section 48-1231, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 48-1231 (1) An employee having a claim for wages which
25 are not paid within thirty days of the regular payday designated or

1 agreed upon may institute suit for such unpaid wages in the proper
2 court. If an employee establishes a claim and secures judgment on the
3 claim, such employee shall be entitled to recover (a) the full amount
4 of the judgment and all costs of such suit and (b) if such employee
5 has employed an attorney in the case, an amount for attorney's fees
6 assessed by the court, which fees shall not be less than twenty-five
7 percent of the unpaid wages. If the cause is taken to an appellate
8 court and the plaintiff recovers a judgment, the appellate court
9 shall tax as costs in the action, to be paid to the plaintiff, an
10 additional amount for attorney's fees in such appellate court, which
11 fees shall not be less than twenty-five percent of the unpaid wages.
12 If the employee fails to recover a judgment in excess of the amount
13 that may have been tendered within thirty days of the regular payday
14 by an employer, such employee shall not recover the attorney's fees
15 provided by this section. If the court finds that no reasonable
16 dispute existed as to the fact that wages were owed or as to the
17 amount of such wages, the court may order the employee to pay the
18 employer's attorney's fees and costs of the action as assessed by the
19 court.

20 (2) An employer who fails to furnish an ~~itemized~~
21 ~~statement requested by an employee~~ a wage statement under subsection
22 (2) of section 48-1230 shall be guilty of an infraction as defined in
23 section 29-431 and shall be subject to a fine pursuant to section
24 29-436.

25 Sec. 3. Original sections 48-1230 and 48-1231, Reissue

1 Revised Statutes of Nebraska, are repealed.