

AMENDMENTS TO LB444

(Amendments to Standing Committee amendments, AM467)

Introduced by Bolz, 29.

1 1. Insert the following new sections:

2 Sec. 2. Section 48-101.01, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 48-101.01 (1) Personal injury includes mental injuries and mental  
5 illness unaccompanied by physical injury for an employee who is a first  
6 responder or frontline state employee if such first responder or  
7 frontline state employee:

8 (a) Establishes, by a preponderance of the evidence, that the  
9 employee's employment conditions causing the mental injury or mental  
10 illness were extraordinary and unusual in comparison to the normal  
11 conditions of the particular employment; and

12 (b) Establishes, by a preponderance of the evidence, the medical  
13 causation between the mental injury or mental illness and the employment  
14 conditions by medical evidence.

15 (2) For purposes of this section, mental injuries and mental illness  
16 arising out of and in the course of employment unaccompanied by physical  
17 injury are not considered compensable if they result from any event or  
18 series of events which are incidental to normal employer and employee  
19 relations, including, but not limited to, personnel actions by the  
20 employer such as disciplinary actions, work evaluations, transfers,  
21 promotions, demotions, salary reviews, or terminations.

22 (3) For purposes of this section: ~~first~~

23 (a) First responder means a sheriff, a deputy sheriff, a police  
24 officer, an officer of the Nebraska State Patrol, a volunteer or paid  
25 firefighter, or a volunteer or paid individual licensed under a licensure  
26 classification in subdivision (1) of section 38-1217 who provides medical

1 care in order to prevent loss of life or aggravation of physiological or  
2 psychological illness or injury; -

3 (b) Frontline state employee means an employee of the Department of  
4 Correctional Services or the Department of Health and Human Services  
5 whose duties involve regular and direct interaction with high-risk  
6 individuals;

7 (c) High-risk individual means an individual in state custody for  
8 whom violent or physically intimidating behavior is common, including,  
9 but not limited to, a committed offender as defined in section 83-170, a  
10 patient at a regional center as defined in section 71-911, and a juvenile  
11 committed to the Youth Rehabilitation and Treatment Center-Kearney or the  
12 Youth Rehabilitation and Treatment Center-Geneva; and

13 (d) State custody means under the charge or control of a state  
14 institution or state agency and includes time spent outside of the state  
15 institution or state agency.

16 Sec. 3. Original section 48-101.01, Revised Statutes Cumulative  
17 Supplement, 2016, is repealed.