

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 444

FINAL READING

Introduced by Walz, 15.

Read first time January 17, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to workplace injury; to amend section
2 48-101.01, Revised Statutes Cumulative Supplement, 2016; to prohibit
3 cities and counties from canceling health insurance coverage for
4 injured first responders as prescribed; to change provisions
5 relating to personal injuries to include frontline state employees
6 under the Nebraska Workers' Compensation Act; to define terms; and
7 to repeal the original section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) No city or county offering an individual or family
2 health insurance policy to first responders shall cancel such individual
3 or family health insurance for any first responder who suffers serious
4 bodily injury from an assault that occurs while the first responder is on
5 duty and that results in the first responder falling below the minimum
6 number of working hours needed to maintain his or her regular individual
7 or family health insurance.

8 (2) The city or county shall only be obligated to provide such
9 health insurance while the first responder is employed with the city or
10 county.

11 (3) A city or county may cancel such health insurance if the first
12 responder does not return to employment within twelve months after the
13 date of injury.

14 (4) For purposes of this section, first responder means a sheriff,
15 deputy sheriff, police officer, paid firefighter, or paid individual
16 licensed under a licensure classification in subdivision (1) of section
17 38-1217 who provides medical care in order to prevent loss of life or
18 aggravation of physiological or psychological illness or injury.

19 Sec. 2. Section 48-101.01, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 48-101.01 (1) Personal injury includes mental injuries and mental
22 illness unaccompanied by physical injury for an employee who is a first
23 responder or frontline state employee if such first responder or
24 frontline state employee:

25 (a) Establishes, by a preponderance of the evidence, that the
26 employee's employment conditions causing the mental injury or mental
27 illness were extraordinary and unusual in comparison to the normal
28 conditions of the particular employment; and

29 (b) Establishes, by a preponderance of the evidence, the medical
30 causation between the mental injury or mental illness and the employment
31 conditions by medical evidence.

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

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

9 (a) First responder means a sheriff, a deputy sheriff, a police
10 officer, an officer of the Nebraska State Patrol, a volunteer or paid
11 firefighter, or a volunteer or paid individual licensed under a licensure
12 classification in subdivision (1) of section 38-1217 who provides medical
13 care in order to prevent loss of life or aggravation of physiological or
14 psychological illness or injury; -

15 (b) Frontline state employee means an employee of the Department of
16 Correctional Services or the Department of Health and Human Services
17 whose duties involve regular and direct interaction with high-risk
18 individuals;

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

25 (d) State custody means under the charge or control of a state
26 institution or state agency and includes time spent outside of the state
27 institution or state agency.

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