

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 244

Introduced by Bolz, 29.

Read first time January 11, 2017

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
- 2 amend section 48-101.01, Revised Statutes Cumulative Supplement,
- 3 2016; to change provisions relating to mental injury and mental
- 4 illness compensation; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-101.01, Revised Statutes Cumulative
2 Supplement, 2016, is amended to read:

3 48-101.01 (1) Personal injury includes mental injuries and mental
4 illness unaccompanied by physical injury for an employee who is a first
5 responder or frontline state employee if such first responder or
6 frontline state employee:

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

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

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

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

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

28 (b) Frontline state employee means an employee of the Department of
29 Correctional Services or the Department of Health and Human Services
30 whose duties involve regular and direct interaction with high-risk
31 individuals; and

1 (c) High-risk individual means an individual in state custody for
2 whom violent or physically intimidating behavior is common, including,
3 but not limited to, a committed offender as defined in section 83-170, a
4 patient at a regional center as defined in section 71-911, and a juvenile
5 committed to the Youth Rehabilitation and Treatment Center-Kearney or the
6 Youth Rehabilitation and Treatment Center-Geneva.

7 Sec. 2. Original section 48-101.01, Revised Statutes Cumulative
8 Supplement, 2016, is repealed.