

One Hundred Fifth Legislature - Second Session - 2018

Introducer's Statement of Intent

LB1014

Chairperson: Senator Joni Albrecht

Committee: Business and Labor

Date of Hearing: February 12, 2018

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB1014 intends to address the persistent disparity in pay between men and women in several ways. First, LB1014 broadens the existing standard of equal pay for equal work to require employers to provide for equal pay for comparable work. Comparable work means work that is substantially similar in skill, effort and responsibility and is performed under similar working conditions.

Second, the bill encourages employers to examine their own pay equity practices by providing an incentive for them to do so. Specifically, if an employer has completed a self-evaluation of its pay practices in good faith and can demonstrate that reasonable progress has been made toward eliminating any wage differentials for comparable work based on sex in accordance with the evaluation, the employer shall have an affirmative defense to liability for any violation of pay discrimination. The bill directs the Nebraska Equal Opportunity Commission to develop a standard self-evaluation form or model for self-evaluation of pay practices to assist employers in eliminating wage differential for comparable work based on sex.

Finally, LB1014 provides that an employer shall not require non-disclosure by an employee of his or her wages or coerce, intimidate or threaten an employee to discourage disclosure. Additionally, an employer is prohibited from taking any adverse actions against an employee, or retaliate against them or discharge them if they disclose wages. However, an employee retains the right to inquire, discuss or disclose comparative compensation information for the purposes of determining whether the employer is compensating an employee in a manner that provides equal pay for equal work. The bill provides an employee with civil remedies for violations of the act, including money damages, attorney fees and other restorative relief.

Principal Introducer: _____

Senator Patty Pansing Brooks