

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 217

FINAL READING

Introduced by Pansing Brooks, 28; Cavanaugh, 6; Blood, 3; Hansen, M., 26.

Read first time January 11, 2019

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act;
- 2 to amend section 48-1114, Reissue Revised Statutes of Nebraska; to
- 3 prohibit discrimination against employees for communicating about
- 4 employee wages, benefits, or other compensation as prescribed; and
- 5 to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1114, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-1114 (1) It shall be an unlawful employment practice for an
4 employer to discriminate against any of his or her employees or
5 applicants for employment, for an employment agency to discriminate
6 against any individual, or for a labor organization to discriminate
7 against any member thereof or applicant for membership, because he or she
8 (a) ~~(1)~~ has opposed any practice made an unlawful employment practice by
9 the Nebraska Fair Employment Practice Act, (b) ~~(2)~~ has made a charge,
10 testified, assisted, or participated in any manner in an investigation,
11 proceeding, or hearing under the act, (c) ~~or (3)~~ has opposed any practice
12 or refused to carry out any action unlawful under federal law or the laws
13 of this state, or (d) has inquired about, discussed, or disclosed
14 information regarding employee wages, benefits, or other compensation.
15 This subdivision (d) shall not apply to instances in which an employee
16 who has authorized access to the information regarding wages, benefits,
17 or other compensation of other employees as a part of such employee's job
18 functions discloses such information to a person who does not otherwise
19 have authorized access to such information, unless such disclosure is in
20 response to a charge or complaint or in furtherance of an investigation,
21 proceeding, hearing, or other action, including an investigation
22 conducted by the employer.

23 (2) Nothing in this subsection or subdivision (1)(d) of this section
24 shall be contrary to applicable state or federal law or:

25 (a) Create an obligation for any employer or employee to disclose
26 information regarding employee wages, benefits, or other compensation;

27 (b) Permit an employee, without the written consent of the employer,
28 to disclose proprietary information, trade secret information, or
29 information that is otherwise subject to a legal privilege or protected
30 by law. For purposes of this subdivision, proprietary information does
31 not include information regarding employee wages, benefits, or other

1 compensation;

2 (c) Permit an employee to disclose information regarding wages,
3 benefits, or other compensation of other employees to a competitor of the
4 employer;

5 (d) Apply to employers which are exempt from the Nebraska Fair
6 Employment Practice Act under section 48-1102;

7 (e) Permit an employee to discuss information regarding employee
8 wages, benefits, or other compensation during working hours, as defined
9 in existing workplace policies, or in violation of specific contractual
10 obligations; or

11 (f) Permit an employee to disseminate information regarding employee
12 wages, benefits, or other compensation to the general public. For
13 purposes of this subdivision, general public does not include public
14 officials, judicial officers, legislators, trade associations, or other
15 reasonable third parties for the employee's mutual aid or protection.

16 (3) The changes made to this section by this legislative bill shall
17 not be construed so as to impair or affect the obligation of any lawful
18 contract in existence prior to the effective date of this act.

19 Sec. 2. Original section 48-1114, Reissue Revised Statutes of
20 Nebraska, is repealed.