

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 359

FINAL READING

Introduced by Hansen, M., 26.

Read first time January 16, 2019

Committee: Business and Labor

1 A BILL FOR AN ACT relating to labor; to amend sections 48-618, 48-619,
2 48-621, 48-622.03, 48-649.03, 48-652, 48-1234, and 48-2213, Revised
3 Statutes Cumulative Supplement, 2018; to change provisions under the
4 Employment Security Law relating to administration of funds,
5 unclaimed benefits, reports, and the employer's combined tax rate;
6 to change provisions relating to service of citations for violations
7 of the Nebraska Wage Payment and Collection Act and the appointment
8 of the meatpacking industry worker rights coordinator; to harmonize
9 provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-618, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 48-618 (1) The Commissioner of Labor shall designate a treasurer and
4 custodian of the Unemployment Compensation Fund, who shall be selected in
5 accordance with section 48-609. The treasurer shall administer the
6 Unemployment Compensation Fund in accordance with the directions of the
7 commissioner and shall issue his or her warrants upon it in accordance
8 with such rules and regulations as adopted and promulgated by the
9 commissioner. The treasurer shall maintain within the Unemployment
10 Compensation Fund three separate accounts:

- 11 (a) A clearing account;
- 12 (b) An Unemployment Trust Fund account; and
- 13 (c) A benefit account.

14 (2) All money payable to the Unemployment Compensation Fund, upon
15 receipt by the commissioner, shall be forwarded to the treasurer. The
16 treasurer shall immediately deposit the same in the clearing account or
17 the benefit account to be used to offset future benefit draws from the
18 Unemployment Trust Fund. Transfers of interest on delinquent
19 contributions pursuant to subdivision (1)(b) of section 48-621 and
20 refunds payable pursuant to section 48-660 may be paid from the clearing
21 account upon warrants issued by the treasurer of the Unemployment
22 Compensation Fund under the direction of the commissioner. After
23 clearance, all other money in the clearing account shall be immediately
24 deposited with the Secretary of the Treasury of the United States of
25 America to the credit of the account of this state in the Unemployment
26 Trust Fund. The benefit account shall consist of all money requisitioned
27 from this state's account in the Unemployment Trust Fund. Except as
28 herein otherwise provided, money in the clearing and benefit accounts may
29 be deposited by the treasurer under the direction of the commissioner in
30 any bank or public depository in which general funds of the state may be
31 deposited. No public deposit insurance charge or premium shall be paid

1 out of the Unemployment Compensation Fund.

2 (3) The Unemployment Trust Fund is to be maintained pursuant to
3 section 904 of the Social Security Act, any provisions of law in this
4 state relating to the deposit, administration, release, or disbursement
5 of money in the possession or custody of this state to the contrary
6 notwithstanding.

7 (4) Any money in the Unemployment Trust Fund available for
8 investment by the State of Nebraska shall be invested by the state
9 investment officer pursuant to the Nebraska Capital Expansion Act and the
10 Nebraska State Funds Investment Act.

11 (5) The treasurer shall be bonded or insured as required by section
12 11-201.

13 Sec. 2. Section 48-619, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 48-619 (1) Money shall be requisitioned from this state's account in
16 the Unemployment Trust Fund solely for the payment of benefits in
17 accordance with lawful rules and regulations adopted and promulgated by
18 the Commissioner of Labor, except that money credited to this fund
19 pursuant to section 903 of the federal Social Security Act, as amended,
20 may be appropriated by the Legislature in accordance with section 903 of
21 the federal Social Security Act for the administration of the Employment
22 Security Law. For such purposes and to the extent required, credits to
23 the account pursuant to section 903 of the federal Social Security Act
24 may be transferred to the Employment Security Administration Fund
25 established in subdivision (1)(a) of section 48-621. The commissioner
26 shall from time to time requisition from the Unemployment Trust Fund such
27 amounts as he or she deems necessary for the payment of benefits for a
28 reasonable future period, not to exceed the amounts standing to this
29 state's account therein. Upon receipt thereof, the treasurer shall
30 deposit such money in the benefit account and shall issue his or her
31 warrants as provided by law for the payment of benefits solely from such

1 benefit account. Expenditures of such money in the benefit account and
2 refunds from the clearing account shall not be subject to any provisions
3 of law requiring specific appropriations.

4 (2) Any balance of money requisitioned from the Unemployment Trust
5 Fund, which remains unclaimed or unpaid in the benefit account after the
6 expiration of the period for which such sums were requisitioned, shall,
7 at the discretion of the commissioner, either be:

8 (a) Deducted from estimates for, and may be utilized for the payment
9 of, benefits during succeeding periods; or

10 (b) Redeposited with the Secretary of the Treasury of the United
11 States of America, to the credit of this state's account in the
12 Unemployment Trust Fund, as provided in section 48-618.

13 (3) Any warrant issued for the payment of benefits that is duly
14 issued and delivered or mailed to a claimant and not presented for
15 payment within one year from the date of its issue may be invalidated and
16 the amount thereof credited to the benefit account, except that a
17 substitute warrant may be issued and charged to the benefit account on
18 proper showing at any time within the year next following. A claim for
19 payment of an invalidated warrant not made within one year of original
20 issuance may be presented for payment as a miscellaneous claim under the
21 State Miscellaneous Claims Act. Any charge made to an employer's account
22 pursuant to section 48-652 for any such invalidated benefit warrant shall
23 stand as originally made.

24 (4) ~~(3)~~ As used in this section, the term warrant shall include a
25 signature negotiable instrument, electronic funds transfer system,
26 telephonic funds transfer system, electric funds transfer system, funds
27 transfers as provided for in article 4A, Uniform Commercial Code,
28 mechanical funds transfer system, or other funds transfer system
29 established by the treasurer. The warrant, when it is a dual signature
30 negotiable instrument, shall affect the state's cash balance in the bank
31 when redeemed by the treasurer, not when cashed by a financial

1 institution.

2 Sec. 3. Section 48-621, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 48-621 (1) The administrative fund shall consist of the Employment
5 Security Administration Fund and the Employment Security Special
6 Contingent Fund. Each fund shall be maintained as a separate and distinct
7 account in all respects, as follows:

8 (a) There is hereby created in the state treasury a special fund to
9 be known as the Employment Security Administration Fund. All money
10 credited to this fund is hereby appropriated and made available to the
11 Commissioner of Labor. All money in this fund shall be expended solely
12 for the purposes and in the amounts found necessary as defined by the
13 specific federal programs, state statutes, and contract obligations for
14 the proper and efficient administration of all programs of the Department
15 of Labor. The fund shall consist of all money appropriated by this state
16 and all money received from the United States of America or any agency
17 thereof, including the Department of Labor and the Railroad Retirement
18 Board, or from any other source for such purpose. Money received from any
19 agency of the United States or any other state as compensation for
20 services or facilities supplied to such agency, any amounts received
21 pursuant to any surety bond or insurance policy for losses sustained by
22 the Employment Security Administration Fund or by reason of damage to
23 equipment or supplies purchased from money in such fund, and any proceeds
24 realized from the sale or disposition of any equipment or supplies which
25 may no longer be necessary for the proper administration of such programs
26 shall also be credited to this fund. All money in the Employment Security
27 Administration Fund shall be deposited, administered, and disbursed in
28 the same manner and under the same conditions and requirements as
29 provided by law for other special funds in the state treasury. Any
30 balances in this fund, except balances of money therein appropriated from
31 the General Fund of this state, shall not lapse at any time. Fund

1 balances shall be continuously available to the commissioner for
2 expenditure consistent with the Employment Security Law. Any money in the
3 Employment Security Administration Fund available for investment shall be
4 invested by the state investment officer pursuant to the Nebraska Capital
5 Expansion Act and the Nebraska State Funds Investment Act; and

6 (b) There is hereby created in the state treasury a special fund to
7 be known as the Employment Security Special Contingent Fund. Any money in
8 the Employment Security Special Contingent Fund available for investment
9 shall be invested by the state investment officer pursuant to the
10 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
11 Act. All money collected under section 48-655 as interest on delinquent
12 contributions, less refunds, shall be credited to this fund from the
13 clearing account of the Unemployment Compensation Fund at the end of each
14 calendar quarter. Such money shall not be expended or available for
15 expenditure in any manner to permit substitution for, or a corresponding
16 reduction in, federal funds which, in the absence of such money, would be
17 available to finance expenditures for the administration of the
18 unemployment insurance law. However, nothing in this section shall
19 prevent the money in the Employment Security Special Contingent Fund from
20 being used as a revolving fund to cover necessary and proper expenditures
21 under the law for which federal, state, or contractual funds are owed
22 ~~have been duly requested~~ but have not yet been received. Upon receipt of
23 such duly requested federal funds, covered expenditures shall be charged
24 against such ~~federal~~ funds. Money in the Employment Security Special
25 Contingent Fund may only be used by the Commissioner of Labor as follows:

26 (i) To replace within a reasonable time any money received by this
27 state pursuant to section 302 of the federal Social Security Act, as
28 amended, and required to be paid under section 48-622;

29 (ii) To meet special extraordinary and contingent expenses which are
30 deemed essential for good administration but which are not provided in
31 grants from the Secretary of Labor of the United States. No expenditures

1 shall be made from this fund for this purpose except on written
2 authorization by the Governor at the request of the Commissioner of
3 Labor; and

4 (iii) To be transferred to the Job Training Cash Fund.

5 (2)(a) Money credited to the account of this state in the
6 Unemployment Trust Fund by the United States Secretary of the Treasury
7 pursuant to section 903 of the Social Security Act may not be
8 requisitioned from this state's account or used except:

9 (i) For the payment of benefits pursuant to section 48-619; and

10 (ii) For the payment of expenses incurred for the administration of
11 the Employment Security Law and public employment offices. Money
12 requisitioned or used for this purpose must be pursuant to a specific
13 appropriation by the Legislature. Any such appropriation law shall
14 specify the amount and purposes for which the money is appropriated and
15 must be enacted before expenses may be incurred and money may be
16 requisitioned. Such appropriation is subject to the following conditions:

17 (A) Money may be obligated for a limited period ending not more than
18 two years after the effective date of the appropriation law; and

19 (B) An obligated amount shall not exceed the aggregate amounts
20 transferred to the account of this state pursuant to section 903 of the
21 Social Security Act less the aggregate of amounts used by this state
22 pursuant to the Employment Security Law and amounts charged against the
23 amounts transferred to the account of this state.

24 (b) For purposes of subdivision (2)(a)(ii)(B) of this section,
25 amounts appropriated for administrative purposes shall be charged against
26 transferred amounts when the obligation is entered into.

27 (c) The appropriation, obligation, and expenditure or other
28 disposition of money appropriated under this subsection shall be
29 accounted for in accordance with standards established by the United
30 States Secretary of Labor.

31 (d) Money appropriated as provided in this subsection for the

1 payment of administration expenses shall be requisitioned as needed for
2 the payment of obligations incurred under such appropriation. Upon
3 requisition, administration expenses shall be credited to the Employment
4 Security Administration Fund from which such payments shall be made.
5 Money so credited shall, until expended, remain a part of the Employment
6 Security Administration Fund. If not immediately expended, credited money
7 shall be returned promptly to the account of this state in the
8 Unemployment Trust Fund.

9 (e) Notwithstanding subdivision (2)(a) of this section, money
10 credited with respect to federal fiscal years 1999, 2000, and 2001 shall
11 be used solely for the administration of the unemployment compensation
12 program and are not subject to appropriation by the Legislature.

13 Sec. 4. Section 48-622.03, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 48-622.03 (1) There is hereby created the Nebraska Worker Training
16 Board. The board shall consist of seven members appointed and serving for
17 terms determined by the Governor as follows:

- 18 (a) A representative of employers in Nebraska;
- 19 (b) A representative of employees in Nebraska;
- 20 (c) A representative of the public;
- 21 (d) The Commissioner of Labor or a designee;
- 22 (e) The Director of Economic Development or a designee;
- 23 (f) The Commissioner of Education or a designee; and
- 24 (g) The chairperson of the governing board of the Nebraska Community
25 College Association or a designee.

26 (2) The chairperson of the Nebraska Worker Training Board shall be
27 the representative of the employers in Nebraska.

28 (3) ~~By July 1 of each year Beginning July 1, 2015, and annually~~
29 ~~thereafter,~~ the board shall prepare an annual program plan for the
30 upcoming fiscal year containing guidelines for the program financed by
31 the Nebraska Training and Support Cash Fund. The guidelines shall

1 include, but not be limited to, guidelines for certifying training
2 providers, criteria for evaluating requests for the use of money under
3 section 48-622.02, and guidelines for requiring employers to provide
4 matching funds. The guidelines shall give priority to training that
5 contributes to the expansion of the Nebraska workforce and increasing the
6 pool of highly skilled workers in Nebraska.

7 (4) ~~By July 1 of each year, the Department of Labor Beginning July~~
8 ~~1, 2015, and annually thereafter, the board~~ shall provide a report to the
9 Governor covering the activities of the program financed by the Nebraska
10 Training and Support Cash Fund for the previous fiscal year. The report
11 shall contain an assessment of the effectiveness of the program and its
12 administration.

13 Sec. 5. Section 48-649.03, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 48-649.03 (1) Once benefits have been payable from and chargeable to
16 an employer's experience account throughout the preceding four calendar
17 quarters and wages for employment have been paid by the employer in each
18 of the two preceding four-calendar-quarter periods, the employer's
19 combined tax rate shall be calculated according to this section. The
20 combined tax rate shall be based upon the employer's experience rating
21 record and determined from the employer's reserve ratio.

22 (2) The employer's reserve ratio is the percent obtained by dividing
23 (a) the amount by which the employer's contributions credited from the
24 time the employer first or most recently became an employer, whichever
25 date is later, and up to and including September 30 of the year the rate
26 computation is made, plus any part of the employer's contributions due
27 for that year paid on or before October 31 of such year, exceed the
28 employer's benefits charged during the same period, by (b) the employer's
29 average annual taxable payroll for the sixteen-consecutive-calendar-
30 quarter period ending September 30 of the year in which the rate
31 computation is made. For an employer with less than sixteen consecutive

1 calendar quarters of contribution experience, the employer's average
2 taxable payroll shall be determined based upon the four-calendar-quarter
3 periods for which contributions were payable.

4 (3) Each eligible experience rated employer shall be assigned to one
5 of twenty rate categories with a corresponding experience factor as
6 follows:

7	Category	Experience Factor
8	1	0.00
9	2	0.25
10	3	0.40
11	4	0.45
12	5	0.50
13	6	0.60
14	7	0.65
15	8	0.70
16	9	0.80
17	10	0.90
18	11	0.95
19	12	1.00
20	13	1.05
21	14	1.10
22	15	1.20
23	16	1.35
24	17	1.55
25	18	1.80
26	19	2.15
27	20	2.60

28 Eligible experience rated employers shall be assigned to rate
29 categories from highest to lowest according to their experience reserve
30 ratio, with category one assigned to accounts with the highest reserve

1 ratios and category twenty assigned to accounts with the lowest reserve
2 ratios. Each category shall be limited to no more than five percent of
3 the state's total taxable payroll, except that:

4 (a) Any employer with a portion of its taxable wages falling into
5 two consecutive categories shall be assigned to the lower category;

6 (b) No employer with a reserve ratio calculated to five decimal
7 places equal to the similarly calculated reserve ratio of another
8 employer shall be assigned to a higher rate than the employer to which it
9 has the equal reserve ratio; and

10 (c) No employer with a positive experience account balance shall be
11 assigned to category twenty.

12 (4) The state's reserve ratio shall be calculated annually by
13 dividing the amount available to pay benefits in the Unemployment Trust
14 Fund and the State Unemployment Insurance Trust Fund as of September 30,
15 plus any amount of combined tax owed by employers eligible for and
16 electing annual payment status for the four most recent quarters ending
17 on September 30 in accordance with rules and regulations adopted by the
18 commissioner less any outstanding obligations and amounts appropriated
19 from those funds, by the state's total wages from the four calendar
20 quarters ending on September 30. For purposes of this section, total
21 wages means all remuneration paid by an employer in employment. The
22 state's reserve ratio shall be applied to the table in this subsection to
23 determine the yield factor for the upcoming rate year.

24 State's Reserve Ratio	Yield Factor
25 1.45 percent and above	= 0.70
26 1.30 percent up to but not including 1.45	= 0.75
27 1.15 percent up to but not including 1.30	= 0.80
28 1.00 percent up to but not including 1.15	= 0.90
29 0.85 percent up to but not including 1.00	= 1.00
30 0.70 percent up to but not including 0.85	= 1.10
31 0.60 percent up to but not including 0.70	= 1.20

1	0.50 percent up to but not including 0.60	=	1.25
2	0.45 percent up to but not including 0.50	=	1.30
3	0.40 percent up to but not including 0.45	=	1.35
4	0.35 percent up to but not including 0.40	=	1.40
5	0.30 percent up to but not including 0.35	=	1.45
6	Below 0.30 percent	=	1.50

7 The commissioner may adjust the yield factor determined pursuant to
8 the preceding table to a lower scheduled yield factor if the state's
9 reserve ratio is 1.00 percent or greater. Once the yield factor for the
10 upcoming rate year has been determined, it is multiplied by the amount of
11 unemployment benefits paid from combined tax during the four calendar
12 quarters ending September 30 of the preceding year. The resulting figure
13 is the planned yield for the rate year. The planned yield is divided by
14 the total taxable wages for the four calendar quarters ending September
15 30 of the previous year and carried to four decimal places to create the
16 average combined tax rate for the rate year.

17 (5) The average combined tax rate is assigned to rate category
18 twelve as established in subsection (3) of this section. Rates for each
19 of the remaining nineteen categories are determined by multiplying the
20 average combined tax rate by the experience factor associated with each
21 category and carried to four decimal places. Employers who are delinquent
22 in filing their combined tax reports as of October 31 of any year shall
23 be assigned to category twenty for the following calendar year unless the
24 delinquency is corrected prior to December 31 of the year of rate
25 calculation.

26 (6) In addition to required contributions, an employer may make
27 voluntary contributions to the fund to be credited to his or her account.
28 Voluntary contributions by employers may be made up to the amount
29 necessary to qualify for one rate category reduction. Voluntary
30 contributions received after January 10 shall not be used in rate
31 calculations for the same calendar year.

1 (7) As used in sections 48-648 to 48-654, the term payroll means the
2 total amount of wages during a calendar year, except as otherwise
3 provided in section 48-654, by which the combined tax was measured.

4 Sec. 6. Section 48-652, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 48-652 (1)(a) A separate experience account shall be established for
7 each employer who is liable for payment of combined tax. Whenever and
8 wherever in the Employment Security Law the terms reserve account or
9 experience account are used, unless the context clearly indicates
10 otherwise, such terms shall be deemed interchangeable and synonymous and
11 reference to either of such accounts shall refer to and also include the
12 other.

13 (b) A separate reimbursement account shall be established for each
14 employer who is liable for payments in lieu of contributions. All
15 benefits paid with respect to service in employment for such employer
16 shall be charged to his or her reimbursement account, and such employer
17 shall be billed for and shall be liable for the payment of the amount
18 charged when billed by the commissioner. Payments in lieu of
19 contributions received by the commissioner on behalf of each such
20 employer shall be credited to such employer's reimbursement account, and
21 two or more employers who are liable for payments in lieu of
22 contributions may jointly apply to the commissioner for establishment of
23 a group account for the purpose of sharing the cost of benefits paid that
24 are attributable to service in the employ of such employers. The
25 commissioner shall adopt and promulgate such rules and regulations as he
26 or she deems necessary with respect to applications for establishment,
27 maintenance, and termination of group accounts authorized by this
28 subdivision.

29 (2) All contributions paid by an employer shall be credited to the
30 experience account of such employer. State unemployment insurance tax
31 payments shall not be credited to the experience account of each

1 employer. Partial payments of combined tax shall be credited so that at
2 least eighty percent of the combined tax payment excluding interest and
3 penalty is credited first to contributions due. Contributions with
4 respect to prior years which are received on or before January 31 of any
5 year shall be considered as having been paid at the beginning of the
6 calendar year. All voluntary contributions which are received on or
7 before January 10 of any year shall be considered as having been paid at
8 the beginning of the calendar year.

9 (3)(a) Each experience account shall be charged only for benefits
10 based upon wages paid by such employer. No benefits shall be charged to
11 the experience account of any employer if:

12 (i) Such benefits were paid on the basis of a period of employment
13 from which the claimant (A) left work voluntarily without good cause, (B)
14 left work voluntarily due to a nonwork-connected illness or injury, (C)
15 left work voluntarily with good cause to escape abuse as defined in
16 section 42-903 between household members as provided in subdivision (1)
17 of section 48-628.13, (D) left work from which he or she was discharged
18 for misconduct connected with his or her work, (E) left work voluntarily
19 and is entitled to unemployment benefits without disqualification in
20 accordance with subdivision (3) or (5) of section 48-628.13, or (F) was
21 involuntarily separated from employment and such benefits were paid
22 pursuant to section 48-628.17; and

23 (ii) The employer has filed timely notice of the facts on which such
24 exemption is claimed in accordance with rules and regulations adopted and
25 promulgated by the commissioner.

26 (b) No benefits shall be charged to the experience account of any
27 employer if such benefits were paid during a week when the individual was
28 participating in training approved under section 236(a)(1) of the federal
29 Trade Act of 1974, 19 U.S.C. 2296(a)(1).

30 (c) Each reimbursement account shall be charged only for benefits
31 paid that were based upon wages paid by such employer in the base period

1 that were wages for insured work solely by reason of section 48-627.01.

2 (d) ~~(d)(i)~~ Benefits paid to an eligible individual shall be charged
3 against the account of his or her most recent employers within his or her
4 base period against whose accounts the maximum charges hereunder have not
5 previously been made in the inverse chronological order in which the
6 employment of such individual occurred. The maximum amount so charged
7 against the account of any employer, other than an employer for which
8 services in employment as provided in subdivision (4)(a) of section
9 48-604 are performed, shall not exceed the total benefit amount to which
10 such individual was entitled as set out in section 48-626 with respect to
11 base period wages of such individual paid by such employer plus one-half
12 the amount of extended benefits paid to such eligible individual with
13 respect to base period wages of such individual paid by such employer.
14 The commissioner shall adopt and promulgate rules and regulations
15 determining the manner in which benefits shall be charged against the
16 account of several employers for whom an individual performed employment
17 during the same quarter or during the same base period.

18 ~~(ii) Any benefit check duly issued and delivered or mailed to a~~
19 ~~claimant and not presented for payment within one year from the date of~~
20 ~~its issue may be invalidated and the amount thereof credited to the~~
21 ~~Unemployment Compensation Fund, except that a substitute check may be~~
22 ~~issued and charged to the fund on proper showing at any time within the~~
23 ~~year next following. Any charge made to an employer's account for any~~
24 ~~such invalidated check shall stand as originally made.~~

25 (4)(a) An employer's experience account shall be terminated one
26 calendar year after such employer has ceased to be subject to the
27 Employment Security Law, except that if the commissioner finds that an
28 employer's business is closed solely because one or more of the owners,
29 officers, partners, or limited liability company members or the majority
30 stockholder entered the armed forces of the United States, or of any of
31 its allies, such employer's account shall not be terminated and, if the

1 business is resumed within two years after the discharge or release from
2 active duty in the armed forces of such person or persons, the employer's
3 experience account shall be deemed to have been continuous throughout
4 such period.

5 (b) An experience account terminated pursuant to this subsection
6 shall be reinstated if:

7 (i) The employer becomes subject again to the Employment Security
8 Law within one calendar year after termination of such experience
9 account;

10 (ii) The employer makes a written application for reinstatement of
11 such experience account to the commissioner within two calendar years
12 after termination of such experience account; and

13 (iii) The commissioner finds that the employer is operating
14 substantially the same business as prior to the termination of such
15 experience account.

16 (5) All money in the Unemployment Compensation Fund shall be kept
17 mingled and undivided. In no case shall the payment of benefits to an
18 individual be denied or withheld because the experience account of any
19 employer does not have a total of contributions paid in excess of
20 benefits charged to such experience account.

21 (6)(a) For benefit years beginning before September 3, 2017, if an
22 individual's base period wage credits represent part-time employment for
23 a contributory employer and the contributory employer continues to employ
24 the individual to the same extent as during the base period, then the
25 contributory employer's experience account shall not be charged if the
26 contributory employer has filed timely notice of the facts on which such
27 exemption is claimed in accordance with rules and regulations adopted and
28 promulgated by the commissioner.

29 (b) For benefit years beginning on or after September 3, 2017, if an
30 individual's base period wage credits represent part-time employment for
31 an employer and the employer continues to employ the individual to the

1 same extent as during the base period, then the employer's experience
2 account, in the case of a contributory employer, or the employer's
3 reimbursement account, in the case of a reimbursable employer, shall not
4 be charged if the employer has filed timely notice of the facts on which
5 such exemption is claimed in accordance with rules and regulations
6 prescribed by the commissioner.

7 (7) If a contributory employer responds to the department's request
8 for information within the time period set forth in subsection (1) of
9 section 48-632 and provides accurate information as known to the employer
10 at the time of the response, the employer's experience account shall not
11 be charged if the individual's separation from employment is voluntary
12 and without good cause as determined under section 48-628.12.

13 Sec. 7. Section 48-1234, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 48-1234 (1) The Commissioner of Labor shall issue a citation to an
16 employer when an investigation reveals that the employer may have
17 violated the Nebraska Wage Payment and Collection Act, other than a
18 violation of subsection (2) of section 48-1230.

19 (2) When a citation is issued, the commissioner shall notify the
20 employer of the proposed administrative penalty, if any, by certified
21 mail or any other manner of delivery by which the United States Postal
22 Service can verify delivery or by any method of service recognized under
23 Chapter 25, article 5. The administrative penalty shall be not more than
24 five hundred dollars in the case of a first violation and not more than
25 five thousand dollars in the case of a second or subsequent violation.

26 (3) The employer has fifteen working days after the date of the
27 citation or penalty to contest such citation or penalty. Notice of
28 contest shall be sent to the commissioner who shall provide a hearing in
29 accordance with the Administrative Procedure Act.

30 Sec. 8. Section 48-2213, Revised Statutes Cumulative Supplement,
31 2018, is amended to read:

1 48-2213 (1) The position of meatpacking industry worker rights
2 coordinator is established within the department. The coordinator shall
3 be appointed by the commissioner ~~Governor~~.

4 (2) The duties of the coordinator shall be to inspect and review the
5 practices and procedures of meatpacking operations in the State of
6 Nebraska as they relate to the provisions of the Governor's Nebraska
7 Meatpacking Industry Workers Bill of Rights, which rights are outlined as
8 follows:

9 (a) The right to organize;

10 (b) The right to a safe workplace;

11 (c) The right to adequate facilities and the opportunity to use
12 them;

13 (d) The right to complete information;

14 (e) The right to understand the information provided;

15 (f) The right to existing state and federal benefits and rights;

16 (g) The right to be free from discrimination;

17 (h) The right to continuing training, including training of
18 supervisors;

19 (i) The right to compensation for work performed; and

20 (j) The right to seek state help.

21 (3) The coordinator and his or her designated representatives shall
22 have access to all meatpacking operations in the State of Nebraska at any
23 time meatpacking products are being processed and industry workers are on
24 the job.

25 (4) Necessary office space, furniture, equipment, and supplies as
26 well as necessary assistance for the coordinator shall be provided by the
27 commissioner.

28 (5) Preference shall be given to applicants for the coordinator
29 position who are fluent in the Spanish language.

30 (6) The coordinator shall, on or before December 1 of each year,
31 submit a report to the members of the Legislature and the Governor

1 regarding any recommended actions the coordinator deems necessary or
2 appropriate to provide for the fair treatment of workers in the
3 meatpacking industry. The report submitted to the members of the
4 Legislature shall be submitted electronically.

5 Sec. 9. Original sections 48-618, 48-619, 48-621, 48-622.03,
6 48-649.03, 48-652, 48-1234, and 48-2213, Revised Statutes Cumulative
7 Supplement, 2018, are repealed.