

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 915

Introduced by Hunt, 8; Hansen, M., 26.

Read first time January 10, 2020

Committee: Business and Labor

1 A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section
2 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203,
3 Revised Statutes Cumulative Supplement, 2018; to change the minimum
4 wage for persons compensated by way of gratuities; to change
5 provisions relating to the posting of information; and to repeal the
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 48-1203 (1) Except as otherwise provided in this section and section
4 48-1203.01, every employer shall pay to each of his or her employees a
5 minimum wage of:

6 (a) Seven dollars and twenty-five cents per hour through December
7 31, 2014;

8 (b) Eight dollars per hour on and after January 1, 2015, through
9 December 31, 2015; and

10 (c) Nine dollars per hour on and after January 1, 2016.

11 ~~(2)(a) (2)~~ For persons compensated by way of gratuities such as
12 waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the
13 employer shall pay wages at the minimum rate provided in subdivision (2)
14 (b) of this section ~~of two dollars and thirteen cents per hour~~, plus all
15 gratuities given to them for services rendered. The sum of wages and
16 gratuities received by each person compensated by way of gratuities shall
17 equal or exceed the minimum wage rate provided in subsection (1) of this
18 section. In determining whether or not the individual is compensated by
19 way of gratuities, the burden of proof shall be upon the employer.

20 (b) The minimum wage rate for persons compensated by way of
21 gratuities shall be:

22 (i) Two dollars and thirteen cents per hour for wages paid prior to
23 January 1, 2021;

24 (ii) Three dollars and sixty cents per hour for wages paid on or
25 after January 1, 2021, and before January 1, 2022; and

26 (iii) Four dollars and fifty cents per hour for wages paid on or
27 after January 1, 2022.

28 (3) Any employer employing student-learners as part of a bona fide
29 vocational training program shall pay such student-learners' wages at a
30 rate of at least seventy-five percent of the minimum wage rate which
31 would otherwise be applicable.

1 Sec. 2. Section 48-1205, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-1205 Every employer subject to the Wage and Hour Act provisions
4 ~~of sections 48-1201 to 48-1209~~ shall keep a summary of the act sections
5 ~~48-1201 to 48-1209~~, furnished by the Commissioner of Labor without
6 charge, posted in a conspicuous place on or about the premises where
7 ~~wherein~~ any person subject to the act ~~provisions of sections 48-1201 to~~
8 ~~48-1209~~ is employed. The summary shall include the minimum wage amounts
9 in effect under the act.

10 Sec. 3. Original section 48-1205, Reissue Revised Statutes of
11 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
12 2018, are repealed.