

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB451

Hearing Date: Monday February 08, 2021
Committee On: Business and Labor
Introducer: McKinney
One Liner: Include characteristics associated with race, culture, and personhood within definition of race, including hair texture and protective hairstyles under the Nebraska Fair Employment Practice Act, and change provisions relating to unlawful employment practices

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Blood, Gragert, Halloran, Hansen, M., Hansen, B., Hunt, Lathrop
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator Terrell McKinney
Tiffany Joekel
Scout Richters
Myeisha Essex
Mildred Ciprian
Ashlei Spivey
Michelle Devitt
Jennifer Creager

Representing:

Introducer
Women's Fund of Omaha
ACLU of NE
YWCA Lincoln
Self
I Be Black Girl
Heartland Workers Center
Greater Omaha Chamber

Opponents:

Representing:

Neutral:

Marna Munn

Representing:

NE Equal Opportunity Commission

Submitted Written Testimony:

Proponents:

Paige Gade

Representing:

Lincoln Young Professionals Group

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB451 would prohibit an employer from discriminating towards an employee or applicant on the basis of hair texture/hairstyle historically associated with race.

Section by Section

Sec. 1: (19) Race is inclusive of characteristics that are associated with 15 race, culture, and personhood, including, but not limited to, skin color, hair texture, and protective hairstyles; and

(20) Protective hairstyles includes, but is not limited to, hairstyles such as braids, locks, and twists.

Sec. 2: (3) It shall not be an unlawful employment practice for an employer to enact bona fide health and safety standards that regulate the expression of an applicant's or employee's race, national origin, or religion if the employer demonstrates that:

(a) Without the implementation of such standard, it is reasonably certain that the health and safety of the applicant, employee, or other materially connected person will be impaired;

(b) The standard is adopted for non-discriminatory reasons;

(c) The standard is applied equally; and

(d) The employer has engaged in good faith efforts to reasonably accommodate the applicant or employee.

Sec. 3: Repeals the original section

Explanation of amendments:

AM550 further defines the class of people affected by LB451. It limits the protected class to that of race instead of race, national origin and religion. Further the amendment adds an exception for law enforcement agencies/departments to impose dress and grooming standards.

Sec. 1 (19) Race is inclusive of characteristics such as skin color, hair texture, and protective hairstyles; and (20) Protective hairstyles includes braids, locks, and twists.

Sec. 2 (3) It shall not be an unlawful employment practice for an employer to enact any bona fide health and safety standards that regulates characteristics associated with race if the employer demonstrates that:

(4) It shall not be an unlawful employment practice for the Nebraska State Patrol, a county sheriff, a city or village police department, or any other law enforcement agency in this state or the Nebraska National Guard to impose its own dress and grooming standards.

Ben Hansen, Chairperson