

AMENDMENTS TO LB327

Introduced by Briese, 41.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
4 2020, as amended by section 1, Initiative Law 2022, No. 433, is amended
5 to read:

6 48-1203 (1) Except as otherwise provided in this section and section
7 48-1203.01, every employer shall pay to each of his or her employees a
8 minimum wage of:

9 (a) Nine dollars per hour through December 31, 2022;

10 (b) Ten dollars and fifty cents per hour on and after January 1,
11 2023, through December 31, 2023;

12 (c) Twelve dollars per hour on and after January 1, 2024, through
13 December 31, 2024;

14 (d) Thirteen dollars and fifty cents per hour on and after January
15 1, 2025, through December 31, 2025; and

16 (e) Fifteen dollars per hour on and after January 1, 2026, through
17 December 31, 2026.

18 (2) The minimum wage established in subdivision (1)(e) of this
19 section shall be increased on January 1, 2027, and on January 1 of
20 successive years, by the lesser of (a) one and one-half percent, rounded
21 to the nearest cent, or (b) the increase in the cost of living. The
22 increase in the cost of living, which shall be measured by the percentage
23 increase, if any, as of August of the previous year over the level as of
24 August of the year preceding that year in the consumer price index for
25 all urban consumers (CPI-U) for the Midwest Region, or its successor
26 index, as published by the U.S. Department of Labor, or its successor
27 agency, with the amount of the minimum wage increase rounded up to the

1 nearest multiple of five cents. No later than October 15 of each year,
2 commencing October 15, 2026, the Nebraska Department of Labor shall
3 calculate and publish the minimum wage rate that will take effect the
4 following January 1.

5 (3) For persons compensated by way of gratuities such as waitresses,
6 waiters, hotel bellhops, porters, and shoeshine persons, the employer
7 shall pay wages at the minimum rate of two dollars and thirteen cents per
8 hour, plus all gratuities given to them for services rendered. The sum of
9 wages and gratuities received by each person compensated by way of
10 gratuities shall equal or exceed the applicable minimum wage rate
11 provided in subsection (1) or (2) of this section. In determining whether
12 or not the individual is compensated by way of gratuities, the burden of
13 proof shall be upon the employer.

14 (4) Any employer employing student-learners as part of a bona fide
15 vocational training program shall pay such student-learners' wages at a
16 rate of at least seventy-five percent of the minimum wage rate which
17 would otherwise be applicable under this section.

18 (5) An employer may pay a youth minimum wage of ten dollars and
19 fifty cents per hour to an employee who:

20 (a) Is at least fourteen years of age but no more than seventeen
21 years of age; and

22 (b) Is not an emancipated minor.

23 Sec. 2. Section 48-1203.01, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-1203.01 (1) An employer may pay a new employee who is at least
26 eighteen years of age but under younger than twenty years of age and who
27 is not a seasonal or migrant worker a training wage rate as described in
28 subsection (2) of this section of at least seventy-five percent of the
29 federal minimum wage for ninety days from the date the new employee was
30 hired. An employer may pay such new employee the training wage rate for
31 an additional ninety-day period while the new employee is participating

1 in on-the-job training which (a) ~~(1)~~ requires technical, personal, or
2 other skills which are necessary for his or her employment and (b) ~~(2)~~ is
3 approved by the Commissioner of Labor. No more than one-fourth of the
4 total hours paid by the employer shall be at the training wage rate.

5 (2) For purposes of this section, the training wage rate shall be:

6 (a) Ten dollars and fifty cents per hour through December 31, 2026;
7 and

8 (b) A rate of seventy-five percent of the minimum wage rate that
9 would otherwise be applicable under section 48-1203 on and after January
10 1, 2027.

11 (3) An employer shall not pay the training wage rate if the hours of
12 any other employee are reduced or if any other employee is laid off and
13 the hours or position to be filled by the new employee is substantially
14 similar to the hours or position of such other employee. An employer
15 shall not dismiss or reduce the hours of any employee with the intention
16 of replacing such employee or his or her hours with a new employee
17 receiving the training wage rate.

18 Sec. 3. Original section 48-1203.01, Reissue Revised Statutes of
19 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
20 2020, as amended by section 1, Initiative Law 2022, No. 433, are
21 repealed.