

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1089

Introduced by Hansen, 26; Bolz, 29; Cook, 13; Crawford, 45; Haar, 21;
Harr, 8; Howard, 9; Kolowski, 31; Mello, 5; Morfeld, 46;
Pansing Brooks, 28.

Read first time January 20, 2016

Committee:

- 1 A BILL FOR AN ACT relating to labor; to amend section 48-1205, Reissue
- 2 Revised Statutes of Nebraska, and section 48-1203, Revised Statutes
- 3 Supplement, 2015; to change the minimum wage for persons compensated
- 4 by way of gratuities; to change provisions relating to the posting
- 5 of information; to repeal the original sections; and to declare an
- 6 emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1203, Revised Statutes Supplement, 2015, is
2 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) For persons compensated by way of gratuities such as
12 waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the
13 employer shall pay cash wages at the minimum rate provided in subdivision
14 (2)(b) of this section of two dollars and thirteen cents per hour, plus
15 all gratuities given to them for services rendered.

16 (b) The minimum cash wage per hour shall be:

17 (i) For wages paid prior to August 1, 2016, two dollars and thirteen
18 cents per hour;

19 (ii) For wages paid on or after August 1, 2016, and before January
20 1, 2017, a wage equal to forty percent of the minimum wage rate in effect
21 under subsection (1) of this section; and

22 (iii) For wages paid on or after January 1, 2017, a wage equal to
23 fifty percent of the minimum wage rate in effect under subsection (1) of
24 this section.

25 (c) The sum of cash wages and gratuities received by each person
26 compensated by way of gratuities shall equal or exceed the minimum wage
27 rate provided in subsection (1) of this section. In determining whether
28 or not the individual is compensated by way of gratuities, the burden of
29 proof shall be upon the employer.

30 (3) Any employer employing student-learners as part of a bona fide
31 vocational training program shall pay such student-learners' wages at a

1 rate of at least seventy-five percent of the minimum wage rate which
2 would otherwise be applicable.

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

5 48-1205 Every employer subject to the Wage and Hour Act provisions
6 ~~of sections 48-1201 to 48-1209~~ shall keep a summary of the act sections
7 ~~48-1201 to 48-1209~~, furnished by the Commissioner of Labor without
8 charge, posted in a conspicuous place on or about the premises wherein
9 any person subject to the act ~~provisions of sections 48-1201 to 48-1209~~
10 is employed. Minimum wage amounts in effect shall also be posted by such
11 employers and shall be furnished by the commissioner without charge.

12 Sec. 3. Original section 48-1205, Reissue Revised Statutes of
13 Nebraska, and section 48-1203, Revised Statutes Supplement, 2015, are
14 repealed.

15 Sec. 4. Since an emergency exists, this act takes effect when
16 passed and approved according to law.