

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 843

Introduced by Pansing Brooks, 28; Blood, 3; Crawford, 45; Howard, 9;
Walz, 15; Wishart, 27.

Read first time January 04, 2018

Committee:

1 A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection
2 Act; to amend section 48-1228, Revised Statutes Cumulative
3 Supplement, 2016; to provide protections for employees relating to
4 wage disclosure; to harmonize provisions; and to repeal the original
5 section.

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

1 Section 1. Section 48-1228, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 48-1228 Sections 48-1228 to 48-1234 and section 2 of this act shall
4 be known and may be cited as the Nebraska Wage Payment and Collection
5 Act.

6 Sec. 2. (1) An employer shall not:

7 (a) Require nondisclosure by an employee of his or her wages as a
8 condition of employment;

9 (b) Require an employee to sign a waiver or other document which
10 purports to deny an employee the right to disclose the employee's wages;

11 (c) Take any adverse employment action against an employee for
12 disclosing the employee's own wages or discussing another employee's
13 wages which have been disclosed voluntarily;

14 (d) Coerce, intimidate, or threaten an employee to discourage that
15 employee's disclosure of his or her wages, interfere with an employee's
16 efforts to disclose his or her wages, or discipline an employee for
17 disclosing his or her wages;

18 (e) Retaliate against an employee for asserting rights or remedies
19 under this section; or

20 (f) Discharge or in any other manner retaliate against any employee
21 because such employee has inquired about, discussed, or disclosed
22 comparative compensation information for the purpose of determining
23 whether the employer is compensating an employee in a manner that
24 provides equal pay for equal work, except that this subdivision shall not
25 apply to instances in which an employee who has access to the wage
26 information of other employees as a part of such employee's job functions
27 discloses the wages of such other employees to an individual who does not
28 otherwise have access to such information, unless such disclosure is in
29 response to a charge or complaint or in furtherance of an investigation,
30 proceeding, hearing, or action, including an investigation conducted by
31 the employer.

1 (2) Nothing in this section shall be construed to:

2 (a) Create an obligation on any employer or employee to disclose
3 wages;

4 (b) Permit an employee, without the written consent of the employer,
5 to disclose proprietary information, trade secret information, or
6 information that is otherwise subject to a legal privilege or protected
7 by law;

8 (c) Diminish any existing rights under the National Labor Relations
9 Act, 29 U.S.C. 151 et seq.; or

10 (d) Permit the employee to disclose wage information of other
11 employees to a competitor of their employer.

12 (3) An employer that provides an employee handbook to its employees
13 must include in the handbook notice of employee rights and remedies under
14 this section.

15 (4) In addition to any other remedies provided under the Nebraska
16 Wage Payment and Collection Act, an employee may bring a civil action
17 against an employer for a violation of subsection (1) of this section. If
18 a court finds that an employer has violated subsection (1) of this
19 section, the court shall, in addition to any judgment awarded to the
20 employee, order costs of the action and reasonable attorney's fees to be
21 paid by the employer. In such an action, the court may order
22 reinstatement, back pay, restoration of lost service credit, if
23 appropriate, the expungement of any related adverse records of an
24 employee who was the subject of the violation, as well as any money
25 damages that the court deems appropriate to compensate the employee for
26 the violation.

27 Sec. 3. Original section 48-1228, Revised Statutes Cumulative
28 Supplement, 2016, is repealed.