

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 15**

Introduced by Briese, 41.

Read first time January 05, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section
- 2 48-1203.01, Reissue Revised Statutes of Nebraska, and section
- 3 48-1203, Revised Statutes Cumulative Supplement, 2020, as amended by
- 4 section 1, Initiative Law 2022, No. 433; to provide a youth minimum
- 5 wage as prescribed; to change provisions relating to the training
- 6 wage rate; to harmonize provisions; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,  
2 2020, as amended by section 1, Initiative Law 2022, No. 433, is amended  
3 to read:

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

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

8 (b) Ten dollars and fifty cents per hour on and after January 1,  
9 2023, through December 31, 2023;

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

12 (d) Thirteen dollars and fifty cents per hour on and after January  
13 1, 2025, through December 31, 2025; and

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

16 (2) The minimum wage established in subdivision (1)(e) of this  
17 section shall be increased on January 1, 2027, and on January 1 of  
18 successive years, by the increase in the cost of living. The increase in  
19 the cost of living shall be measured by the percentage increase, if any,  
20 as of August of the previous year over the level as of August of the year  
21 preceding that year in the consumer price index for all urban consumers  
22 (CPI-U) for the Midwest Region, or its successor index, as published by  
23 the U.S. Department of Labor, or its successor agency, with the amount of  
24 the minimum wage increase rounded up to the nearest multiple of five  
25 cents. No later than October 15 of each year, commencing October 15,  
26 2026, the Nebraska Department of Labor shall calculate and publish the  
27 minimum wage rate that will take effect the following January 1.

28 (3) For persons compensated by way of gratuities such as waitresses,  
29 waiters, hotel bellhops, porters, and shoeshine persons, the employer  
30 shall pay wages at the minimum rate of two dollars and thirteen cents per  
31 hour, plus all gratuities given to them for services rendered. The sum of

1 wages and gratuities received by each person compensated by way of  
2 gratuities shall equal or exceed the applicable minimum wage rate  
3 provided in subsection (1) or (2) of this section. In determining whether  
4 or not the individual is compensated by way of gratuities, the burden of  
5 proof shall be upon the employer.

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

10 (5) An employer may pay an employee who is at least fourteen years  
11 of age but no more than seventeen years of age a youth minimum wage of:

12 (a) Nine dollars per hour through December 31, 2023;

13 (b) Nine dollars and twenty-five cents per hour on and after January  
14 1, 2024, through December 31, 2024;

15 (c) Nine dollars and fifty cents per hour on and after January 1,  
16 2025, through December 31, 2025; and

17 (d) Ten dollars per hour on and after January 1, 2026.

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

20 48-1203.01 (1) An employer may pay a new employee who is at least  
21 eighteen years of age but under ~~younger than~~ twenty years of age and who  
22 is not a seasonal or migrant worker a training wage rate as described in  
23 subsection (2) of this section ~~of at least seventy-five percent of the~~  
24 ~~federal minimum wage~~ for ninety days from the date the new employee was  
25 hired. An employer may pay such new employee the training wage rate for  
26 an additional ninety-day period while the new employee is participating  
27 in on-the-job training which (a) ~~(1)~~ requires technical, personal, or  
28 other skills which are necessary for his or her employment and (b) ~~(2)~~ is  
29 approved by the Commissioner of Labor. No more than one-fourth of the  
30 total hours paid by the employer shall be at the training wage rate.

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

1       (a) Nine dollars and twenty-five cents per hour through December 31,  
2       2023;

3       (b) Nine dollars and fifty cents per hour on and after January 1,  
4       2024, through December 31, 2024;

5       (c) Nine dollars and seventy-five cents per hour on and after  
6       January 1, 2025, through December 31, 2025;

7       (d) Ten dollars per hour on and after January 1, 2026, through  
8       December 31, 2026; and

9       (e) A rate of seventy-five percent of the minimum wage rate that  
10       would otherwise be applicable under section 48-1203 on and after January  
11       1, 2027.

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

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