

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 211

Introduced by Hansen, 26; Blood, 3; Howard, 9; Kolowski, 31; Morfeld, 46;
Quick, 35; Vargas, 7.

Read first time January 10, 2017

Committee:

- 1 A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section
- 2 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203,
- 3 Revised Statutes Cumulative Supplement, 2016; to change the minimum
- 4 wage for persons compensated by way of gratuities; to change
- 5 provisions relating to the posting of information; to repeal the
- 6 original sections; and to declare an emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
2 2016, is 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 wages at the minimum rate provided in subdivision (2)
14 (b) of this section of two dollars and thirteen cents per hour, plus all
15 gratuities given to them for services rendered. The sum of wages and
16 gratuities received by each person compensated by way of gratuities shall
17 equal or exceed the minimum wage rate provided in subsection (1) of this
18 section. In determining whether or not the individual is compensated by
19 way of gratuities, the burden of proof shall be upon the employer.

20 (b) The minimum wage rate for persons compensated by way of
21 gratuities shall be:

22 (i) Two dollars and thirteen cents per hour for wages paid prior to
23 August 1, 2017;

24 (ii) Forty percent of the minimum wage rate in effect under
25 subsection (1) of this section for wages paid on or after August 1, 2017,
26 and before January 1, 2018; and

27 (iii) Fifty percent of the minimum wage rate in effect under
28 subsection (1) of this section for wages paid on or after January 1,
29 2018.

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 where
9 ~~wherein~~ any person subject to the act ~~provisions of sections 48-1201 to~~
10 ~~48-1209~~ is employed. The summary shall include minimum wage amounts in
11 effect under the act.

12 Sec. 3. Original section 48-1205, Reissue Revised Statutes of
13 Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement,
14 2016, are repealed.

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