

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 928**

Introduced by Mello, 5; Baker, 30; Bolz, 29; Campbell, 25; Cook, 13;  
Crawford, 45; Hansen, 26; Howard, 9; Pansing Brooks, 28.

Read first time January 12, 2016

Committee:

1 A BILL FOR AN ACT relating to labor; to amend sections 48-1220 and  
2 48-1221, Reissue Revised Statutes of Nebraska; to change provisions  
3 relating to discriminatory wage practices based on sex; and to  
4 repeal the original sections.

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

1 Section 1. Section 48-1220, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 48-1220 As used in sections 48-1219 to 48-1227.01, unless the  
4 context otherwise requires:

5 (1) Employee shall mean any individual employed by an employer,  
6 including individuals employed by the state or any of its political  
7 subdivisions including public bodies;

8 (2) Employer shall mean any person acting directly or indirectly in  
9 the interest of an employer in relation to one or more employees.  
10 ~~Employer engaged in an industry who has fifteen or more employees for~~  
11 ~~each working day in each of twenty or more calendar weeks in the current~~  
12 ~~or preceding calendar year, any agent of such person, and any party whose~~  
13 ~~business is financed in whole or in part under the Nebraska Investment~~  
14 ~~Finance Authority Act, and includes the State of Nebraska, its~~  
15 ~~governmental agencies, and political subdivisions, regardless of the~~  
16 ~~number of employees,~~ but such term shall not include the United States, a  
17 corporation wholly owned by the government of the United States, or an  
18 Indian tribe;

19 (3) Wage rate shall mean all compensation for employment including  
20 payment in kind and amounts paid by employers for employee benefits as  
21 defined by the commission in regulations issued under sections 48-1219 to  
22 48-1227;

23 (4) Employ shall include to suffer or permit to work;

24 (5) Commission shall mean the Equal Opportunity Commission; ~~and~~

25 (6) Person shall include one or more individuals, partnerships,  
26 limited liability companies, corporations, legal representatives,  
27 trustees, trustees in bankruptcy, or voluntary associations; and -

28 (7) Occupation shall include any industry, trade, business or branch  
29 thereof, or any employment or class of employment, but shall not include  
30 domestic employment in private homes.

31 Sec. 2. Section 48-1221, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 48-1221 (1) No employer shall discriminate between employees in the  
3 same establishment on the basis of sex, by paying wages to any employee  
4 in any occupation in this state ~~such establishment~~ at a wage rate less  
5 than the rate at which the employer pays any employee of the opposite sex  
6 ~~in such establishment~~ for comparable equal work on jobs which require  
7 comparable equal skill, effort, and responsibility ~~under similar working~~  
8 ~~conditions~~. Wage differentials are not within this prohibition where such  
9 payments are made pursuant to: (a) An established seniority system; (b) a  
10 merit increase system; or (c) a system which measures earning by quantity  
11 or quality of production or any factor other than sex.

12 (2) An employer who is paying a wage differential in violation of  
13 the provisions of sections 48-1219 to 48-1227 shall not, in order to  
14 comply with it, reduce the wage rates of any employee.

15 (3) No person shall cause or attempt to cause an employer to  
16 discriminate against any employee in violation of the provisions of  
17 sections 48-1219 to 48-1227.

18 (4) No employer may discharge or discriminate against any employee  
19 by reason of any action taken by such employee to invoke or assist in any  
20 manner the enforcement of the provisions of sections 48-1219 to 48-1227.

21 (5) An unlawful employment practice occurs under this section when a  
22 discriminatory compensation decision or other practice is adopted; when  
23 an individual becomes subject to a discriminatory compensation decision  
24 or other practice; or when an individual is affected by application of a  
25 discriminatory compensation decision or other practice, including each  
26 time wages, benefits, or other compensation is paid, resulting in whole  
27 or in part from such a decision or other practice.

28 Sec. 3. Original sections 48-1220 and 48-1221, Reissue Revised  
29 Statutes of Nebraska, are repealed.