

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 947

Introduced by Lathrop, 12.

Read first time January 16, 2014

Committee:

A BILL

1 FOR AN ACT relating to labor; to amend sections 48-1203 and 48-1205,
2 Reissue Revised Statutes of Nebraska; to change the
3 minimum wage for persons compensated by way of
4 gratuities; to provide duties for the Commissioner of
5 Labor; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1203, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-1203 (1) Except as otherwise provided in this section
4 and section 48-1203.01, every employer shall pay to each of his or
5 her employees a minimum wage of:

6 (a) Five dollars and fifteen cents per hour through July
7 23, 2007;

8 (b) Five dollars and eighty-five cents per hour on and
9 after July 24, 2007, through July 23, 2008;

10 (c) Six dollars and fifty-five cents per hour on and
11 after July 24, 2008, through July 23, 2009; and

12 (d) Seven dollars and twenty-five cents per hour on and
13 after July 24, 2009.

14 (2) For persons compensated by way of gratuities such as
15 waitresses, waiters, hotel bellhops, porters, and shoeshine persons,
16 the employer shall pay cash wages at the minimum rate of ~~two dollars~~
17 ~~and thirteen cents per hour, calculated in this subsection plus all~~
18 gratuities given to them for services rendered.

19 For the one-year period beginning on the effective date
20 of this act, the minimum cash wage per hour shall be three dollars.
21 For each succeeding one-year period until the minimum cash wage under
22 this subsection equals seventy percent of the minimum wage in effect
23 under subsection (1) of this section, the minimum cash wage shall be
24 equal to the amount for the preceding year increased by the lesser of
25 ninety-five cents or the amount necessary for the wage to equal

1 seventy percent of the minimum wage in effect under subsection (1) of
2 this section, rounded to the nearest multiple of five cents. For each
3 succeeding one-year period after the year in which the minimum cash
4 wage under this subsection first equals seventy percent of the
5 minimum wage in effect under subsection (1) of this section, the
6 minimum cash wage shall be equal to the amount for the preceding year
7 increased by the amount necessary to ensure that the minimum cash
8 wage in effect under this subsection remains equal to seventy percent
9 of the minimum wage in effect under subsection (1) of this section,
10 rounded to the nearest multiple of five cents.

11 The sum of cash wages and gratuities received by each
12 person compensated by way of gratuities shall equal or exceed the
13 minimum wage rate provided in subsection (1) of this section. In
14 determining whether or not the individual is compensated by way of
15 gratuities, the burden of proof shall be upon the employer.

16 (3) Any employer employing student-learners as part of a
17 bona fide vocational training program shall pay such student-
18 learners' wages at a rate of at least seventy-five percent of the
19 minimum wage rate which would otherwise be applicable.

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

22 48-1205 (1) Every employer subject to the ~~provisions of~~
23 ~~sections 48-1201 to 48-1209~~ Wage and Hour Act shall keep a summary of
24 ~~sections 48-1201 to 48-1209, the act,~~ furnished by the Commissioner
25 of Labor without charge, posted in a conspicuous place on or about

1 the premises wherein any person subject to the ~~provisions of sections~~
2 ~~48-1201 to 48-1209 act~~ is employed. Minimum wage amounts in effect
3 shall also be posted and shall be furnished by the commissioner
4 without charge.

5 (2) The Commissioner of Labor shall calculate the minimum
6 wage amounts as provided in sections 48-1203 and 48-1203.01,
7 recalculate such amounts whenever there is a change, and provide
8 notice of such amounts and the date the amounts become effective to
9 employers subject to the Wage and Hour Act.

10 Sec. 3. Original sections 48-1203 and 48-1205, Reissue
11 Revised Statutes of Nebraska, are repealed.