

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 83

Introduced by Cook, 13.

Read first time January 08, 2015

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, 2014; to provide certain protections for employees
- 4 relating to wage disclosure; to harmonize provisions; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1228, Revised Statutes Cumulative Supplement,
2 2014, 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; or

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

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

21 (a) Create an obligation on any employer or employee to disclose
22 wages;

23 (b) Permit an employee, without the written consent of the employer,
24 to disclose proprietary information, trade secret information, or
25 information that is otherwise subject to a legal privilege or protected
26 by law;

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

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

31 (3) An employer that provides an employee handbook to its employees

1 must include in the handbook notice of employee rights and remedies under
2 this section.

3 (4) In addition to any other remedies provided under the Nebraska
4 Wage Payment and Collection Act, an employee may bring a civil action
5 against an employer for a violation of subsection (1) of this section. If
6 a court finds that an employer has violated subsection (1) of this
7 section, the court shall, in addition to any judgment awarded to the
8 employee, order costs of the action and reasonable attorney's fees to be
9 paid by the employer. In such an action, the court may order
10 reinstatement, back pay, restoration of lost service credit, if
11 appropriate, the expungement of any related adverse records of an
12 employee who was the subject of the violation, as well as any money
13 damages that the court deems appropriate to compensate the employee for
14 the violation.

15 Sec. 3. Original section 48-1228, Revised Statutes Cumulative
16 Supplement, 2014, is repealed.