

## LEGISLATIVE BILL 67

Approved by the Governor March 5, 1979

Introduced by S. Marsh, 29

AN ACT to amend section 48-1102, Revised Statutes Supplement, 1978, relating to the Nebraska Fair Employment Practice Act; to redefine a term; to provide for suits against the state; to repeal the original section; and to declare an emergency.

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

Section 1. That section 48-1102, Revised Statutes Supplement, 1978, be amended to read as follows:

48-1102. As used in sections 48-1101 to 48-1125, unless the context otherwise requires:

(1) Person includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers;

(2) Employer shall mean a person engaged in an industry who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, and includes the State of Nebraska, governmental agencies, and political subdivisions, regardless of the number of employees, but such term does not include (a) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe, or (b) a bona fide private membership club, other than a labor organization, which is exempt from taxation under section 501 (c) of the Internal Revenue Code of 1954; ~~Provided,--that--in--accordance--with--the fundamental condition accepted by the people of the State of Nebraska as shown by the acts of admission of this state into the Union that there shall be no denial of any right to any person by reason of race or color, it shall be the policy of the State of Nebraska and of its political subdivisions to insure equal employment opportunities for employees of the state and of its political subdivisions without discrimination because of race or color, and all officers of the state and of its political subdivisions shall use their existing powers to effectuate this policy;~~

(3) Labor organization shall mean any organization which exists wholly or in part for one or

more of the following purposes: Collective bargaining; dealing with employers concerning grievances, terms, or conditions of employment; or of mutual aid or protection in relation to employment;

(4) Employment agency shall mean any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, except that such term shall include the United States Employment Service and the system of state and local employment services receiving federal assistance;

(5) Privileges of employment shall mean terms and conditions of any employer-employee relationship, opportunities for advancement of employees, and plant conveniences;

(6) Employee shall mean an individual employed by an employer;

(7) Commission shall mean the Equal Opportunity Commission;

(8) Disability shall mean any physical or mental condition, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy or seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide, wheelchair, or other remedial appliance or device and shall also mean the physical or mental condition of a person which constitutes a substantial handicap, as determined by a physician, but is unrelated to such person's ability to engage in a particular occupation; and

(9) Marital status shall mean the status of a person whether married or single.

Sec. 2. The state and governmental agencies created by the state may be sued upon claims arising under the Nebraska Fair Employment Practice Act in the same manner as provided by such law for suits against other employers. In such proceedings against the State of Nebraska, summons issued by the district court shall be served upon the Attorney General, and in all other cases involving claims against governmental agencies, when not otherwise provided for by law, summons shall be



issued out of such court and served upon the principal officer of the governmental agency involved or the presiding officer of the governing body thereof in the same manner as provided for service of summons upon other employers. The issuance and service of summons in such manner shall be binding upon the state and the agencies in such actions.

Sec. 3. That original section 48-1102, Revised Statutes Supplement, 1978, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.