

LEGISLATIVE BILL 569

Approved by the Governor June 10, 1997

Introduced by Wesely, 26; Beutler, 28; Chambers, 11; Hartnett, 45; Hilgert, 7; Landis, 46; Lynch, 13; Preister, 5; Schimek, 27; Will, 8; Withem, 14

AN ACT relating to labor; to amend sections 48-1203 and 48-1203.01, Reissue Revised Statutes of Nebraska; to change wage provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

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

48-1203. (1) Except as otherwise provided in this section and section 48-1203.01, every employer shall pay to each of his or her employees wages at the minimum rate of four dollars and twenty-five cents per hour through August 31, 1997, and five dollars and fifteen cents per hour on and after September 1, 1997.

(2) For persons compensated by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay wages at the minimum rate of two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section. In determining whether or not the individual is compensated by way of gratuities, the burden of proof shall be upon the employer.

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

Sec. 2. Section 48-1203.01, Reissue Revised Statutes of Nebraska, is amended to read:

48-1203.01. ~~Beginning July 1, 1991, through March 31, 1993, an~~ An employer may pay a new employee who is younger than twenty years of age and is not a seasonal or migrant worker a training wage at a rate of ~~three~~ four dollars and ~~sixty-one~~ twenty-five cents per hour for ninety days from the date the new employee was hired. An employer may pay such new employee the training wage rate for an additional ninety-day period while the new employee is participating in on-the-job training which (1) requires technical, personal, or other skills which are necessary for his or her employment and (2) is approved by the Commissioner of Labor. No more than one-fourth of the total hours paid by the employer shall be at the training wage rate.

An employer shall not pay the training wage rate if the hours of any other employee are reduced or if any other employee is laid off and the hours or position to be filled by the new employee is substantially similar to the hours or position of such other employee. An employer shall not dismiss or reduce the hours of any employee with the intention of replacing such employee or his or her hours with a new employee receiving the training wage rate.

Sec. 3. Original sections 48-1203 and 48-1203.01, Reissue Revised Statutes of Nebraska, are repealed.