



# State of Nebraska Equal Opportunity Commission Discrimination Is Prohibited By State Law



**Notice to Job Applicants, Employees, Employers, Labor Unions, Employment Agencies, Landlords, Tenants, Proprietors, Public: DISCRIMINATION IN EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATIONS IS PROHIBITED BY STATE LAW.**

### Unlawful Employment Practices

It is illegal for an employer to discriminate against you because of your **Race, Color, Sex, Pregnancy, National Origin, Marital Status, Disability, Religion and/or Age (40 years old and over)**. Discrimination may occur in such areas as *Hiring, Promotions, Transfers, Lay-off, Discipline and Termination, Compensation and Benefits, Training, Other Terms or Conditions of Employment, or Sexual Harassment*. The Nebraska Equal Opportunity Commission is authorized to investigate allegations of discrimination under the Fair Employment Practices Act and the Equal Pay Act of Nebraska, both of which covers employers with 15 or more employees; and the Nebraska Age Discrimination in Employment Act, which covers employers with 20 or more employees. Labor Organizations, Employment Agencies, Apprenticeship and Training Programs are all covered by the law.

Authority: Sections 48-1001 through 48-1009; Sections 48-1101 through 48-1125; Sections 48-1219 through 1227, R.R.S. Nebraska, 1943.

### Public Accommodations and Housing Discrimination

The Nebraska Fair Housing Act prohibits *unlawful housing practices* which includes discrimination because of **Race, Color, Religion, National Origin, Sex, Disability and Familial Status** in *Purchases, Sales, Rentals, Loans, Publishing, Representation, Inquiry, Listings, Discharge, or Demotion of Agents or Employees* in obedience to the law, blockbusting and other such actions.

Authority: Sections 20-301 through 20-344, R.R.S. Nebraska, 1943.

The Nebraska Civil Rights Act of 1969—*Public Accommodation* prohibits discrimination because of **Race, Color, Religion, Sex, National Origin, or Ancestry** in *Services, Privileges, Facilities, Advantages and Accommodations* by all *Public Places and Businesses* offering the same. Private establishments, etc. must meet the exceptions as set out in the law.

Authority: Sections 20-132 through 20-143, R.R.S. Nebraska, 1943.

### Protection From Retaliation

The laws enforced by the Nebraska Equal Opportunity Commission prohibit an employer, landlord, or others subject to the laws from engaging in any form of retaliation because you have filed a charge of discrimination, opposed a practice made illegal by these laws, or acted as a witness in any investigation or hearing conducted by the Commission. In addition, the Fair Employment Practices Act makes it illegal for an employer to engage in any retaliation because a person has opposed any illegal practice or refused to carry out any action that is illegal under the laws of the State of Nebraska or the United States.

### Complaints:

The Nebraska EOC will investigate every complaint in an impartial manner, without cost to you and without publicity. If there is reasonable cause to believe that the law was violated, the Nebraska EOC will hold a conciliation conference. In case of failure to settle or resolve a charge by conference, mediation, conciliation, arbitration or persuasion, a public hearing or litigation may occur.

EMPLOYERS, EMPLOYMENT AGENCIES, UNIONS, LANDLORDS, LENDERS, REAL ESTATE OFFICES, PROPRIETORS, PUBLIC, ETC. You may call on the Nebraska EOC for information on procedures, advice on policy problems, literature, reading lists, films, speakers service, aid in educational programming.

**For Information or Assistance, Please Write, Call, or Come to:**

**Main Office**  
Equal Opportunity Commission  
301 Centennial Mall South, 5th Floor  
P.O. Box 94934  
Lincoln, Nebraska 68509-4934  
Telephone (402) 471-2024  
1-800-642-6112

**Branch Office**  
1313 Farnam on-the-Mall  
Omaha, Nebraska 68102-1836  
Telephone (402) 595-2028  
1-800-382-7820

**Branch Office**  
Panhandle Office Complex  
505A Broadway, Suite 600  
Scottsbluff, Nebraska 69363-1500  
Telephone (308) 632-1340  
1-800-830-8633

[www.neoc.ne.gov](http://www.neoc.ne.gov)

THIS NOTICE MUST BE POSTED in conspicuous, well-lighted places—e.g., hiring offices, employee bulletin boards, employment agency waiting rooms, union halls—which are frequented by employees, job seekers, or applicants for union membership. Firms and organizations that have more than one such office, plant or posting place, should request extra copies of this notice. For information on exceptions, write to Nebraska EOC. This document satisfies the requirements for posting pursuant to the laws administered by the N.E.O.C.

**THIS COMMISSION INVESTIGATES UNLAWFUL DISCRIMINATION COMPLAINTS FILED ANYWHERE IN THE STATE OF NEBRASKA: AT NO COST TO THE PERSON MAKING THE COMPLAINT.**

## Notice To Employees

Pursuant to and by virtue of authority vested in it by Chapter 48, Article 12, Section 48-1201 to 48-1209, Revised Statutes of Nebraska 1943, and Revised Statutes Supplement 2007 it is declared to be the policy of this state to:

1. Establish a minimum wage for all workers at levels consistent with their health, efficiency and general well-being, and
2. Safeguard existing minimum wage compensation standards which are adequate to maintain the health, efficiency and general well-being of workers against the unfair competition of wage and hour standards which do not provide adequate standards of living.

### Minimum Wage Rates

Every employer as defined, shall pay to each employee effective January 1, 2015, wages at the minimum rate **As Stated Below.**

## Minimum Wage in Nebraska

Effective January 1, 2015  
through December 31, 2015

**\$8.00 Per hour**

Effective January 1, 2016

**\$9.00 Per hour**

\$2.13 per hour: (to waitresses and waiters) provided that employee's wages and gratuities equal or exceed applicable rate as stated above.

A Training Wage of 75% of the applicable minimum wage may be paid to new employees under age 20 for the first 90 consecutive calendar days of employment.

Upon approval by the Commissioner of Labor, employers may pay the training wage rate for an additional 90 days provided the employee is participating in an on-the-job training program.

\* Student-learners employed in a bona fide vocational training program may be paid special hourly rates of no less than 75% of the above applicable rates.

### Definitions

1. Employer shall include to permit to work.
2. Employer shall include any individual, partnership, limited liability company, association, corporation, business trust, legal representative or any organized group of persons employing four or more employees at any one time except for seasonal employment of not more than twenty weeks in any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee.
3. Employee shall include any individual employed by an employer.
4. Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.

### Exemptions

- A. Any individual employed in agriculture;
- B. Any individual employed as a baby sitter in or about a private home;
- C. Any individual employed in a bona fide executive, administrative, or professional capacity, or as a superintendent or supervisor;
- D. Any individual employed by the United States, or by the state or any political subdivision thereof;
- E. Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization when the employer/employee relationship does not in fact exist or when the services rendered to such organization are on a voluntary basis;
- F. Apprentices and learners otherwise provided by law;
- G. Veterans in training under supervision of the United States Department Of Veterans Affairs;
- H. A child in the employment of his or her parent or a parent in the employment of his or her child; or
- I. Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being.

For further information regarding the Nebraska Wage and Hour Act, contact the Nebraska Department of Labor at the following address. 550 South 16th Street, Lincoln, NE 68508, Telephone: 402-471-2239

This poster is provided by Nebraska Department of Labor. For local office information go to: [dol.nebraska.gov](http://dol.nebraska.gov)

Notice to employers: This poster is designed to fulfill three state workplace posting requirements. It does not necessarily fulfill ALL workplace posting requirements. Keep this posted in a conspicuous place.



Equal Opportunity Employer/Program • TDD: 1.800.833.7352

## Unemployment Insurance Advisement of Benefit Rights

Unemployment claims may be filed via the Internet at [dol.nebraska.gov](http://dol.nebraska.gov)

### TITLE 219 - DEPARTMENT OF LABOR

#### CHAPTER 2 - CLAIMS FOR BENEFITS

001. This chapter is adopted pursuant to Neb. Rev. Stat. §§48-626, 48-627, 48-629, and 48-607.

002. A. Any individual who wants to make a claim for unemployment benefits shall file an application for benefits by electronic media through the Nebraska Department of Labor Claims Center. The individual shall provide such information as required on the application. Each application shall be signed by electronic signature or handwritten on a form prescribed by the Commissioner.

B. In addition to completing and filing an initial application for benefits, a claimant shall register for work with the appropriate Department office unless this requirement is waived pursuant to 219 NAC 4(004). The initial application for benefits may serve as registration for work with an employment office by way of common data automatically shared and made accessible to the Nebraska employment service program.

C. The initial application for benefits shall be effective Sunday of the week in which the applicant files an application with the Department. The Commissioner, for good cause, may establish a different effective date.

D. A week shall be deemed to be in, within, or during that benefit year which includes the greater part of such week.

003. A. A separate claim for benefits shall be made for each week of unemployment by a method of claiming prescribed by the Commissioner.

B. An individual shall be ineligible for benefits for any week for which the individual fails to demonstrate that the individual engaged in an active and earnest search for work as required under 219 NAC 4(002).

C. If prescribed by the Commissioner, a claim form will be mailed by the Department and shall be completed by the claimant and returned to and received by the Department within ten days of the later of the date mailed or the week ending date which will be stated on the form. A claimant who fails to timely return the claim form shall be ineligible for that week's benefits unless good cause for the late return can be shown. If found ineligible, such applicant shall also be ineligible for benefits for any intervening weeks until the week in which the claim form is returned, regardless of cause.

D. An electronic media claim transaction shall be completed by the claimant and received by the Department by the Friday following the most recent week ending date. The failure of a claimant to timely complete an electronic media transaction shall be the basis for a denial of that week's benefits unless good cause for the late transaction can be shown. Any intervening weeks until the week in which the transaction was completed and received by the Department shall also be denied, regardless of cause.

E. A claim for benefits shall be filed for waiting week credit even though benefits are not payable for that week.

F. A claim for benefits shall be filed for each week of eligibility during the time an

applicant is awaiting the results of an appeal hearing if the applicant intends to claim benefits during that time period.

004. The Department may direct a claimant to contact one of its offices to meet eligibility or other reporting requirements, or to provide other information as needed in the administration of Nebraska Employment Security Law. Unless good cause is shown, failure to contact the office as directed may result in the denial of benefits beginning with the week the claimant was scheduled to report and ending the Saturday prior to the week in which he/she reports to the Department.

005. In the event that wage information cannot be obtained from an employer, the Department may request that such information be provided by the claimant. The claimant may be required to provide payroll check stubs, W-2s, or other reliable information corroborating the amount of wages stated by the claimant. A failure by the claimant to comply with such a request by the due date on the form shall cause the claim to be processed without the requested wages and may result in a denial of benefits until the week in which the information regarding requested wages is received by the Department.

006. In the event of a major disaster declared by both the Governor of the State of Nebraska and the President, the Commissioner may permit backdating of the effective date of unemployment insurance claims to agree with the effective date of the federal disaster period.

007. Each worker engaged in employment covered by the Nebraska Employment Security Law, including service covered by election of an employer, shall procure a federal social security account number and furnish that number to every employer for whom that worker performs covered employment.

008. Weeks of disqualification assessed pursuant to Neb. Rev. Stat. §48-628 and reductions in benefits determined pursuant to Neb. Rev. Stat. §48-626 shall be determined in accordance with the number of weeks of disqualification in effect on the applicable date of the most recently filed initial, transitional or additional claim.

### TITLE 219 - DEPARTMENT OF LABOR

#### CHAPTER 4 - CLAIMANT'S AVAILABILITY / WORK SEARCH REQUIREMENTS

001. This chapter is adopted pursuant to Neb. Rev. Stat. §§48-607, 48-627 and 48-628.

002. A. A claimant attached to a Nebraska job market shall be referred to an employment services office established in accordance with Neb. Rev. Stat. §48-662 or the employment services' web application for employment services unless the waiver provisions of 219 NAC 4, 5005 are met. Claimants not attached to a Nebraska job market shall register with the employment service office of the state of their residence unless the waiver provisions of 219 NAC 4, 5005 are met.

B. Unless the waiver provisions of 219 NAC 4, 5005 are met, each claimant attached to a Nebraska job market shall be required to register for work and create a resume in the employment services' web application in order to become initially eligible for benefits.

C. A claimant will also be required to make an active and earnest search for work that is

reasonably calculated to result in the earliest possible employment of the claimant. The search shall include, for each week of benefits, at least two contacts with employers in-person, by mail or by telephone or other electronic media. A claimant attached to a Nebraska job market shall record each week's work search effort in an electronic web application maintained by the Department of Labor as the Commissioner of Labor shall direct. Claimants not attached to a Nebraska job market shall record each week's work search effort in such manner as the Commissioner of Labor shall direct. A failure to record the work search effort will be considered a failure to report as directed, and subject to applicable administrative penalty for each week.

D. Electronic notifications by the employment services web application of job openings matching up with the job skills described in the claimant's resume in the employment services' web application shall be considered as a direction by the Commissioner to apply for available, suitable work within the meaning of Neb. Rev. Stat. §48-628(3).

E. Eligibility for benefits of claimants seeking only part-time work is established in Neb. Rev. Stat. §48-627

003. A claimant who has drawn benefits for over six weeks will be required to expand the scope of the job search regarding acceptable hours, wages, conditions, location, and type of work.

004. A claimant who is unavailable for employment or physically unable to work for any reason for four days of any week shall be disqualified from receiving benefits for that week. Exception: "duty before any court under a lawfully issued summons during the week of unemployment claimed." See 20 CFR 604.5(b).

005. The Commissioner may waive the requirement that an applicant search for work if: A. The applicant is attached to a regular job or industry; B. The applicant is eligible for referral as a member in good standing in a labor union which has a hiring hall; C. Compliance would be oppressive or inconsistent with the purpose of the Nebraska Employment Security Law; D. The applicant is attending training approved by the Commissioner pursuant to 225 NAC 1-1 or E. The applicant is attending training funded in whole or part pursuant to Neb. Rev. Stat. §48-622.02.

006. A claimant shall be ineligible for benefits during any week in which the claimant fails to participate in reemployment services as directed by the commissioner, such as job search assistance services, if the claimant has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the commissioner pursuant to Neb. Rev. Stat. §48-627(6), §303(j)(1) of the Federal Social Security Act, and 219 NAC 17, unless the Commissioner determines that: A. The claimant has completed such services; or B. There is justifiable cause for the claimant's failure to participate in such services.

007. For purposes of Neb. Rev. Stat. §48-628(7), an individual shall be considered to be registered for full attendance at and regularly attending an established school, college or university if the individual is treated as a full-time student at the school, college or university that the individual is attending for purposes of determining eligibility for federally subsidized financial assistance.