

## ● EQUAL PAY LAW

*STATUTORY CITATION:* Neb. Rev. Stat. §§ 48-1219 – 48-1227.01

*GENERAL SUMMARY:* With respect to employers who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, the practice of paying wages to employees of one sex at a lesser rate than the rate paid to employees of the opposite sex for comparable work on jobs with comparable requirements constitutes unlawful sex discrimination.

The prohibition against unequal pay does not, however, preclude wage differentials based on seniority, merit, quantity or quality of production, or any other factor other than gender.

*PROVISIONS APPLICABLE TO AGRICULTURE:* This law applies to agricultural employers — and protects agricultural employees — on the same terms as their non-agricultural counterparts.

### *SPECIAL NOTES OR ADVISORIES*

**CORRECTIVE ACTION** — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

**RETALIATION** — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Nebraska Equal Opportunity Commission, Lincoln, Nebraska 68509 (402-471-2024; toll-free 800-642-6112)*. Representatives of the Commission may enter any place of employment to inspect and copy payroll and related records, observe employment operations and duties, question workers, and obtain other information necessary to the proper enforcement of the equal pay law. At the written request of a worker claiming to have been paid less than the wage to which he or she is entitled under the equal pay provision, the Commission may bring legal action on the worker's behalf to collect the unpaid wages, but generally only after making an effort to resolve the claim informally. Violators are also subject to criminal prosecution.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

**PRIVATE CIVIL ACTION** — A worker aggrieved by a violation of the equal pay law has the option of filing a civil suit to recover unpaid wages directly, using a private attorney or public legal service provider. In a suit brought by the worker, if the court rules in the worker's favor and the violation is deemed to have been willful, the employer is liable not only for the unpaid wages, but an additional equal amount as liquidated damages.