

● NEBRASKA WORKERS' COMPENSATION ACT

STATUTORY CITATION: Neb. Rev. Stat. §§ 48-101 – 48-1,118

GENERAL SUMMARY: Under the Nebraska Workers' Compensation Act, when personal injury is caused to an employee by accident or occupational disease arising out of and in the course of employment, the employee is generally entitled to compensation from the employer as long as the employee was not willfully negligent at the time the injury was received. Workers' compensation includes, among other potential benefits, (1) medical, surgical and hospital services, and (2) cash payments to the employee in lieu of lost wages due to disability. If an employer does not carry a policy of workers' compensation insurance or qualify as a self-insurer, in any lawsuit by a worker or a worker's surviving dependents to recover damages for personal injury or death, the employer loses the right to claim as a defense that the worker was negligent, that the injury was caused by the negligence of a co-worker, or that the worker had assumed the risks inherent in the job.

With some exceptions, the Act applies to every employer in Nebraska who has one or more employees.

PROVISIONS APPLICABLE TO AGRICULTURE: An agricultural establishment is required to carry workers' compensation insurance covering its employees, or qualify as a self-insurer, if it employs 10 or more unrelated full-time workers on each working day for 13 calendar weeks in any calendar year. The employer's obligation to comply begins 30 days after the 13th such week.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Nebraska Workers' Compensation Court, Lincoln, Nebraska 68509 (402-471-6468; toll-free 800-599-5155).* The Workers' Compensation Court administers and enforces most aspects of the workers' compensation system, including the resolution of disputed claims.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Office of the Attorney General, Lincoln, Nebraska 68509 (402-471-2683).* The Attorney General represents the state when lawsuits arise in connection with liability for payment of benefits. The Attorney General has authority to settle such suits, with approval of the Workers' Compensation Court.