

● NEBRASKA WAGE PAYMENT AND COLLECTION ACT

STATUTORY CITATION: Neb. Rev. Stat. §§ 48-1228 – 48-1234

GENERAL SUMMARY: The Nebraska Wage Payment and Collection Act regulates paydays, wage deductions, and final pay in all private employment in the state, including agriculture. It applies to virtually all employers in Nebraska.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Each employer must pay all wages due on regular paydays designated by the employer, or agreed upon by the employer and the worker. An employer must give 30 days' written notice of any change in regular paydays.

WAGE STATEMENTS — On each regular payday, the employer generally must provide each employee with a statement showing, among other things, the number of hours worked, the wages earned, and any deductions made from the worker's gross pay.

WAGE DEDUCTIONS — The Act prohibits the deduction, withholding or diversion of any portion of a worker's wages unless required by state or federal law or court order, or unless authorized in writing by the worker.

FINAL PAY — Whenever an employer terminates a worker from the payroll, the worker's unpaid wages are due on the next regular payday, or within 2 weeks of the date of termination, whichever is sooner.

PAYMENT BY DEBIT CARD — Employers who elect to pay wages with a payroll debit card must comply with federal rules against compulsory use of electronic fund transfers as a condition of employment. Additionally, the employer must allow a worker at least one means of accessing withdrawals per pay period at no cost to the employee.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508 (402-471-2239)*. This agency may assist workers in trying to resolve unpaid wage claims. A form for that purpose is available on the Department's website, at dol.nebraska.gov/LaborStandards/WageComplaint/WageComplaintForm.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — The Wage Payment and Collection Act is enforceable only in civil court. Any worker who has not received full pay within 30 days of the regular designated or agreed-on payday may file suit against the employer, through a private attorney or public legal service provider. If the court upholds the claim, the worker is entitled to recover the full amount of the unpaid wages, plus court costs and attorney's fees.