

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT (CORRECTED)
LB161

Hearing Date: Monday January 30, 2023
Committee On: Business and Labor
Introducer: McDonnell
One Liner: Change provisions of the Workplace Privacy Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	4	Senators Riepe, Ibach, Hansen, B., Blood
Nay:	3	Senators Halloran, Hunt, McKinney
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Mike McDonnell
Jon Nebel

Felicia Hilton

Opponents:

Ansley Fellers

Neutral:

* ADA Accommodation Written Testimony

Representing:

District 5
International Brotherhood of Electrical Workers Local 22,
Nebraska State Council of Electrical Workers
North Central States Regional Council of Carpenters

Representing:

Nebraska Grocery Industry, Nebraska Petroleum
Marketers, Convenience Store Association

Representing:

Summary of purpose and/or changes:

LB 161 amends the Workplace Privacy Act to prohibit employers from requiring an electronic communication device to be worn by an employee to track the employee's location or travel patterns or to confirm contacts with other employees, unless the Governor proclaims a state of emergency for a pandemic and certain conditions are met.

The Workplace Privacy Act prohibits employers from requiring access to employees' personal internet accounts and from taking adverse action against any employee or job applicant for refusing to grant an employer such access.

Section 1:

Amends the definition section by adding subcontractor and customer under the definition of Employer.

Section 2:

Includes language was added to prohibit an employer from requiring tracking of an employee's location with an electronic communication device, unless a state of emergency for a pandemic is proclaimed. If proclaimed, an employer is limited to using the employee's electronic communication device for contact tracing. The tracing would only be permitted on employer's premises during work hours and data collected would be destroyed within 48 hours of being collected (or as recommended by Centers for Disease Control) and would not be included in employee's personnel file.

Also notes that employers cannot take adverse action against the employee for failure to provide any of the prohibited actions listed in this section.

Merv Riepe, Chairperson