



July 8, 2019

Amendment to Nebraska Fair Employment Practice Act Prohibits Discrimination Based on Employee Wage Disclosure

On September 6, 2019, Nebraska employers will be subject to new legal guidance prohibiting discrimination against employees for inquiring about, discussing, or disclosing information regarding their own wages, benefits, or other compensation to other company employees. L.B. 217, which was signed into law by Governor Pete Ricketts on April 17, 2019, makes discrimination due to wage, benefit, or compensation disclosure an unlawful employment practice under the Nebraska Fair Employment Practice Act.

Certain exceptions exist, however, when such wage transparency is either limited or not permitted. For example, the law does not allow an employee with authorized access to another employee's wage or benefit information to disclose such information to individuals who do not have authorized access to such information, unless the disclosure is made in response to a charge or complaint or in furtherance of an investigation or similar action.

Likewise, the law does not permit employees to (1) disclose any wage or benefit information to a competitor of the employer or to the general public, (2) disclose any company information that would otherwise be considered proprietary, trade secrets, or subject to a legal privilege or protection, or (3) discuss wage or benefit information during working hours, as defined in existing workplace policies, or in violation of specific contractual obligations.

The law does not apply to employers that are exempt from the Nebraska Fair Employment Practice Act and does not create an obligation on either the employer or employee for disclosure of compensation information.

If you have any questions or need assistance understanding these new legal obligations, please contact your trusted member of [Kutak Rock's National Wage and Hour Practice](#).

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