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## Nebraska's LB 921 Is Now Law: Nebraska WARN Act and Health Care Staffing Registration—What Nebraska Employers and Health Care Staffing Firms Need to Do Now

Nebraska has enacted LB 921, approved by the governor on April 14, 2026, creating the Nebraska Worker Adjustment and Retraining Notification Act (the “Nebraska WARN Act”) for plant closures and mass layoffs and the Health Care Staffing Agency Registration Act for health care agencies and platforms serving Nebraska facilities. Key operative dates begin July 18, 2026 for the WARN requirements and July 1, 2027 for the staffing program.

### Nebraska WARN Act: Overview

The Nebraska WARN Act requires covered employers with 100 or more employees, not including part-time employees, to provide at least 90 days’ advance written notice before a covered plant closing or mass layoff at a single site, which is a longer timeline than the federal WARN Act’s 60-day notice period. The state notice must be provided to the affected employees or their representatives and to the Nebraska Department of Labor (“NDOL”).

The Nebraska WARN Act’s notice content and visibility requirements are more expansive than federal WARN Act obligations. Unlike the federal law, the Nebraska WARN Act requires the notice to include job titles and names of affected employees, and copies of or online access to applicable handbooks and personnel policies. The notice provided to the NDOL also must include the addresses of the affected employees. Employers must post the notice at the site in languages spoken by at least 5% of the workforce.

Another difference is the Nebraska WARN Act’s express option to offer severance or wages in lieu of notice. If an employer pays severance or wages in an amount at least equal to regular pay for the covered work days in lieu of providing notice during the statutory notice window, the Nebraska WARN Act reduces the required notice by those days.

Despite the above differences, the core federal WARN Act architecture is similar to the Nebraska WARN Act requirements. For example, the Nebraska WARN Act tracks the familiar federal definitions of “single site of employment,” “employment loss” and “part-time employee,” with employment loss covering terminations other than for cause, layoffs exceeding six months and sustained hour reductions, and with part-time employees generally excluded unless a collective bargaining agreement says otherwise.

The Nebraska WARN Act also codifies the standard sale-of-business allocation and anti-avoidance aggregation rules under the federal WARN Act. Similar to the federal law, under the Nebraska WARN Act, the seller is responsible for notice up to and including the date of sale, and the buyer is responsible after closing. In addition, employment losses across any rolling 90-day period are aggregated unless the employer demonstrates they were caused by separate and distinct actions and causes.

Reduced notice exceptions exist but are narrow and documentation-heavy. Nebraska recognizes the faltering company exception for plant closings, the unforeseeable business circumstances exception and the natural disaster exception, with a contemporaneous explanation required when full notice is shortened.

The labor dispute carve-outs remain in place. Bona fide strikes and non-evasive lockouts do not trigger notice, and the Nebraska WARN Act neither validates nor invalidates rulings on permanent replacements for economic strikers. Temporary strike replacements terminated at the end of a dispute are not entitled to WARN-style notice.

Nebraska places its state WARN enforcement exclusively with the NDOL and uses an administrative penalty model rather than private damages suits. The Nebraska WARN Act authorizes a civil penalty of up to \$100 per day for violations and makes that penalty the exclusive remedy, which also means courts lack authority to enjoin a closing or layoff under the Nebraska WARN Act.

### **Health Care Staffing Agency Registration Act: Scope, Standards and Worker Mobility**

LB 921 also creates a Health Care Staffing Agency Registration program administered by the NDOL that captures both traditional health care staffing agencies and health care technology platforms operating in Nebraska. Health care staffing agencies must register annually, obtain a certificate from the NDOL and will appear on a public registry, with renewals due on a set cadence. Platforms that operate internet or app-based shift marketplaces are covered by the new program when they allow workers to select shifts and facilities to set rates that change only by contract amendment. That framework is designed to make the market more visible and to standardize baseline compliance across Nebraska placements.

The credentialing and documentation requirements of the new law are explicit. Agencies must ensure and document that every assigned worker meets all applicable federal and state licensing, certification, registration and health requirements for the role, and maintain a file for each worker. Upon request from the NDOL, agencies must produce records within 14 calendar days, and platforms must make platform-held records accessible to workers. This makes audits and compliance investigations more efficient and raises the floor for documentation quality.

The new law also sets insurance and injury coverage expectations. Agencies must maintain professional and general liability coverage with minimum limits of \$1 million per occurrence and \$3 million aggregate and demonstrate workers' compensation coverage, self-insurance authorization, a statement that workers' compensation is not required, or occupational-accident coverage. Agencies that shut down operations must notify the NDOL and keep records for two years.

LB 921 removes the classic roadblocks to permanent hire and makes clinician credentials more portable. For Nebraska placements, noncompetes and "conversion" or hire-away fees are off the table in contracts with workers and with Nebraska facilities, and contracts that try to impose those terms will not be enforced. This means a traveler on a Nebraska assignment—regardless of their home base—cannot be blocked from taking a permanent role or charged a conversion fee for doing so, which directly promotes mobility. At the same time, the credentialing and record-production rules ensure the facility still gets a fully vetted clinician and can expect fast documentation if the NDOL asks for it.

LB 921 applies to agencies and platforms "operating in Nebraska," so the key is the Nebraska engagement, not where the clinician resides. For purely non-Nebraska assignments, the other state's law or contract choice-of-law terms typically control.

The NDOL administers registration, investigates complaints, audits records, and can issue citations, assess civil penalties and revoke registrations for noncompliance, with appeals handled under Nebraska administrative procedures. Coupled with the public registry, that enforcement posture creates both regulatory and reputational incentives to get filings, credentialing, insurance and contract templates right the first time.

### **Non-English-Speaking Workers Protection Act: Language-Access Changes**

LB 921 also amends the Non-English-Speaking Workers Protection Act. If more than 10% of your workforce speaks the same non-English language, you must make an interpreter available at the worksite for each shift during which a non-English-speaking employee is employed and employ a referral agent to connect employees to community services. The agent's name must be posted at the worksite and the information provided in the relevant language. The statute prescribes interpreter selection for Spanish and capability standards for other languages.

### **Bottom Line and Next Steps**

For plant closings and mass layoffs, covered employers will need to provide a 90-day notice period, build Nebraska-specific content into their WARN notice package, and keep a rolling 90-day aggregation log with contemporaneous "separate and distinct cause" notes for phased actions.

Health care staffing agencies and platforms should plan for annual NDOL registration, utilize credentialing and documentation systems that can produce records within 14 days, obtain required insurance, and remove non-competes and conversion fees from Nebraska-facing worker and facility templates.

If you have questions about how LB 921 may impact your company, please contact your Kutak Rock attorney or any of the attorneys in the firm's [National Employment Law Group](#). You may also visit us at [www.kutakrock.com](http://www.kutakrock.com).

