FREQUENTLY ASKED QUESTIONS

NEBRASKA
DEPARTMENT OF LABOR

For questions regarding overtime, travel time, over the road trucking, salaried individuals, and work performed outside the state of Nebraska, contact the United States Department of Labor at 402-221-4682.

For questions regarding harassment, discrimination, hostile work environment, and retaliation, contact the Nebraska Equal Opportunity Commission at 402-471-2024.

For questions regarding workplace safety, contact OSHA at 402-553-0171.

WORKER RIGHTS and WAGES

Can my employer fire me for no reason?

- Yes, Nebraska is an "Employment at Will" state. This means that the employer and the employee have equal rights to terminate employment at any time. Neither party is obligated to give notice or cause of termination. If it is evident that an employee was terminated because of age, race, sex, etc., the employee should contact the Nebraska Equal Opportunity Commission at 402-471-2024.

If I get fired, how long does my employer have to pay me my final paycheck?

- Nebraska law requires that final wages be paid on the next regular pay day or within two weeks of the termination, whichever is sooner. This law applies regardless of whether you are terminated or you voluntarily quit.

What is the current minimum wage in Nebraska?

- Effective January 1, 2026 Nebraska's minimum wage is $15.00 per hour. All employers having four or more employees are subject to paying the minimum wage. Youth (aged 14-15) minimum wage is $13.50 per hour, effective July 18, 2026.
- For persons compensated by tips, such as waitresses, waiters, bellhops, etc., the minimum pay rate is $2.13 per hour, plus gratuities. The sum of the $2.13 per hour plus tips must equal or exceed the applicable minimum wage or the employer must make up the difference.

Is it legal for my employer to reduce my pay?

- Your employer may reduce your pay rate at any time as long as you are advised of the reduction before any hours are worked at the reduced rate of pay. A reduction in pay may not drop an employee's wages below the applicable minimum wage rate.

Can my employer deduct cash shortages from my paycheck?

- An employer may make deductions from an employee's paycheck for items such as shortages, breakage, tools, etc., only when the employer has written authorization from the employee to make such deductions. Such deductions may not reduce an employee's wages below the applicable minimum wage rate.

When am I entitled to overtime pay? Can an employer make overtime mandatory?

- Overtime wages can be claimed under the Nebraska Wage Payment and Collection Act only if those overtime wages were previously agreed to by the employer and employee. Even in the absence of a previous agreement, compensation for overtime can be claimed under the federal Fair Labor Standards Act for hours worked in excess of 40 during a given week. Questions involving overtime pay should be directed to the US Department of Labor at 402-221-4682.
- An employer can make overtime hours mandatory. Assigning work duties and hours of work is at the employer's discretion.

When does my employer have to pay vacation?

- Fringe benefits such as vacation pay, paid holidays, and pay raises are not required by law to be offered by an employer. Should an employer choose to offer paid vacation time, any earned but unused vacation at the time of separation is to be paid as wages to the employee on their final paycheck.
- Unless previously agreed to, no other fringe benefits are payable upon separation.

Can my employer change my payday without giving me notice?

- Employers must provide a minimum of 30 days written notice before altering the regular payday.

Is my employer required to provide paycheck stubs / payroll statements?

- Yes, the employer must deliver or make available to each employee, by mail or electronically, or must provide at the employee's normal place of employment during employment hours for all shifts, a wage statement showing, at minimum, the following:
    - Identity of the employer
    - Pay period ending date
    - Hours for which the employee was paid
    - Gross wages earned by the employee
    - All deductions made from the paycheck

Do I get paid while on jury duty?

- Any person who is summoned to serve on jury duty must be excused upon request from any shift work for those days required to serve as a juror without loss of pay.
- For further questions, please contact the Office of the State Court Administrator at 402-471-3730.

BREAKS

Am I entitled to a lunch break and two 15-minutes breaks?

- Breaks are allowed at the discretion of the employer, no matter the length of the shift.
- There is no state or federal law requiring employers to provide coffee breaks, smoke breaks, or rest periods.
- Nebraska's lunch period law requires a 30 minute unpaid break for every 8 hour shift for employees working in the following industries: workshops, manufacturing plants, and assembly lines.

Am I entitled time to breastfeed or pump during work hours?

- Federal law requires employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time the employee has the need to express the milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk.

CHILD LABOR

How old do you have to be to be employed in Nebraska?

- Minors must be at least 14 years of age to be employed in the state of Nebraska. Some exceptions to this law include minors working for their parent's own business, agriculture, and performing arts.
- Minors aged 14 and 15 must obtain an Employment Certificate from the school district in which they reside.

What hours are minors allowed to work?

- Minors aged 14 and 15 are not permitted to work more than 8 hours a day, 48 hours per week, before the hours of 6 a.m. or after the hour of 10 p.m. Federal law is more restrictive for minors under the age of 16.
- State and federal labor laws sometimes differ, as is the case with child labor laws. When both apply, the more stringent standard must be observed. For questions about federal child labor laws, contact the US Department of Labor at 402-221-4682.
- Once a minor turns 16 years of age, there is no longer any restriction on working hours.

CONTRACTOR REGISTRATION and EMPLOYEE CLASSIFICATION

Do I need to register as a contractor/subcontractor with the Nebraska Department of Labor?

- A contractor is any person who engages in the business of construction and includes any person arranging for the performance of work on real property.
- Construction means new work, additions, alterations, reconstruction, installations, painting, and repairs on real property.

What is employee misclassification?

- Employee misclassification is the practice in which a business misclassifies its workers as independent contractors (or subcontractors) rather than employees to avoid legal obligations such as social security taxes, workers' compensation, unemployment insurance, overtime, etc.

Am I an employee or an independent contractor?

- Independent contractors own and operate their own business. They have the responsibility of bidding on projects and have the possibility of incurring a loss on a project. Independent contractors typically do not rely on one business for all work, but instead work for various companies throughout the year. Employees generally have a set schedule, are paid by the hour, contribute no investment into a business, and receive most of their work from one company or individual.

When I started working for my employer they had me sign an agreement stating I was an independent contractor and not an employee. Does this mean I am an independent contractor?

- The determination of whether an individual is an independent contractor or an employee is not based solely on a label an employer gives that individual, even if in contract form. The determination of independent contractor or employee is based on the facts surrounding the working relationship between the parties involved.

PROFESSIONAL EMPLOYER ORGANIZATION (PEO)

What is a Professional Employer Organization?

- A professional employer organization (PEO) is a firm that provides a service under which an employer can outsource employee management tasks such as:
    - Employee Benefits
    - Payroll and Workers' Compensation
    - Recruiting
    - Risk/Safety Management
    - Training and Development

Nebraska Department of Labor

Labor Standards Division

550 S. 16th Street

Lincoln, NE 68508

Phone: 402-471-2239

Toll Free: 1-800-627-3611

dol.nebraska.gov

United States Department of Labor

Wage and Hour Division

222 S. 15th Street, Ste. 504A

Omaha, NE 68102

Phone: 402-221-4682

Toll Free: 1-866-487-2365

dol.gov

Nebraska Equal Opportunity Commission

301 Centennial Mall S

Lincoln, NE 68508

Phone: 402-471-2024

neoc.nebraska.gov

Equal Opportunity Program/Employer | TDD: 800-833-7352
Auxiliary aids and services are available upon request to individuals with disabilities.