



CIVIL SERVICE COMMISSION

HUMAN RESOURCES DEPARTMENT

MEMORANDUM

TO: Human Resources Committee

FROM: Karen A. Buche, Human Resources Director

DATE: 5/15/17

SUBJECT: Safety Committee

In accordance with §48-443, all public and private employers who are subject to the Nebraska Workers' Compensation Act is to have a functioning safety committee. The statutes specifically require the following:

(1)(a) Not later than January 1, 1994, every public and private employer subject to the Nebraska Workers' Compensation Act shall establish a safety committee. Such committee shall adopt and maintain an effective written injury prevention program.

(b) A client of a professional employer organization is not relieved of its obligation to establish a safety committee based on its workers being co-employees of the professional employer organization. A professional employer agreement shall not allocate the client's responsibility to establish a safety committee to the professional employer organization. For purposes of this subdivision, the terms client, professional employer organization, and professional employer agreement shall have the same meaning as in §48-2702. This subdivision becomes operative on January 1, 2012.

(2)(a) For employers subject to collective-bargaining agreements, the establishment of the safety committee shall be accomplished through the collective-bargaining process.

(b) For employers not subject to collective-bargaining agreements, the safety committee shall be composed of an equal number of members representing employees and the employer. Employee members shall not be selected by the employer but shall be selected pursuant to procedures prescribed in rules and regulations adopted and promulgated by the Commissioner of Labor.

(c) The cost of maintaining and operating the safety committee shall be minimal to the employer.

(3) An employer shall compensate employee members of the safety committee at their regular hourly wage plus their regular benefits while the employees are attending committee meetings or otherwise engaged in committee duties.

(4) An employee shall not be discharged or discriminated against by his or her employer because he or she makes any oral or written complaint to the safety committee or any governmental agency having regulatory responsibility for occupational safety and health, and any employee so discharged or discriminated against shall be reinstated and shall receive reimbursement for lost wages and work benefits caused by the employer's action.

There are specific requirements outlined in the Nebraska Administrative Code Title 230, Chapter 6, Workplace Safety Consultation Program regarding the formation and purpose of the safety committee(s).

It is my understanding that the County does not have an active, functioning Safety Committee at this time.

As a public employer, the County is not required to comply with OSHA requirements. However, it is required to have a Safety Committee.