



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 497**

Hearing Date: February 14, 2007

Committee On: Government, Military and Veterans Affairs

Introducer(s): (White)

Title: Adopt the Family Military Leave Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- | | | |
|---|---------------------|--|
| 8 | Yes | Senators Adams, Aguilar, Avery, Friend, Karpisek, Mines, Pahls, Rogert |
| 0 | No | |
| 0 | Present, not voting | |
| 0 | Absent | |
-

Proponents:

Senator Tom White
Pam Whisenhunt
Alisia LaMay
Jan Behn
Andrea Holka

Representing:

Introducer
Nebraska National Guard Enlisted Association
Nebraska National Guard Enlisted Association
Nebraska Army National Guard
Nebraska Army National Guard

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 497 creates the Family Military Leave Act. Family military leave is defined as leave requested by an employee who is the spouse or parent of a person called to military service lasting longer than 180 days with the State or the United States.

Under the Act, employees are granted a certain number of days of unpaid family military leave during the time federal or state deployment orders are in effect. With an employer that employees between 15 and 50 employees, up to 15 days of unpaid leave is granted. With employers of more than 50 employees, up to 30 days of unpaid leave is granted.

The bill outlines the notice employees are required to give in order to take the leave. Any employee who takes family military leave will be entitled to be restored by the employer to the position held by the employee when the leave commenced. An employer will not discharge, fine or discriminate against any employee who takes leave.

During the leave, the employer will make it possible for employees to continue their benefits at the employee's expense. The bill will not affect an employer's obligation to comply with any collective bargaining agreement or employee benefit plan that provides greater leave rights. Leave rights will not be diminished by any collective bargaining agreement or employee benefit plan.

Finally, a civil action may be brought in the district court to enforce the Family Military Leave Act.

Explanation of amendments, if any:

The committee amendment makes several technical changes to the bill.

First, the amendment expands the definition of employer to include limited liability companies, business trusts, and legal representatives.

The amendment also removes language allowing independent contractors to be covered under the Act.

Finally, the definition of family military leave is amended to provide that an employee who is the spouse or parent of a person called to military service lasting longer than 179 days with the State or United States is covered under the Act. The original language required a deployment of 180 days.

Senator Ray Aguilar, Chairperson