

AMENDMENTS TO LB878

Introduced by Kauth, 31.

1 1. Strike the original section and insert the following new section:

2 **Section 1.** (1) For purposes of this section:

3 (a) Maternity leave means leave hours that the state provides to a
4 maternity leave eligible employee to bond with a child;

5 (b) Maternity leave eligible employee means a woman who:

6 (i) Is a state employee;

7 (ii) Gives birth to or adopts a child; and

8 (iii) Is assuming a parental role with respect to the child;

9 (c) Retaliatory action means to do any of the following to an
10 employee:

11 (i) Dismiss the employee;

12 (ii) Reduce the employee's compensation;

13 (iii) Fail to increase the employee's compensation by an amount that
14 the employee is otherwise entitled to or was promised;

15 (iv) Fail to promote the employee if the employee would have
16 otherwise been promoted; or

17 (v) Threaten to take any of the actions described in subdivisions
18 (1)(c)(i) to (iv) of this section;

19 (d) State employee means any individual who is a full-time employee
20 or a permanent part-time employee of the state; and

21 (e) Woman has the same meaning as in section 79-3803.

22 (2) A maternity leave eligible employee who is a full-time employee
23 shall be entitled to six weeks of paid maternity leave for the birth or
24 adoption of such employee's child. A maternity leave eligible employee
25 who is a permanent part-time employee shall be entitled to paid maternity
26 leave proportionate to the employee's regular workweek.

27 (3) Maternity leave:

1 (a) Shall not be used before the day on which the maternity leave
2 eligible employee's child is born or adopted;

3 (b) Shall not be used more than six months after the day on which
4 the maternity leave eligible employee's child is born or adopted;

5 (c) Shall not be used intermittently, unless:

6 (i) By mutual written agreement between the state and the maternity
7 leave eligible employee; or

8 (ii) A health care provider certifies that intermittent leave is
9 medically necessary due to a serious health condition of the child; and

10 (d) Runs concurrently with any leave authorized under the Family and
11 Medical Leave Act of 1993, 29 U.S.C. 2601 et seq.

12 (4) A maternity leave eligible employee shall not use more than six
13 weeks of paid maternity leave within a single twelve-month period.

14 (5)(a) Except as provided in subdivision (5)(b) of this section, a
15 maternity leave eligible employee shall give the state notice at least
16 thirty days before the day on which the employee plans to begin using
17 maternity leave under this section.

18 (b) If circumstances beyond the maternity leave eligible employee's
19 control prevent the employee from giving notice in accordance with
20 subdivision (5)(a) of this section, the employee shall give such notice
21 as soon as reasonably practicable.

22 (6) Except as provided in subdivision (3)(d) of this section, the
23 state shall not charge maternity leave under this section against sick,
24 vacation, compensatory, or other leave a maternity leave eligible
25 employee is entitled to.

26 (7) The state shall not compensate a maternity leave eligible
27 employee for any unused maternity leave upon termination of employment.

28 (8) Following the expiration of maternity leave under this section,
29 the state shall ensure that the maternity leave eligible employee may
30 return to:

31 (a) The position that the employee held before using maternity

1 leave; or

2 (b) A position with the state that is equivalent in seniority,
3 status, benefits, and pay to the position that the employee held before
4 using maternity leave.

5 (9) During the time a maternity leave eligible employee uses
6 maternity leave under this section, the employee shall continue to
7 receive all employment related benefits and payments at the same level
8 that the employee received immediately before beginning the maternity
9 leave, provided that the employee pays any required employee
10 contributions.

11 (10) The state shall not:

12 (a) Interfere with or otherwise restrain a maternity leave eligible
13 employee from using maternity leave in accordance with this section; or

14 (b) Take retaliatory action against a maternity leave eligible
15 employee for using maternity leave in accordance with this section.

16 (11) The Department of Administrative Services shall administer this
17 section.