

AMENDMENTS TO LB878

Introduced by Guereca, 7.

1 1. Strike the original section and all amendments thereto and insert
2 the following new sections:

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

4 (a) Agency head means the administrative head of a state agency,
5 such as an agency director, executive director, commissioner, or
6 executive secretary, who reports directly to the Governor, a commission,
7 or a board;

8 (b) Maternity leave means leave hours that the state provides to a
9 maternity leave eligible employee to bond with a child;

10 (c) Maternity leave eligible employee means an individual who:

11 (i) Is a permanent state employee;

12 (ii) Has been employed by the State of Nebraska for at least twelve
13 months and has worked for the State of Nebraska for at least one thousand
14 two hundred fifty hours in the last twelve months or has had such
15 requirements waived by the agency head;

16 (iii) Gives birth to or adopts a child; and

17 (iv) Is assuming a parental role with respect to the child;

18 (d) Permanent state employee means any state employee in a position
19 worked on an ongoing and continuous basis;

20 (e) Retaliatory action means to do any of the following to an
21 employee:

22 (i) Dismiss the employee;

23 (ii) Reduce the employee's compensation;

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

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

1 (v) Threaten to take any of the actions described in subdivisions
2 (1)(e)(i) to (iv) of this section; and

3 (f) State employee means any individual who is a full-time employee
4 or a part-time employee of the State of Nebraska.

5 (2) A maternity leave eligible employee who is a full-time employee
6 shall be entitled to two hundred forty hours of paid maternity leave for
7 the birth or adoption of such employee's child. A maternity leave
8 eligible employee who is a part-time employee shall be entitled to paid
9 maternity leave proportionate to the employee's regular workweek.

10 (3) Maternity leave:

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

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

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

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

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

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

22 (4) A maternity leave eligible employee shall not use more than two
23 hundred forty hours of paid maternity leave within a single twelve-month
24 period.

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

29 (b) If circumstances beyond the maternity leave eligible employee's
30 control prevent the employee from giving notice in accordance with
31 subdivision (5)(a) of this section, the employee shall give such notice

1 as soon as reasonably practicable.

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

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

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

11 (a) The position that the employee held before using maternity
12 leave; or

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

16 (9) During the time a maternity leave eligible employee uses
17 maternity leave under this section, the employee shall continue to
18 receive all employment related benefits and payments at the same level
19 that the employee received immediately before beginning the maternity
20 leave, provided that the employee pays any required employee
21 contributions.

22 (10) The state shall not:

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

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

27 (11) The Department of Administrative Services shall administer this
28 section.

29 **Sec. 2.** This act becomes operative on July 1, 2026.

30 **Sec. 3.** Since an emergency exists, this act takes effect when passed
31 and approved according to law.