

AMENDMENTS TO LB415

Introduced by Business and Labor.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 2, Initiative Law 2024, No. 436, is amended to
4 read:

5 Sec. 2. For purposes of the Nebraska Healthy Families and Workplaces
6 Act:

7 (1) Department means the Department of Labor;

8 (2) Employ means to permit to work;

9 (3) ~~(3)(a)~~ Employee means any individual employed by an employer,
10 but does not include:

11 (a) An an individual who works in Nebraska for fewer than eighty
12 hours in a calendar year; -

13 (b) An individual who is employed in agricultural employment of a
14 seasonal or other temporary nature;

15 (c) An (b) Employee does not include an "employee" as defined by 45
16 U.S.C. 351(d) who is subject to the federal Railroad Unemployment
17 Insurance Act, 45 U.S.C. 351 et seq.; or ÷

18 (d) An individual under sixteen years of age;

19 (4)(a) Employer means any individual, partnership, limited liability
20 company, association, corporation, business trust, legal representative,
21 or organized group of persons who employs eleven ~~one~~ or more employees.

22 (b) Employer does not include the United States or the State of
23 Nebraska or its agencies, departments, or political subdivisions;

24 (5) Family member means:

25 (a) Any of the following, regardless of age: A biological, adopted,
26 or foster child, a stepchild, a legal ward, or a child to whom the
27 employee stands in loco parentis;

1 (b) A biological, foster, step, or adoptive parent or a legal
2 guardian of an employee or an employee's spouse;

3 (c) A person who stood in loco parentis to the employee or the
4 employee's spouse when the employee or employee's spouse was a minor
5 child;

6 (d) A person to whom the employee is legally married under the laws
7 of any state;

8 (e) A grandparent, grandchild, or sibling, whether of a biological,
9 foster, adoptive, or step relationship, of the employee or the employee's
10 spouse; or

11 (f) Any other individual related by blood to the employee or whose
12 close association with the employee is the equivalent of a family
13 relationship;

14 (6) Health care professional means any person licensed under any
15 federal or state law to provide medical or emergency services;

16 (7) Paid sick time means time that is compensated at the same hourly
17 rate and with the same benefits, including health care benefits, as the
18 employee typically earns during hours worked and that is provided by an
19 employer to an employee for the purposes described in section 4 of this
20 act, and in no case shall the amount of this hourly rate be less than
21 that provided under section 48-1203;

22 (8) Public health emergency means a declaration or proclamation
23 related to a public health threat, risk, disaster, or emergency that is
24 made or issued by a federal, state, or local official with the authority
25 to make or issue such a declaration or proclamation;

26 (9) Retaliatory personnel action means a denial of any right
27 guaranteed under the Nebraska Healthy Families and Workplaces Act and any
28 threat, discharge, suspension, demotion, reduction of hours or pay, or
29 other adverse action against an employee for exercising or attempting to
30 exercise any right guaranteed in the Nebraska Healthy Families and
31 Workplaces Act;

1 (10)(a) Small business means an employer with at least eleven but
2 fewer than twenty employees during a given week, including full-time,
3 part-time, or temporary employees.

4 (b) Small business does not include an employer that maintained
5 twenty or more employees on its payroll in each of twenty or more
6 calendar weeks in the current or preceding calendar year; and

7 (11) Year means a regular and consecutive twelve-month period as
8 determined by the employer.

9 **Sec. 4.** Section 8, Initiative Law 2024, No. 436, is amended to
10 read:

11 Sec. 8. (1) The Commissioner of Labor shall issue a citation to an
12 employer when an investigation reveals that the employer may have
13 violated the Nebraska Healthy Families and Workplaces Act.

14 (2) When a citation is issued, the commissioner shall notify the
15 employer of the proposed administrative penalty, if any, by certified
16 mail, by any other manner of delivery by which the United States Postal
17 Service can verify delivery, or by any method of service recognized under
18 Chapter 25, article 5. The administrative penalty shall not be more than
19 five hundred dollars in the case of a first violation and not more than
20 five thousand dollars in the case of a second or subsequent violation.

21 (3) The employer has fifteen working days after the date of the
22 citation or penalty to contest such citation or penalty. Notice of
23 contest shall be sent to the commissioner who shall provide a hearing in
24 accordance with the Administrative Procedure Act.

25 (4) Any employer who has an unpaid citation for a violation of the
26 Nebraska Healthy Families and Workplaces Act shall be barred from
27 contracting with the state or any political subdivision until such
28 citation is paid. If a citation has been contested as described in
29 subsection (3) of this section, it shall not be considered an unpaid
30 citation under this subsection until after such contest has been
31 resolved.

1 (5) Citations issued under this section and the names of employers
2 who have been issued a citation shall be made available to the public
3 upon request, except that this subsection shall not apply to any
4 citations that are being contested as described in subsection (3) of this
5 section.

6 ~~(6) An employee having a claim for a violation of the Nebraska
7 Healthy Families and Workplaces Act may institute suit for legal and
8 equitable relief in the proper court. In any action brought to enforce
9 the Nebraska Healthy Families and Workplaces Act, the court shall have
10 jurisdiction to grant such legal or equitable relief as the court deems
11 appropriate to effectuate the purposes of the act. If an employee
12 establishes a claim and secures judgment on the claim, such employee
13 shall also be entitled to recover the full amount of the judgment and all
14 costs of such suit, including reasonable attorney's fees.~~

15 ~~(7) If an employee institutes suit against an employer under
16 subsection (6) of this section, any citation that is issued against an
17 employer under subsection (1) of this section and that relates directly
18 to the facts in dispute shall be admitted into evidence unless
19 specifically excluded by the court. If a citation has been contested as
20 described in subsection (3) of this section, it shall not be admitted
21 into evidence under this subsection until such contest has been resolved.~~

22 ~~(8) A civil action brought under this section shall be commenced no
23 later than four calendar years after the cause of action accrues.~~

24 **Sec. 23.** Original sections 48-665, 81-5,213, 81-5,215, 81-5,216,
25 81-5,217, 81-5,218, 81-5,219, 81-5,221, 81-5,223, 81-5,230, and 81-5,239,
26 Reissue Revised Statutes of Nebraska, sections 9-1302, 9-1303, 9-1304,
27 9-1306, 9-1307, 9-1308, and 9-1313, Revised Statutes Cumulative
28 Supplement, 2024, and sections 2, 3, 4, and 8, Initiative Law 2024, No.
29 436, are repealed.