

ENGROSSED LEGISLATIVE BILL 878

Introduced by Guereca, 7; Conrad, 46; Spivey, 13; Cavanaugh, J., 9.

A BILL FOR AN ACT relating to state employees; to define terms; to provide for paid parental leave as prescribed; to provide an operative date; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

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

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

(b) Parental leave means leave hours that the state provides to a parental leave eligible employee to bond with a child;

(c) Parental leave eligible employee means an individual who:

(i) Is a permanent state employee;

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

(iii) Gives birth to a child or adopts a child who is twelve months of age or younger; and

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

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

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

(i) Dismiss the employee;

(ii) Reduce the employee's compensation;

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

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

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

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

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

(3) Parental leave:

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

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

(c) Shall not be used intermittently, unless:

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

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

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

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

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

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

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

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

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

(a) The position that the employee held before using parental leave; or

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

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

(10) The state shall not:

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

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

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

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

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

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 878 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR