

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 144

FINAL READING

Introduced by Rountree, 3; Holdcroft, 36; Prokop, 27; Sanders, 45;
Conrad, 46; Andersen, 49.

Read first time January 13, 2025

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to labor; to amend sections 48-225, 48-226,
- 2 48-227, and 48-238, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to veterans preferences for public and private
- 4 employers; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 48-225, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-225 For purposes of sections 48-225 to 48-231:

4 (1) Servicemember means a person who serves ~~on active duty~~ in the
5 armed forces of the United States ~~except for training~~;

6 (2) Veteran means:

7 (a) A person who served full-time duty with military pay and
8 allowances in the armed forces of the United States, except for training
9 or for determining physical fitness, and was discharged or otherwise
10 separated with a characterization of honorable or general (under
11 honorable conditions); or

12 (b) The spouse of a veteran who (i) has a one hundred percent
13 permanent disability as determined by the United States Department of
14 Veterans Affairs or (ii) was killed in the line of duty or died due to
15 his or her military service;

16 (3) Full-time duty means duty during time of war or during a period
17 recognized by the United States Department of Veterans Affairs as
18 qualifying for veterans benefits administered by the department and that
19 such duty from January 31, 1955, to February 28, 1961, exceeded one
20 hundred eighty days unless lesser duty was the result of a service-
21 connected or service-aggravated disability;

22 (4) Disabled veteran means an individual who has served on active
23 duty in the armed forces of the United States, has been discharged or
24 otherwise separated with a characterization of honorable or general
25 (under honorable conditions) therefrom, and has established the present
26 existence of a service-connected disability or is receiving compensation,
27 disability retirement benefits, or pension because of a public statute
28 administered by the United States Department of Veterans Affairs or a
29 military department; ~~and~~

30 (5) Preference eligible means any veteran as defined in this section
31 or the spouse of a servicemember as defined in this section, except that

1 for a spouse of a servicemember such preference is limited to the time
2 during which the servicemember remains ~~serves~~ on active status ~~duty~~ as
3 ~~described in subdivision (1) of this section~~ and up to one hundred eighty
4 days after the servicemember's discharge or separation from service;
5 and -

6 (6) Veterans preference means the preference given to preference
7 eligibles pursuant to sections 48-225 to 48-231.

8 **Sec. 2.** Section 48-226, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 48-226 A preference shall be given to preference eligibles seeking
11 employment with the State of Nebraska or its governmental subdivisions.
12 Such preference includes initial employment, reassignment, a transfer to
13 a new position, and ~~or~~ a return to employment with the State of Nebraska
14 or its governmental subdivisions if termination of previous employment
15 was for other than disciplinary reasons.

16 **Sec. 3.** Section 48-227, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 48-227 (1) Preference eligibles ~~Veterans~~ who obtain passing scores
19 on all parts or phases of an examination or numerical scoring shall have
20 five percent added to their passing score if a claim for such preference
21 is made on the application. An additional five percent shall be added to
22 the passing score or numerical scoring of any disabled veteran.

23 (2) When no examination or numerical scoring is used, the preference
24 shall be given to the preference eligible ~~qualifying veteran~~ if two or
25 more equally qualified candidates are being considered for the position.
26 If two or more preference eligibles are being considered for the
27 position, the veterans preference shall be applied equally to all such
28 preference eligibles.

29 (3) All notices of positions of employment available for veterans
30 preference and all applications for such positions by the state or its
31 governmental subdivisions shall state that the position is subject to a

1 veterans preference.

2 ~~(4)(a) (4)~~ A veteran desiring to use a veterans preference shall
3 provide the hiring authority with a copy of the veteran's Department of
4 Defense Form 214, also known as the DD Form 214, or its successor form or
5 record.

6 (b) A spouse of a veteran desiring to use a veterans preference
7 shall provide the hiring authority with (i) a copy of the veteran's
8 Department of Defense Form 214 or its successor form or record, (ii) a
9 copy of the veteran's disability verification from the United States
10 Department of Veterans Affairs demonstrating a one hundred percent
11 permanent disability rating or documentation showing the veteran was
12 killed in the line of duty or died due to his or her military service,
13 whichever is applicable , and (iii) proof of marriage to the veteran.

14 (c) A spouse of a servicemember desiring to use a veterans
15 preference shall provide the hiring authority with proof of the
16 servicemember's active status and proof of marriage to the servicemember.

17 (d) Any marriage claimed for veterans preference must be valid under
18 Nebraska law.

19 (5) Within thirty days after filling a position, preference
20 eligibles veterans who have applied and are not hired shall be notified
21 by regular mail, electronic mail, telephone call, or personal service
22 that they have not been hired. Such notice also shall advise the
23 preference eligible veteran of any administrative appeal available.

24 **Sec. 4.** Section 48-238, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 48-238 (1) For purposes of this section:

27 (a) Preference eligible means any veteran as defined in this section
28 or the spouse of a servicemember as defined in this section, except that
29 for a spouse of a servicemember such preference is limited to the time
30 during which the servicemember remains on active status and up to one
31 hundred eighty days after the servicemember's discharge or separation

1 from service;

2 (b) ~~(a)~~ Private employer means a sole proprietorship, a corporation,
3 a partnership, an association, a limited liability company, or any other
4 entity with one or more employees;

5 (c) Servicemember means a person who serves in the armed forces of
6 the United States;

7 (d) ~~(b)~~ Veteran means (i) a person who served full-time duty with
8 military pay and allowances in the armed forces of the United States,
9 except for training or for determining physical fitness, and was
10 discharged or otherwise separated with a characterization of honorable or
11 general (under honorable conditions), or (ii) the spouse of a veteran who
12 (A) has a one hundred percent permanent disability as determined by the
13 United States Department of Veterans Affairs or (B) was killed in the
14 line of duty or died due to his or her military service ~~hostile action;~~
15 and

16 (e) ~~(c)~~ Voluntary veterans preference employment policy means a
17 private employer's voluntary preference for hiring and promoting a
18 preference eligible ~~veteran~~ over another equally qualified applicant or
19 employee.

20 (2) A private employer may adopt a voluntary veterans preference
21 employment policy. Such policy shall be in writing and applied uniformly
22 to decisions regarding hiring and promotion.

23 (3) If a private employer offers a voluntary veterans preference
24 employment policy: τ

25 (a) A a veteran desiring to use such policy shall provide the
26 private employer with a copy of the veteran's Department of Defense Form
27 214, also known as the DD Form 214, or its successor form or record; τ

28 (b) A spouse of a veteran desiring to use such policy ~~preference~~
29 shall provide the private employer with a copy of the veteran's
30 Department of Defense Form 214 or its successor form or record, proof of
31 marriage to the veteran, and (i) ~~either~~ ~~(a)~~ a copy of the veteran's

1 disability verification from the United States Department of Veterans
2 Affairs demonstrating a one hundred percent permanent disability rating,
3 (ii) or (b) a copy of the veteran's Department of Defense Form 1300 or
4 its successor form documenting that the veteran was killed in the line of
5 duty, or (iii) other documentation showing that the veteran died due to
6 his or her military service; and hostile action.

7 (c) A spouse of a servicemember desiring to use such policy shall
8 provide the private employer with proof of the servicemember's active
9 status and proof of marriage to the servicemember.

10 (4) If a private employer implements a voluntary veterans preference
11 employment policy, it shall notify the Commissioner of Labor of such
12 policy. The commissioner shall use the information to maintain a registry
13 of the private employers that have a voluntary veterans preference
14 employment policy in Nebraska.

15 (5) A voluntary veterans preference employment policy shall not be
16 considered a violation of any state or local equal employment opportunity
17 law including the Nebraska Fair Employment Practice Act.

18 **Sec. 5.** Original sections 48-225, 48-226, 48-227, and 48-238,
19 Reissue Revised Statutes of Nebraska, are repealed.