

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1249

Introduced by Sorrentino, 39; Hallstrom, 1; Strommen, 47.

Read first time January 21, 2026

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Nebraska Healthy Families and
- 2 Workplaces Act; to amend sections 48-3802, 48-3803, and 48-3806,
- 3 Revised Statutes Supplement, 2025; to redefine terms; to change
- 4 provisions relating to the carryover of paid sick time; to eliminate
- 5 obsolete provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 48-3802, Revised Statutes Supplement, 2025, is
2 amended to read:

3 48-3802 For purposes of the Nebraska Healthy Families and Workplaces
4 Act:

5 (1) Department means the Department of Labor;

6 (2) Employ means to permit to work by an employer pursuant to an
7 employment relationship;

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

10 (a) An individual owner-operator;

11 (b) An independent contractor;

12 (c) An individual who works in Nebraska for fewer than eighty hours
13 in a calendar year;

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

16 (e) An "employee" as defined by 45 U.S.C. 351(d) who is subject to
17 the federal Railroad Unemployment Insurance Act, 45 U.S.C. 351 et seq.;
18 ~~or~~

19 (f) An individual under sixteen years of age; or

20 (g) An individual with any amount of an ownership interest in an
21 employer;

22 (4)(a) Employer means any individual, partnership, limited liability
23 company, association, corporation, business trust, legal representative,
24 or organized group of persons who employs eleven or more employees.

25 (b) Employer does not include the United States, ~~or~~ the State of
26 Nebraska or its agencies, departments, or political subdivisions, any
27 corporation which operates a private, parochial, or denominational
28 elementary or secondary school which fulfills the applicable
29 accreditation or approval requirements established by the State Board of
30 Education pursuant to section 79-318, or any private postsecondary
31 institution;

1 (5) Family member means:

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

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

7 (c) A person who stood in loco parentis to the employee or the
8 employee's spouse when the employee or employee's spouse was a minor
9 child;

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

12 (e) A grandparent, grandchild, or sibling, whether of a biological,
13 foster, adoptive, or step relationship, of the employee or the employee's
14 spouse; or

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

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

20 (7) Paid sick time means time that is compensated at the same hourly
21 rate and with the same benefits, including health care benefits, as the
22 employee typically earns during hours worked and that is provided by an
23 employer to an employee for the purposes described in section 48-3804,
24 and in no case shall the amount of this hourly rate be less than that
25 provided under section 48-1203. Notwithstanding the foregoing, for
26 employees paid on a commission, piece-rate, mileage, or fee-for-service
27 basis, paid sick time means time that is compensated at an hourly rate
28 determined by the employer using the average weekly rate calculation
29 under section 48-126, which shall then be reduced to an hourly rate based
30 on a forty-hour workweek, and that is provided by an employer to an
31 employee for the purposes described in section 48-3804. Paid sick time

1 includes time made available to employees for purposes including, but not
2 limited to, the purposes described in section 48-3804 under a paid leave
3 policy described in subsection (7) of section 48-3803;

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

8 (9) Retaliatory personnel action means a denial of any right
9 guaranteed under the Nebraska Healthy Families and Workplaces Act and any
10 threat, discharge, suspension, demotion, reduction of hours or pay, or
11 other adverse action against an employee for exercising or attempting to
12 exercise any right guaranteed in the Nebraska Healthy Families and
13 Workplaces Act;

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

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

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

22 **Sec. 2.** Section 48-3803, Revised Statutes Supplement, 2025, is
23 amended to read:

24 48-3803 (1) All employees shall begin accruing paid sick time after
25 eighty hours of consecutive employment, at which point employees shall
26 then accrue a minimum of one hour of paid sick time for every thirty
27 hours worked. Unless the employer selects a higher limit, this section
28 does not entitle an employee to earn or use more than:

29 (a) Forty hours of paid sick time in a year for an employee of a
30 small business; or

31 (b) Fifty-six hours of paid sick time in a year for an employee of

1 an employer that is not a small business.

2 (2) Employees who are exempt from overtime requirements under 29
3 U.S.C. 213(a)(1) or 29 U.S.C. 213(b)(1) of the federal Fair Labor
4 Standards Act, 29 U.S.C. 201 et seq., shall be assumed to work forty
5 hours in each workweek for purposes of paid sick time accrual unless
6 their typical workweek is less than forty hours, in which case paid sick
7 time accrues based upon that typical workweek.

8 (3) Paid sick time requirements provided under the Nebraska Healthy
9 Families and Workplaces Act shall begin October 1, 2025. An employee
10 shall be entitled to use paid sick time as it is accrued. An employer may
11 provide all paid sick time that an employee is expected to accrue in a
12 year at the beginning of the year.

13 (4) Paid sick time provided to an employee on or after January 1,
14 2025, and before October 1, 2025, shall be counted toward an employer's
15 obligations under the Nebraska Healthy Families and Workplaces Act for
16 calendar year 2025.

17 (5) Accrued paid sick time shall be carried over to the following
18 year, except that a .—A small business is not required to permit an
19 employee to carryover or use more than forty hours of paid sick time per
20 year, and other employers are not required to permit an employee to
21 carryover or use more than fifty-six hours of paid sick time per year.

22 (6) In lieu of carryover of unused paid sick time provided pursuant
23 to this section from one year to the next, an employer may pay an
24 employee for unused paid sick time provided pursuant to this section at
25 the end of a year and provide the employee with an amount of paid sick
26 time that meets or exceeds the requirements of subsections (1) and (3) of
27 this section that is available for the employee's immediate use at the
28 beginning of the subsequent year.

29 (7) Any employer with a paid leave policy, such as a paid time off
30 policy, who makes available an amount of paid leave that equals or
31 exceeds the requirements of the Nebraska Healthy Families and Workplaces

1 Act and that may be used as paid sick time in accordance with section
2 48-3804 is not required to provide additional paid sick time under the
3 act and is not obligated to allow an employee to accrue or carryover
4 benefits beyond the employer's existing paid leave policy.

5 (8) At its discretion, an employer may loan paid sick time to an
6 employee in advance of accrual by such employee.

7 (9) If an employee is transferred to a separate division, entity, or
8 location, but remains employed by the same employer, the employee is
9 entitled to all paid sick time accrued at the prior division, entity, or
10 location and is entitled to use all paid sick time as provided in the
11 Nebraska Healthy Families and Workplaces Act. When there is a separation
12 from employment and the employee is rehired within twelve months of
13 separation by the same employer, previously accrued paid sick time that
14 had not been used or paid out to the employee shall be reinstated. The
15 employee shall be entitled to use accrued paid sick time and accrue
16 additional paid sick time at the recommencement of employment.

17 (10) Nothing in this section shall be construed to require employers
18 to pay an employee for unused paid sick time upon the employee's
19 separation from employment.

20 **Sec. 3.** Section 48-3806, Revised Statutes Supplement, 2025, is
21 amended to read:

22 48-3806 (1) Employers shall give employees written notice of the
23 following at the commencement of employment ~~or by September 15, 2025,~~
24 ~~whichever is later:~~ That beginning October 1, 2025, employees are
25 entitled to paid sick time; the amount of paid sick time; the terms of
26 its use guaranteed under the Nebraska Healthy Families and Workplaces
27 Act; that retaliatory personnel action against employees who request or
28 use paid sick time is prohibited; that each employee has the right to
29 file a ~~suit~~ or complaint if paid sick time as required by the act is
30 denied by the employer or the employee is subjected to retaliatory
31 personnel action for requesting or taking paid sick time; and the contact

1 information for the department where questions about rights and
2 responsibilities under the act can be answered.

3 (2) The notices required in subsection (1) of this section shall be
4 provided in:

5 (a) English; and

6 (b) Any language that is the first language spoken by at least five
7 percent of the employer's workforce if the department has provided a
8 model notice in such language.

9 (3) The amount of paid sick time available to the employee, the
10 amount of paid sick time taken by the employee to date in the year, and
11 the amount of pay the employee has received as paid sick time shall be
12 recorded in, or on an attachment to, the employee's regular paycheck.

13 (4) Employers shall display a poster that contains the information
14 required in subsection (1) of this section in a conspicuous and
15 accessible place in each establishment where such employees are employed.
16 If an employer does not maintain a physical workplace or an employee
17 teleworks or performs work through a web-based or app-based platform, the
18 employer shall provide notice of such information via electronic
19 communication or a conspicuous posting in the web-based or app-based
20 platform. The poster displayed shall be in:

21 (a) English; and

22 (b) Any language that is the first language spoken by at least five
23 percent of the employer's workforce if the department has provided
24 posters in such language.

25 (5) The department shall create and make available to employers, in
26 all languages spoken by at least five percent of Nebraska's workforce and
27 any language deemed appropriate by the department, model notices and
28 posters that contain the information required under subsection (1) of
29 this section and for employers' use in complying with subsections (1) and
30 (4) of this section.

31 **Sec. 4.** Original sections 48-3802, 48-3803, and 48-3806, Revised

1 Statutes Supplement, 2025, are repealed.