

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 415

Introduced by Ballard, 21.

Read first time January 17, 2025

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Healthy Families and
- 2 Workplaces Act; to amend sections 2, 3, and 4, Initiative Law 2024,
- 3 No. 436; to redefine terms; to change provisions relating to paid
- 4 sick time; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

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

3 Sec. 2. 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) (3)(a)~~ Employee means any individual employed by an employer,
9 but does not include:

10 (a) An individual owner-operator;

11 (b) An independent contractor;

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

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

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

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

22 (5) Family member means:

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

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

28 (c) A person who stood in loco parentis to the employee or the
29 employee's spouse when the employee or employee's spouse was a minor
30 child;

31 (d) A person to whom the employee is legally married under the laws

1 of any state;

2 (e) A grandparent, grandchild, or sibling, whether of a biological,
3 foster, adoptive, or step relationship, of the employee or the employee's
4 spouse; or

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

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

10 (7) Paid sick time means time that is compensated at the same hourly
11 rate and with the same benefits, including health care benefits, as the
12 employee typically earns during hours worked and that is provided by an
13 employer to an employee for the purposes described in section 4 of this
14 act, and in no case shall the amount of this hourly rate be less than
15 that provided under section 48-1203. Paid sick time includes time made
16 available to employees for purposes including, but not limited to, the
17 purposes described in section 3 of this act under a paid leave policy
18 described in subsection (7) of section 2 of this act;

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

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

29 (10)(a) Small business means an employer with fewer than twenty
30 employees during a given week, including full-time, part-time, or
31 temporary employees.

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

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

6 **Sec. 2.** Section 3, Initiative Law 2024, No. 436, is amended to
7 read:

8 Sec. 3. (1) All employees shall begin accruing paid sick time after
9 eighty hours of consecutive employment, at which point employees shall
10 then accrue a minimum of one hour of paid sick time for every thirty
11 hours worked. Unless the employer selects a higher limit, this section
12 does not entitle an employee to earn or use more than:

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

15 (b) Fifty-six hours of paid sick time in a year for an employee of
16 an employer that is not a small business.

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

23 (3) Paid sick time requirements provided under the Nebraska Healthy
24 Families and Workplaces Act as provided in this section shall begin to
25 accrue at the commencement of employment or October 1, 2025, whichever
26 is later. An employee shall be entitled to use paid sick time as it is
27 accrued. An employer may provide all paid sick time that an employee is
28 expected to accrue in a year at the beginning of the year.

29 (4) Paid sick time provided to an employee on or after January 1,
30 2025, and before October 1, 2025, shall be counted toward an employer's
31 obligations under the Nebraska Healthy Families and Workplaces Act.

1 (5) (4) Accrued paid sick time shall be carried over to the
2 following year. A small business is not required to permit an employee to
3 use more than forty hours of paid sick time per year, and other employers
4 are not required to permit an employee to use more than fifty-six hours
5 of paid sick time per year.

6 (6) ~~In Alternatively,~~ in lieu of carryover of unused paid sick time
7 provided pursuant to this section from one year to the next, an employer
8 may pay an employee for unused paid sick time provided pursuant to this
9 section at the end of a year and provide the employee with an amount of
10 paid sick time that meets or exceeds the requirements of subsections (1)
11 and (3) of this section that is available for the employee's immediate
12 use at the beginning of the subsequent year.

13 (7) (5) Any employer with a paid leave policy, such as a paid time
14 off policy, who makes available an amount of paid leave that equals or
15 exceeds ~~sufficient to meet~~ the requirements of the Nebraska Healthy
16 Families and Workplaces Act and ~~that may be used for the same purposes~~
17 ~~and under the same conditions~~ as paid sick time in accordance with
18 section 3 of this act ~~under the act~~ is not required to provide additional
19 paid sick time under the act and is not obligated to allow an employee to
20 accrue or carryover benefits beyond the employer's existing paid leave
21 policy.

22 (8) (6) At its discretion, an employer may loan paid sick time to an
23 employee in advance of accrual by such employee.

24 (9) (7) If an employee is transferred to a separate division,
25 entity, or location, but remains employed by the same employer, the
26 employee is entitled to all paid sick time accrued at the prior division,
27 entity, or location and is entitled to use all paid sick time as provided
28 in the Nebraska Healthy Families and Workplaces Act. When there is a
29 separation from employment and the employee is rehired within twelve
30 months of separation by the same employer, previously accrued paid sick
31 time that had not been used or paid out to the employee shall be

1 reinstated. The employee shall be entitled to use accrued paid sick time
2 and accrue additional paid sick time at the recommencement of employment.

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

6 **Sec. 3.** Section 4, Initiative Law 2024, No. 436, is amended to
7 read:

8 Sec. 4. (1) Paid sick time shall be provided to an employee by an
9 employer for:

10 (a) An employee's mental or physical illness, injury, or health
11 condition; an employee's need for medical diagnosis, care, or treatment
12 of a mental or physical illness, injury, or health condition; or an
13 employee's need for preventive medical care;

14 (b) Care of a family member with a mental or physical illness,
15 injury, or health condition; care of a family member who needs medical
16 diagnosis, care, or treatment of a mental or physical illness, injury, or
17 health condition; care of a family member who needs preventive medical
18 care; or in the case of a child, to attend a meeting necessitated by the
19 child's mental or physical illness, injury, or health condition, at a
20 school or place where the child is receiving care; or

21 (c) Closure of the employee's place of business by order of a public
22 official due to a public health emergency; an employee's need to care for
23 a child whose school or place of care has been closed by order of a
24 public official due to a public health emergency; or an employee's need
25 to self-isolate or care for the employee or a family member when it has
26 been determined by the health authorities having jurisdiction or by a
27 health care professional that the employee's or family member's presence
28 in the community may jeopardize the health of others because of exposure
29 to a communicable disease, whether or not the employee or family member
30 has actually contracted the communicable disease.

31 (2) Paid sick time under this section shall be provided upon the

1 ~~oral~~ request of an employee in compliance with the Nebraska Healthy
2 Families and Workplaces Act. When possible, the request shall include the
3 expected duration of the absence.

4 (3) An employer that requires notice of the need to use paid sick
5 time in accordance with this section shall provide a written policy that
6 contains reasonable procedures for employees to provide notice. An
7 employer that has not provided to the employee a copy of such written
8 policy shall not deny paid sick time to the employee based on
9 noncompliance with such a policy.

10 (4) An employer shall not require, as a condition of an employee's
11 taking paid sick time under this section, that the employee search for or
12 find a replacement worker to cover the hours during which the employee is
13 using paid sick time.

14 (5) Paid sick time under this section may be used in the smaller of
15 hourly increments or the smallest increment that the employer's payroll
16 system uses to account for absences or use of other time.

17 (6) For use of paid sick time for more than three consecutive work
18 days, an employer may require reasonable documentation that the paid sick
19 time has been used for a purpose covered by subsection (1) of this
20 section. Reasonable documentation shall include (a) documentation signed
21 by a health care professional indicating that paid sick time is or was
22 necessary or (b) if the employee or a family member did not receive
23 services from a health care professional, or if documentation cannot be
24 obtained from a health care professional in reasonable time or without
25 added expense, a written statement from the employee indicating that the
26 employee is taking or took paid sick time for a qualifying purpose
27 covered by subsection (1) of this section.

28 (7) An employer signatory to a multi-employer collective-bargaining
29 agreement may fulfill its obligations under the Nebraska Healthy Families
30 and Workplaces Act by making contributions to a multi-employer paid sick
31 time fund, plan, or program based on the hours each employee accrues

1 pursuant to the act while working under the multi-employer collective-
2 bargaining agreement, if the fund, plan, or program enables employees to
3 collect paid sick time from the fund, plan, or program based on hours
4 they have worked under the multi-employer collective-bargaining agreement
5 and for the purposes specified under the act. Employees who work under a
6 multi-employer collective-bargaining agreement into which their employers
7 make contributions as provided in this subsection may collect from the
8 paid sick time fund, plan, or program based on hours they have worked
9 under the multi-employer collective-bargaining agreement and for the
10 purposes specified under the act.

11 **Sec. 4.** Original sections 2, 3, and 4, Initiative Law 2024, No. 436,
12 are repealed.