

AMENDMENTS TO LB878

Introduced by Guereca, 7.

1 1. Strike the original section and all amendments thereto and insert
2 the following new sections:

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

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

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

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

11 (i) Is a permanent state employee;

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

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

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

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

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

23 (i) Dismiss the employee;

24 (ii) Reduce the employee's compensation;

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

27 (iv) Fail to promote the employee if the employee would have

1 otherwise been promoted; or

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

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

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

11 (3) Parental leave:

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

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

16 (c) Shall not be used intermittently, unless:

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

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

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

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

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

30 (b) If circumstances beyond the parental leave eligible employee's
31 control prevent the employee from giving notice in accordance with

1 subdivision (5)(a) of this section, the employee shall give such notice
2 as soon as reasonably practicable.

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

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

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

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

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

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

22 (10) The state shall not:

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

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

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

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

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