

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB258

Hearing Date: Monday February 08, 2021
Committee On: Business and Labor
Introducer: Vargas
One Liner: Adopt the Healthy and Safe Families and Workplaces Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	4	Senators Blood, Hansen, M., Hunt, Lathrop
Nay:	3	Senators Gragert, Hansen, B., Halloran
Absent:		
Present Not Voting:		

Oral Testimony:

Proponents:

Senator Tony Vargas
Scout Richters
Kelsey Waldron
Robert Sanford
Jina Ragland
Michelle Devitt
Susan L. Martin
Schuyler Geery-Zink

Representing:

Introducer
ACLU of NE
Women's Fund of Omaha
NE Coalition to End Sexual and Domestic Violence
AARP Nebraska
Heartland Workers Center
NE State AFL-CIO
NE Appleseed

Opponents:

John Albin
Erin Ebeler Rolf

Representing:

Nebraska Department of Labor
NE Chamber of Commerce, Lincoln Chamber of
Commerce, Omaha Chamber of Commerce, NE Bankers
Association, LIBA, NE Grocery Industry Association, NE
Retail Federation, NE Restaurant Association, National
Federation of Independent Business

Neutral:

Representing:

Submitted Written Testimony:

Proponents:

Jason Hayes
Julie Erickson

Representing:

NE State Education Association
Voices for Children

Opponents:

Representing:

Summary of purpose and/or changes:

LB258 requires employers with four or more employees to provide employees with access to paid sick and safe leave. Employees shall accrue a minimum of one hour of paid sick and safe time for every thirty hours worked. Employers must allow employees to accrue up to forty hours in a calendar year based on hours worked. Nothing in the bill prohibits employers from providing additional paid leave. Safe leave can be used for reasons relating to domestic violence, stalking, or domestic abuse.

Any employer with a paid leave policy who makes available an amount of paid leave which is sufficient to meet the accrual requirements for paid sick and safe time and which may be used for the same purposes as paid sick and safe time under the Healthy and Safe Families and Workplaces Act is not required to provide additional paid sick and safe time.

Section by Section:

Sec 1: Creates the Health and Safe Families and Workplaces Act

Sec 2: Defines for purposes of the Act:

Commissioner: Commissioner of Labor

Domestic Abuse: An individual who is employed by a covered employer or a self-employed individual who has elected coverage under the act.

Domestic Assault: Domestic assault in the first, second, or third degree under section 28-323 or any similar crime committed in another state.

Family Member: A biological, adopted, or foster child, a stepchild, or a legal ward of a covered individual or the covered individual's spouse or a person to whom the covered individual or the covered individual's spouse stood in loco parentis when such person was a minor child, regardless of the age or dependency status of such child, stepchild, legal ward, or person; A biological, adoptive, or foster parent, a stepparent, or a legal guardian of a covered individual or the covered individual's spouse or a person who stood in loco parentis to the covered individual or the covered individual's spouse when the covered individual or the covered individual's spouse was a minor child; A covered individual's spouse; A grandparent, grandchild, or sibling, whether of a biological, foster, adoptive, or step relationship, of the covered individual or the covered individual's spouse; and one person designated by the covered individual as a family member. Such designation shall be made in a form and manner prescribed by the commissioner.

Employee: Any individual employed by an employer who receives compensation from such employer and includes recipients of public benefits who are engaged in work activity as a condition of receiving public assistance. Employee includes both full-time and part time employees. Employee does not include a minor child employed by a parent.

Employer: Any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or any organized group of persons employing four or more employees at any one time, excluding any employees who work no more than twenty weeks in any calendar year, but does not include the United States, the State of Nebraska, or any political subdivision thereof.

Health Care Professional: Any person licensed under federal or state law to provide medical or emergency services, including, but not limited to, doctors, nurses, and emergency room personnel.

Paid Sick and Safe Time: Time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by an employer to an employee for the purposes described in section 4 of this act, but in no case shall the hourly wage be less than that provided under the Wage and Hour Act.

Sexual Assault: As defined under section 28-319 or 28-320, sexual assault of a child under section 28-319.01 or 28-320.01, sexual assault by use of an electronic communication device under section 28-320.02, or any similar crime committed in another state.

Stalking: As defined under section 28-311.03 or any similar crime committed in another state.

Sec 3: Employees accrue a minimum of one hour of paid sick and safe time for every thirty hours worked and cannot accrue more than forty hours in a calendar year unless the employer allows. Accrual starts at commencement of employment and can be used by the employee beginning on the sixtieth calendar day following commencement of employment. Any employer with a paid leave policy who provides an amount of paid leave to meet the 2 requirements of this act may use their existing policy to satisfy the requirements of this act. No financial or other reimbursement of unused leave is required. Employers are allowed to loan paid sick and safe time to the employee in advance.

Sec 4: Employees can use paid sick and safe time for themselves or a family member's mental or physical illness, injury, health condition, or preventive care. Leave can also be used for absence due to domestic abuse domestic assault, sexual assault, or stalking regardless of if a charge or conviction.

Leave shall be provided upon the oral request of an employee. An employer cannot require the employee to find a replacement worker to cover the hours. If the leave exceeds more than three consecutive workdays, an employer may require reasonable documentation. Documentation must be provided no later than thirty days after the first day of leave. Such documentation is confidential.

Sec 5: Paid sick and safe leave cannot be interfered with and retaliatory action or adverse action against an employee is prohibited.

Sec 6: Notice of paid sick and safe leave must be provided to new employees.

Sec 7: The commissioner shall take reports of violations of this act and is authorized to investigate and assess an administrative penalty of not more than five hundred dollars for a first violation and not more than five thousand dollars for a second or subsequent violation. A person aggrieved by a violation of this act may bring a civil action in court and can recover the full amount of any unpaid sick and safe time; and attorney's fees.

Sec 8: Employers may adopt a more generous leave policy than required by this act.

Sec 9: The department of labor administers the act and may adopt rules and regulations.

Ben Hansen, Chairperson