

AMENDMENTS TO LB1089

Introduced by Business and Labor.

1 1. Strike the original sections and insert the following new
2 sections:

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

5 48-3802 For purposes of the Nebraska Healthy Families and Workplaces
6 Act:

7 (1) Department means the Department of Labor;

8 (2) Employ means to permit to work by an employer pursuant to an
9 employment relationship;

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

12 (a) An individual owner-operator;

13 (b) An independent contractor;

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

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

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

20 ~~or~~

21 (f) An individual under sixteen years of age;

22 (g) An individual with an ownership interest in an employer of at
23 least ten percent; or

24 (h) A nonresident of the State of Nebraska working in the State of
25 Nebraska for less than ninety days in a calendar year as an employee
26 employed by a nonresident employer;

27 (4)(a) Employer means any individual, partnership, limited liability

1 company, association, corporation, business trust, legal representative,
2 or organized group of persons who employs eleven or more employees.

3 (b) Employer does not include (i) the United States or the State of
4 Nebraska or its agencies, departments, or political subdivisions, (ii)
5 any corporation that operates a private, denominational, or parochial
6 elementary or secondary school which fulfills the applicable
7 accreditation or approval requirements established by the State Board of
8 Education pursuant to section 79-318, or (iii) any private postsecondary
9 institution;

10 (5) Family member means:

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

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

16 (c) A person who stood in loco parentis to the employee or the
17 employee's spouse when the employee or employee's spouse was a minor
18 child;

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

21 (e) A grandparent, grandchild, or sibling, whether of a biological,
22 foster, adoptive, or step relationship, of the employee or the employee's
23 spouse; or

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

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

29 (7) Paid sick time means time that is compensated at the same hourly
30 rate and with the same benefits, including health care benefits, as the
31 employee typically earns during hours worked and that is provided by an

1 employer to an employee for the purposes described in section 48-3804,
2 and in no case shall the amount of this hourly rate be less than that
3 provided under section 48-1203. Notwithstanding the foregoing, for
4 employees paid on a commission, piece-rate, mileage, or fee-for-service
5 basis, paid sick time means time that is compensated at an hourly rate
6 determined by the employer using the average weekly rate calculation
7 under section 48-126, which shall then be reduced to an hourly rate based
8 on a forty-hour workweek, and that is provided by an employer to an
9 employee for the purposes described in section 48-3804. Paid sick time
10 includes time made available to employees for purposes including, but not
11 limited to, the purposes described in section 48-3804 under a paid leave
12 policy described in subsection (7) of section 48-3803;

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

17 (9) Retaliatory personnel action means a denial of any right
18 guaranteed under the Nebraska Healthy Families and Workplaces Act and any
19 threat, discharge, suspension, demotion, reduction of hours or pay, or
20 other adverse action against an employee for exercising or attempting to
21 exercise any right guaranteed in the Nebraska Healthy Families and
22 Workplaces Act;

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

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

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

31 **Sec. 2.** Section 48-3803, Revised Statutes Supplement, 2025, is

1 amended to read:

2 48-3803 (1) All employees shall begin accruing paid sick time after
3 eighty hours of consecutive employment, at which point employees shall
4 then accrue a minimum of one hour of paid sick time for every thirty
5 hours worked. Unless the employer selects a higher limit, this section
6 does not entitle an employee to earn or use more than:

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

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

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

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

22 (4) Paid sick time provided to an employee on or after January 1,
23 2025, and before October 1, 2025, shall be counted toward an employer's
24 obligations under the Nebraska Healthy Families and Workplaces Act for
25 calendar year 2025.

26 (5) Accrued paid sick time shall be carried over to the following
27 year, except that (a) a ~~—~~A small business is not required to permit an
28 employee to carryover or use more than forty hours of paid sick time per
29 year ~~;~~ and (b) other employers are not required to permit an employee to
30 carryover or use more than fifty-six hours of paid sick time per year.

31 (6) In lieu of carryover of unused paid sick time provided pursuant

1 to this section from one year to the next, an employer may pay an
2 employee for unused paid sick time provided pursuant to this section at
3 the end of a year and provide the employee with an amount of paid sick
4 time that meets or exceeds the requirements of subsections (1) and (3) of
5 this section that is available for the employee's immediate use at the
6 beginning of the subsequent year.

7 (7) Any employer with a paid leave policy, such as a paid time off
8 policy, who makes available an amount of paid leave that equals or
9 exceeds the requirements of the Nebraska Healthy Families and Workplaces
10 Act and that may be used as paid sick time in accordance with section
11 48-3804 is not required to provide additional paid sick time under the
12 act and is not obligated to allow an employee to accrue or carryover
13 benefits beyond the employer's existing paid leave policy.

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

16 (9) If an employee is transferred to a separate division, entity, or
17 location, but remains employed by the same employer, the employee is
18 entitled to all paid sick time accrued at the prior division, entity, or
19 location and is entitled to use all paid sick time as provided in the
20 Nebraska Healthy Families and Workplaces Act. When there is a separation
21 from employment and the employee is rehired within twelve months of
22 separation by the same employer, previously accrued paid sick time that
23 had not been used or paid out to the employee shall be reinstated. The
24 employee shall be entitled to use accrued paid sick time and accrue
25 additional paid sick time at the recommencement of employment.

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

29 **Sec. 3.** Section 48-3808, Revised Statutes Supplement, 2025, is
30 amended to read:

31 48-3808 (1) The Commissioner of Labor shall issue a citation to an

1 employer when an investigation reveals that the employer may have
2 violated the Nebraska Healthy Families and Workplaces Act.

3 (2) When a citation is issued, the commissioner shall notify the
4 employer of the proposed administrative penalty, if any, by certified
5 mail, by any other manner of delivery by which the United States Postal
6 Service can verify delivery, or by any method of service recognized under
7 Chapter 25, article 5. The administrative penalty shall not be more than
8 five hundred dollars in the case of a first violation and not more than
9 five thousand dollars in the case of a second or subsequent violation.

10 (3) The employer has fifteen working days after the date of the
11 citation or penalty to contest such citation or penalty. Notice of
12 contest shall be sent to the commissioner who shall provide a hearing in
13 accordance with the Administrative Procedure Act.

14 (4) Any employer who has an unpaid citation for a violation of the
15 Nebraska Healthy Families and Workplaces Act shall be barred from
16 contracting with the state or any political subdivision until such
17 citation is paid. If a citation has been contested as described in
18 subsection (3) of this section, it shall not be considered an unpaid
19 citation under this subsection until after such contest has been
20 resolved.

21 (5) Citations issued under this section and the names of employers
22 who have been issued a citation shall be made available to the public
23 upon request, except that this subsection shall not apply to any
24 citations that are being contested as described in subsection (3) of this
25 section.

26 (6) An employee having a claim for failure to allow an employee to
27 use paid sick time as set forth in section 48-3803 or for a violation of
28 section 48-3804 or 48-3805 may institute suit for legal and equitable
29 relief in the proper court. In any action brought to enforce section
30 48-3803, 48-3804, or 48-3805, the court shall have jurisdiction to grant
31 such legal or equitable relief as the court deems appropriate to

1 effectuate the purposes of the Nebraska Healthy Families and Workplaces
2 Act. If an employee establishes a claim and secures judgment on the
3 claim, such employee shall also be entitled to recover the full amount of
4 the judgment and all costs of such suit, including reasonable attorney's
5 fees.

6 (7) If an employee institutes suit against an employer under
7 subsection (6) of this section, any citation that is issued against an
8 employer under subsection (1) of this section and that relates directly
9 to the facts in dispute shall be admitted into evidence unless
10 specifically excluded by the court. If a citation has been contested as
11 described in subsection (3) of this section, it shall not be admitted
12 into evidence under this subsection until such contest has been resolved.

13 (8) A civil action brought under this section shall be commenced no
14 later than one calendar year after the cause of action accrues.

15 **Sec. 4.** Original sections 48-3802, 48-3803, and 48-3808, Revised
16 Statutes Supplement, 2025, are repealed.