

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 698

Introduced by Strommen, 47; Andersen, 49; Ballard, 21; Bosn, 25; Brandt, 32; Clements, 2; Clouse, 37; Dorn, 30; Hallstrom, 1; Hansen, 16; Hardin, 48; Holdcroft, 36; Ibach, 44; Jacobson, 42; Lippincott, 34; Lonowski, 33; McKeon, 41; Meyer, 17; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Sorrentino, 39; Storer, 43; Storm, 23.

Read first time January 22, 2025

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Healthy Families and
- 2 Workplaces Act; to amend sections 2 and 8, Initiative Law 2024, No.
- 3 436; to redefine terms; to change provisions relating to
- 4 enforcement; and to repeal the original sections.
- 5 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;

7 (3) ~~(3)(a)~~ Employee means any individual employed by an employer,
8 but does not include:

9 (a) An an individual who works in Nebraska for fewer than eighty
10 hours in a calendar year; -

11 (b) An individual who is employed in agricultural employment of a
12 seasonal or other temporary nature;

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

16 (d) An individual under sixteen years of age;

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 eleven ~~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;

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

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

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

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

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

3 **Sec. 2.** Section 8, Initiative Law 2024, No. 436, is amended to
4 read:

5 Sec. 8. (1) The Commissioner of Labor shall issue a citation to an
6 employer when an investigation reveals that the employer may have
7 violated the Nebraska Healthy Families and Workplaces Act.

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

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

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

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

31 ~~(6) An employee having a claim for a violation of the Nebraska~~

1 ~~Healthy Families and Workplaces Act may institute suit for legal and~~
2 ~~equitable relief in the proper court. In any action brought to enforce~~
3 ~~the Nebraska Healthy Families and Workplaces Act, the court shall have~~
4 ~~jurisdiction to grant such legal or equitable relief as the court deems~~
5 ~~appropriate to effectuate the purposes of the act. If an employee~~
6 ~~establishes a claim and secures judgment on the claim, such employee~~
7 ~~shall also be entitled to recover the full amount of the judgment and all~~
8 ~~costs of such suit, including reasonable attorney's fees.~~

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

16 ~~(8) A civil action brought under this section shall be commenced no~~
17 ~~later than four calendar years after the cause of action accrues.~~

18 **Sec. 3.** Original sections 2 and 8, Initiative Law 2024, No. 436,
19 are repealed.