



**Hundredth Legislature - First Session - 2007**  
**Committee Statement**  
**LB 495**

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**Hearing Date:** March 12, 2007

**Committee On:** Business and Labor

**Introducer(s):** (White)

**Title:** Prohibit employers from requiring use of compensated leave as prescribed

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

- |   |                     |   |
|---|---------------------|---|
| 5 | Yes                 | Senators Cornett, Lathrop, McGill, Wallman, White |
|   | No                  |   |
|   | Present, not voting |   |
| 2 | Absent              | Senator Chambers, Senator Rogert                  |
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**Proponents:**

Senator Tom White  
Allen J. Beerman  
Ken Mass

**Representing:**

Introducer  
Nebraska Press Advertising Service  
AFL-CIO

**Opponents:**

Michelle Baumert

**Representing:**

Nebraska Chamber of Commerce, Greater Omaha  
Chamber of Commerce, Lincoln Chamber of  
Commerce, National Federation of Independent  
Business

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:** LB 495 would require employers to allow employees to use non-compensated leave prior to using their available paid leave, unless the employee *chooses* to use his or her paid leave first. Currently employers may require that employees deplete their paid leave prior to using non-paid leave.

Violations of this statute will result in a civil penalty of at least \$500 per offense. Fines collected will be remitted to the common schools fund under Article VII, section 5 of the Constitution.

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**Explanation of amendments, if any:**

AM 804 The committee amendment rewrites the entire bill and makes the following changes.

During an employer's collective bargaining with a labor organization all compensated and noncompensated leave offered by the employer shall be a subject of collective bargaining. The amendment also reinstates the five hundred dollar or more civil penalty contained in the original bill and includes distribution of the fines in accordance with Article VII, section 5 of the Constitution of Nebraska.

LB 495 was recommitted to the Business and Labor Committee for Amendment(s). AM 1993 would limit the bill's application to railroad employers. AM 1993 would sit in place of AM 804.

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**Senator Abbie Cornett, Chairperson**