

AMENDMENTS TO LB830

Introduced by Business and Labor.

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

3           Section 1. Section 48-604, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5           48-604 As used in the Employment Security Law, unless the context  
6 otherwise requires, employment shall mean:

7           (1) Any service performed, including service in interstate commerce,  
8 for wages under a contract of hire, written or oral, express or implied;

9           (2) The term employment shall include an individual's entire  
10 service, performed within or both within and without this state if (a)  
11 the service is localized in this state, (b) the service is not localized  
12 in any state but some of the service is performed in this state and the  
13 base of operations or, if there is no base of operations, then the place  
14 from which such service is directed or controlled is in this state or the  
15 base of operations or place from which such service is directed or  
16 controlled is not in any state in which some part of the service is  
17 performed but the individual's residence is in this state, (c) the  
18 service shall be deemed to be localized within a state if (i) the service  
19 is performed entirely within such state or (ii) the service is performed  
20 both within and without such state, but the service performed without  
21 such state is incidental to the individual's service within the state,  
22 for example, is temporary or transitory in nature or consists of isolated  
23 transactions;

24           (3) Services performed outside the state and services performed  
25 outside the United States as follows:

26           (a) Services not covered under subdivision (2) of this section and  
27 performed entirely without this state, with respect to no part of which

1 contributions are required under an unemployment compensation law of any  
2 other state or of the federal government, shall be deemed to be  
3 employment subject to the Employment Security Law if the commissioner  
4 approves the election of the employer, for whom such services are  
5 performed, that the entire service of such individual shall be deemed to  
6 be employment subject to such law;

7 (b) Services of an individual wherever performed within the United  
8 States or Canada if (i) such service is not covered under the employment  
9 compensation law of any other state or Canada and (ii) the place from  
10 which the service is directed or controlled is in this state;

11 (c)(i) Services of an individual who is a citizen of the United  
12 States, performed outside the United States except in Canada in the  
13 employ of an American employer, other than service which is deemed  
14 employment under subdivisions (2) and (3)(a) and (b) of this section or  
15 the parallel provisions of another state's law, if:

16 (A) The employer's principal place of business in the United States  
17 is located in this state;

18 (B) The employer has no place of business in the United States, but  
19 the employer is an individual who is a resident of this state; the  
20 employer is a corporation or limited liability company which is organized  
21 under the laws of this state; or the employer is a partnership or a trust  
22 and the number of the partners or trustees who are residents of this  
23 state is greater than the number who are residents of any other state; or

24 (C) None of the criteria of subdivisions (A) and (B) of this  
25 subdivision are met, but the employer has elected coverage in this state  
26 or, the employer having failed to elect coverage in any state, the  
27 individual has filed a claim for benefits based on such service under the  
28 laws of this state.

29 (ii) American employer, for the purposes of this subdivision, shall  
30 mean: (A) An individual who is a resident of the United States; (B) a  
31 partnership if two-thirds or more of the partners are residents of the

1 United States; (C) a trust if all the trustees are residents of the  
2 United States; or (D) a corporation or limited liability company  
3 organized under the laws of the United States or of any state.

4 (iii) The term United States for the purpose of this section  
5 includes the states, the District of Columbia, the Virgin Islands, and  
6 the Commonwealth of Puerto Rico;

7 (4)(a) Service performed in the employ of this state or any  
8 political subdivision thereof or any instrumentality of any one or more  
9 of the foregoing or any instrumentality which is wholly owned by this  
10 state and one or more other states or political subdivisions, or any  
11 service performed in the employ of any instrumentality of this state or  
12 of any political subdivision thereof and one or more other states or  
13 political subdivisions if such service is excluded from employment as  
14 defined in the Federal Unemployment Tax Act, as amended, solely by reason  
15 of 26 U.S.C. 3306(c)(7), and is not otherwise excluded under this  
16 section;

17 (b) Service performed by an individual in the employ of a religious,  
18 charitable, educational, or other organization, but only if the following  
19 conditions are met: (i) The service is excluded from employment as  
20 defined in the Federal Unemployment Tax Act, as amended, solely by reason  
21 of 26 U.S.C. 3306(c)(8), and is not otherwise excluded under this  
22 section; and (ii) the organization had four or more individuals in  
23 employment for some portion of a day in each of twenty different weeks,  
24 whether or not such weeks were consecutive, within either the current or  
25 preceding calendar year, regardless of whether they were employed at the  
26 same moment of time;

27 (c)(i) Service performed by an individual in agricultural labor as  
28 defined in subdivision (6)(a) of this section when such service is  
29 performed for a person who during any calendar quarter in either the  
30 current or preceding calendar year paid remuneration in cash of twenty  
31 thousand dollars or more to individuals employed in agricultural labor,

1 or for some portion of a day in each of twenty different calendar weeks,  
2 whether or not such weeks were consecutive, in either the current or the  
3 preceding calendar year, employed in agricultural labor ten or more  
4 individuals, regardless of whether they were employed at the same moment  
5 of time.

6 (ii) For purposes of this subdivision:

7 (A) Any individual who is a member of a crew furnished by a crew  
8 leader to perform services in agricultural labor for any other person  
9 shall be treated as an employee of such crew leader if such crew leader  
10 holds a valid certificate of registration under the Migrant and Seasonal  
11 Agricultural Worker Protection Act, as amended, 29 U.S.C. 1801 et seq. ;  
12 substantially all the members of such crew operate or maintain tractors,  
13 mechanized harvesting or cropdusting equipment, or any other mechanized  
14 equipment, which is provided by such crew leader; and such individual is  
15 not an employee of such other person within the meaning of any other  
16 provisions of this section;

17 (B) In case any individual who is furnished by a crew leader to  
18 perform service in agricultural labor for any other person and who is not  
19 treated as an employee of such crew leader under subdivision (A) of this  
20 subdivision, such other person and not the crew leader shall be treated  
21 as the employer of such individual and such other person shall be treated  
22 as having paid cash remuneration to such individual in an amount equal to  
23 the amount of cash remuneration paid to such individual by the crew  
24 leader, either on his or her own behalf or on behalf of such other  
25 person, for the service in agricultural labor performed for such other  
26 person; and

27 (C) The term crew leader shall mean an individual who furnishes  
28 individuals to perform service in agricultural labor for any other  
29 person, pays, either on his or her own behalf or on behalf of such other  
30 person, the individuals so furnished by him or her for the service in  
31 agricultural labor performed by them, and has not entered into a written

1 agreement with such other person under which such individual is  
2 designated as an employee of such other person; and

3 (d) Service performed by an individual in domestic service in a  
4 private home, local college club, or local chapter of a college  
5 fraternity or sorority if performed for a person who paid cash  
6 remuneration of one thousand dollars or more in the current calendar year  
7 or the preceding calendar year to individuals employed in such domestic  
8 service in any calendar quarter;

9 (5) Services performed by an individual for wages, including wages  
10 received under a contract of hire, shall be deemed to be employment  
11 unless it is shown to the satisfaction of the commissioner that (a) such  
12 individual has been and will continue to be free from control or  
13 direction over the performance of such services, both under his or her  
14 contract of service and in fact, (b) such service is either outside the  
15 usual course of the business for which such service is performed or such  
16 service is performed outside of all the places of business of the  
17 enterprise for which such service is performed, and (c) such individual  
18 is customarily engaged in an independently established trade, occupation,  
19 profession, or business. The provisions of this subdivision are not  
20 intended to be a codification of the common law and shall be considered  
21 complete as written;

22 (6) The term employment shall not include:

23 (a) Agricultural labor, except as provided in subdivision (4)(c) of  
24 this section, including all services performed:

25 (i) On a farm, in the employ of any employer, in connection with  
26 cultivating the soil or in connection with raising or harvesting any  
27 agricultural or horticultural commodity, including the raising, shearing,  
28 feeding, caring for, training, and management of livestock, bees,  
29 poultry, fur-bearing animals, and wildlife;

30 (ii) In the employ of the owner, tenant, or other operator of a  
31 farm, in connection with the operation, management, conservation,

1 improvement, or maintenance of such farm and its tools and equipment or  
2 in salvaging timber or clearing land of brush and other debris left by a  
3 windstorm, if the major part of such service is performed on a farm;

4 (iii) In connection with the production or harvesting of any  
5 commodity defined as an agricultural commodity in section 15(g) of the  
6 federal Agricultural Marketing Act, as amended, 12 U.S.C. 1141j, in  
7 connection with the operation or maintenance of ditches, canals,  
8 reservoirs, or waterways, not owned or operated for profit, used  
9 exclusively for supplying and storing water for farming purposes;

10 (iv)(A) In the employ of the operator of a farm in handling,  
11 planting, drying, packing, packaging, processing, freezing, grading,  
12 storing, or delivering to storage or to market or to a carrier for  
13 transportation to market, in its unmanufactured state, any agricultural  
14 or horticultural commodity, but only if such operator produced more than  
15 one-half of the commodity with respect to which such service is  
16 performed, or (B) in the employ of a group of operators of farms, or a  
17 cooperative organization of which such operators are members, in the  
18 performance of service described in subdivision (A) of this subdivision,  
19 but only if such operators produced more than one-half of the commodity  
20 with respect to which such service is performed. Subdivisions (A) and (B)  
21 of this subdivision shall not be deemed to be applicable with respect to  
22 service performed in connection with commercial canning or commercial  
23 freezing or in connection with any agricultural or horticultural  
24 commodity after its delivery to a terminal market for distribution for  
25 consumption; or

26 (v) On a farm operated for profit if such service is not in the  
27 course of the employer's trade or business.

28 As used in this section, the term farm includes stock, dairy,  
29 poultry, fruit, fur-bearing animal, and truck farms, plantations,  
30 ranches, nurseries, ranges, greenhouses, or other similar structures used  
31 primarily for the raising of agricultural or horticultural commodities,

1 and orchards;

2 (b) Domestic service, except as provided in subdivision (4)(d) of  
3 this section, in a private home, local college club, or local chapter of  
4 a college fraternity or sorority;

5 (c) Service not in the course of the employer's trade or business  
6 performed in any calendar quarter by an employee, unless the cash  
7 remuneration paid for such service is fifty dollars or more and such  
8 service is performed by an individual who is regularly employed by such  
9 employer to perform such service and, for the purposes of this  
10 subdivision, an individual shall be deemed to be regularly employed by an  
11 employer during a calendar quarter only if (i) on each of some twenty-  
12 four days during such quarter such individual performs for such employer  
13 for some portion of the day service not in the course of the employer's  
14 trade or business, or (ii) such individual was regularly employed, as  
15 determined under subdivision (i) of this subdivision, by such employer in  
16 the performance of such service during the preceding calendar quarter;

17 (d) Service performed by an individual in the employ of his or her  
18 son, daughter, or spouse and service performed by a child under the age  
19 of twenty-one in the employ of his or her father or mother;

20 (e) Service performed in the employ of the United States Government  
21 or an instrumentality of the United States immune under the Constitution  
22 of the United States from the contributions imposed by sections 48-648  
23 and 48-649, except that, to the extent that the Congress of the United  
24 States shall permit states to require any instrumentalities of the United  
25 States to make payments into an unemployment fund under a state  
26 unemployment compensation act, all of the Employment Security Law shall  
27 be applicable to such instrumentalities and to services performed for  
28 such instrumentalities in the same manner, to the same extent, and on the  
29 same terms as to all other employers, individuals, and services, except  
30 that if this state is not certified for any year by the Secretary of  
31 Labor of the United States under section 3304 of the Internal Revenue

1 Code as defined in section 49-801.01, the payments required of such  
2 instrumentalities with respect to such year shall be refunded by the  
3 commissioner from the fund in the same manner and within the same period  
4 as is provided in section 48-660, with respect to contributions  
5 erroneously collected;

6 (f) Service performed in the employ of this state or any political  
7 subdivision thereof or any instrumentality of any one or more of the  
8 foregoing if such services are performed by an individual in the exercise  
9 of his or her duties: (i) As an elected official; (ii) as a member of the  
10 legislative body or a member of the judiciary of a state or political  
11 subdivision thereof; (iii) as a member of the Army National Guard or Air  
12 National Guard; (iv) as an employee serving on a temporary basis in case  
13 of fire, storm, snow, earthquake, flood, or similar emergency; ~~(v) in a~~  
14 ~~position which, under or pursuant to the state law, is designated a major~~  
15 ~~nontenured policymaking or advisory position, or a policymaking or~~  
16 ~~advisory position, the performance of the duties of which ordinarily does~~  
17 ~~not require more than eight hours per week; or (v vi) as an election~~  
18 official or election worker if the amount of remuneration received by the  
19 individual during the calendar year for services as an election official  
20 or election worker is less than one thousand dollars;

21 (g) For the purposes of subdivisions (4)(a) and (4)(b) of this  
22 section, service performed:

23 (i) In the employ of (A) a church or convention or association of  
24 churches or (B) an organization which is operated primarily for religious  
25 purposes and which is operated, supervised, controlled, or principally  
26 supported by a church or convention or association of churches;

27 (ii) By a duly ordained, commissioned, or licensed minister of a  
28 church in the exercise of his or her ministry or by a member of a  
29 religious order in the exercise of the duties required by such order;

30 (iii) In a facility conducted for the purpose of carrying out a  
31 program of rehabilitation for an individual whose earning capacity is



1 impaired by age or physical or mental deficiency or injury, or providing  
2 remunerative work for the individuals who because of their impaired  
3 physical or mental capacity cannot be readily absorbed in the competitive  
4 labor market, by an individual receiving such rehabilitation or  
5 remunerative work;

6 (iv) As part of an unemployment work relief or work-training program  
7 assisted or financed in whole or in part by any federal agency or an  
8 agency of a state or political subdivision thereof, by an individual  
9 receiving such work relief or work training; or

10 (v) By an inmate of a custodial or penal institution;

11 (h) Service with respect to which unemployment compensation is  
12 payable under an unemployment compensation system established by an act  
13 of Congress;

14 (i) Service performed in any calendar quarter in the employ of any  
15 organization exempt from income tax under section 501(a) of the Internal  
16 Revenue Code as defined in section 49-801.01, other than an organization  
17 described in section 401(a) of the Internal Revenue Code as defined in  
18 section 49-801.01, or under section 521 thereof, if the remuneration for  
19 such service is less than fifty dollars;

20 (j) Service performed in the employ of a school, college, or  
21 university, if such service is performed (i) by a student who is  
22 enrolled, regularly attending classes at, and working for such school,  
23 college, or university pursuant to a financial assistance arrangement  
24 with such school, college, or university or (ii) by the spouse of such  
25 student, if such spouse is advised, at the time such spouse commences to  
26 perform such service, that (A) the employment of such spouse to perform  
27 such service is provided under a program to provide financial assistance  
28 to such student by such school, college, or university and (B) such  
29 employment will not be covered by any program of unemployment insurance;

30 (k) Service performed as a student nurse in the employ of a hospital  
31 or nurses training school by an individual who is enrolled and is

1 regularly attending classes in a nurses training school chartered or  
2 approved pursuant to state law; and service performed as an intern in the  
3 employ of a hospital by an individual who has completed a four-year  
4 course in a medical school chartered or approved pursuant to state law;

5 (l) Service performed by an individual as a real estate salesperson,  
6 as an insurance agent, or as an insurance solicitor, if all such service  
7 performed by such individual is performed for remuneration solely by way  
8 of commission;

9 (m) Service performed by an individual under the age of eighteen in  
10 the delivery or distribution of newspapers or shopping news, not  
11 including delivery or distribution to any point for subsequent delivery  
12 or distribution;

13 (n) Service performed by an individual in the sale, delivery, or  
14 distribution of newspapers or magazines under a written contract in which  
15 (i) the individual acknowledges that the individual performing the  
16 service and the service are not covered and (ii) the newspapers and  
17 magazines are sold by him or her at a fixed price with his or her  
18 compensation being based on the retention of the excess of such price  
19 over the amount at which the newspapers or magazines are charged to him  
20 or her, whether or not he or she is guaranteed a minimum amount of  
21 compensation for such service, or is entitled to be credited with the  
22 unsold newspapers or magazines turned back;

23 (o) Service performed by an individual who is enrolled at a  
24 nonprofit or public educational institution which normally maintains a  
25 regular faculty and curriculum and normally has a regularly organized  
26 body of students in attendance at the place where its educational  
27 activities are carried on, as a student in a full-time program, taken for  
28 credit at such institution, which combines academic instruction with work  
29 experience, if such service is an integral part of such program, and such  
30 institution has so certified to the employer, except that this  
31 subdivision shall not apply to service performed in a program established

1 for or on behalf of an employer or a group of employers;

2 (p) Service performed in the employ of a hospital, if such service  
3 is performed by a patient of the hospital;

4 (q) Service performed for a motor carrier, as defined in 49 U.S.C.  
5 13102 or section 75-302, as amended, by a lessor leasing one or more  
6 motor vehicles driven by the lessor or one or more drivers provided by  
7 the lessor under a lease, with the motor carrier as lessee, executed  
8 pursuant to 49 C.F.R. part 376, Title 291, Chapter 3, as amended, of the  
9 rules and regulations of the Public Service Commission, or the rules and  
10 regulations of the Division of Motor Carrier Services. This shall not  
11 preclude the determination of an employment relationship between the  
12 lessor and any personnel provided by the lessor in the conduct of the  
13 service performed for the lessee;

14 (r) Service performed by an individual for a business engaged in  
15 compilation of marketing data bases if such service consists only of the  
16 processing of data and is performed in the residence of the individual;

17 (s) Service performed by an individual as a volunteer research  
18 subject who is paid on a per study basis for scientific, medical, or  
19 drug-related testing for any organization other than one described in  
20 section 501(c)(3) of the Internal Revenue Code as defined in section  
21 49-801.01 or any governmental entity;

22 (t) Service performed by a direct seller if:

23 (i) Such person is engaged in sales primarily in person and is:

24 (A) Engaged in the trade or business of selling or soliciting the  
25 sale of consumer products or services to any buyer on a buy-sell basis or  
26 a deposit-commission basis for resale, by the buyer or any other person,  
27 in the home or otherwise than in a permanent retail establishment;

28 (B) Engaged in the trade or business of selling or soliciting the  
29 sale of consumer products or services in the home or otherwise than in a  
30 permanent retail establishment; or

31 (C) Engaged in the trade or business of the delivering or

1 distribution of newspapers or shopping news, including any services  
2 directly related to such trade or business;

3 (ii) Substantially all the remuneration, whether or not paid in  
4 cash, for the performance of the services described in subdivision (t)(i)  
5 of this subdivision is directly related to sales or other output,  
6 including the performance of services, rather than to the number of hours  
7 worked; and

8 (iii) The services performed by the person are performed pursuant to  
9 a written contract between such person and the person for whom the  
10 services are performed and the contract provides that the person will not  
11 be treated as an employee for federal and state tax purposes. Sales by a  
12 person whose business is conducted primarily by telephone or any other  
13 form of electronic sales or solicitation is not service performed by a  
14 direct seller under this subdivision;

15 (u) Service performed by an individual who is a participant in the  
16 National and Community Service State Grant Program, also known as  
17 AmeriCorps, because a participant is not considered an employee of the  
18 organization receiving assistance under the national service laws through  
19 which the participant is engaging in service pursuant to 42 U.S.C.  
20 12511(30)(B); and

21 (v) Service performed at a penal or custodial institution by a  
22 person committed to a penal or custodial institution;

23 (7) If the services performed during one-half or more of any pay  
24 period by an individual for the person employing him or her constitute  
25 employment, all the services of such individual for such period shall be  
26 deemed to be employment, but if the services performed during more than  
27 one-half of any such pay period by an individual for the person employing  
28 him or her do not constitute employment, then none of the services of  
29 such individual for such period shall be deemed to be employment. As used  
30 in this subdivision, the term pay period means a period, of not more than  
31 thirty-one consecutive days, for which a payment of remuneration is

1 ordinarily made to such individual by the person employing him or her.  
2 This subdivision shall not be applicable with respect to services  
3 performed in a pay period by an individual for the person employing him  
4 or her when any of such service is excepted by subdivision (6)(h) of this  
5 section; and

6 (8) Notwithstanding the foregoing exclusions from the definition of  
7 employment, services shall be deemed to be in employment if with respect  
8 to such services a tax is required to be paid under any federal law  
9 imposing a tax against which credit may be taken for contributions  
10 required to be paid into a state unemployment compensation fund or which  
11 as a condition for full tax credit against the tax imposed by the Federal  
12 Unemployment Tax Act, as amended, is required to be covered under the  
13 Employment Security Law.

14 Sec. 2. Section 81-1328, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 81-1328 (1) State employees shall, during each year of continuous  
17 employment, be entitled to ninety-six working hours of vacation leave  
18 with full pay.

19 (2) State employees who complete five years of continuous employment  
20 by the state shall be entitled to one hundred twenty hours of vacation  
21 leave during their sixth year of employment and shall thereafter be  
22 entitled to eight additional hours of vacation leave with full pay for  
23 each additional year of continuous state employment up to a maximum of  
24 two hundred hours of vacation leave a year. Vacation leave shall be  
25 earned in accordance with the following schedule:

26 During 1st year of continuous employment ..... 96 hours per year  
27 During 2nd year of continuous employment ..... 96 hours per year  
28 During 3rd year of continuous employment ..... 96 hours per year  
29 During 4th year of continuous employment ..... 96 hours per year  
30 During 5th year of continuous employment ..... 96 hours per year  
31 During 6th year of continuous employment ..... 120 hours per

1 year  
2 During 7th year of continuous employment ..... 128 hours per  
3 year  
4 During 8th year of continuous employment ..... 136 hours per  
5 year  
6 During 9th year of continuous employment ..... 144 hours per  
7 year  
8 During 10th year of continuous employment ..... 152 hours per  
9 year  
10 During 11th year of continuous employment ..... 160 hours per  
11 year  
12 During 12th year of continuous employment ..... 168 hours per  
13 year  
14 During 13th year of continuous employment ..... 176 hours per  
15 year  
16 During 14th year of continuous employment ..... 184 hours per  
17 year  
18 During 15th year of continuous employment ..... 192 hours per  
19 year  
20 During 16th year of continuous employment ..... 200 hours per  
21 year  
22 After 16th year of continuous employment ..... 200 hours per  
23 year

24 (3) State employees ~~Employees~~ who are regularly employed less than  
25 forty hours a week shall be entitled to vacation leave proportionate to  
26 their regular workweek. Any state employee who has been employed by the  
27 Legislature or Legislative Council shall, for vacation leave entitlement  
28 purposes, be credited with one continuous year of employment for each two  
29 hundred sixty working days such state employee was employed by the  
30 Legislature or Legislative Council.

31 (4) As used in this section, state employee shall mean any person or

1 officer employed by the state including the head of any department or  
2 agency, except when such a head is a board or commission, and who works a  
3 full-time or part-time schedule on an ongoing basis.

4 (5) For purposes of this section, a state ~~an~~ employee who has  
5 terminated employment with the state for any reason other than  
6 disciplinary and who returns to state employment within one year from the  
7 date of termination shall have his or her service for vacation leave  
8 entitlement computed by combining prior continuous service with current  
9 continuous service disregarding the period of absence, except that a  
10 state ~~an~~ employee who has retired or voluntarily terminated in lieu of  
11 retirement shall, if he or she returns to state employment, be considered  
12 a new state employee for the purpose of vacation leave entitlement.

13 (6) The vacation leave account of each state employee shall be  
14 balanced as of 11:59 p.m. Central Standard Time on December 31 each  
15 calendar year. Each state employee shall be entitled to have accumulated  
16 as of such time the number of hours of vacation leave which he or she  
17 earned during that calendar year. Hours of vacation leave accumulated in  
18 excess of that number shall be forfeited ~~lost~~. Any state employee shall  
19 be entitled to use any vacation time as soon as it has accrued. Any  
20 vacation time not used within one calendar year following the calendar  
21 year during which the time accrued shall be forfeited ~~lost~~. In special  
22 and meritorious cases, when to limit the annual leave to the period  
23 therein specified would work a peculiar hardship, such leave may be  
24 extended in the discretion of the Governor, or in situations involving  
25 employees of the Legislature, in the discretion of the Executive Board of  
26 the Legislative Council.

27 (7) It is the responsibility of the head of an employing agency to  
28 provide reasonable opportunity for a state employee to use rather than  
29 forfeit accumulated vacation leave. If a state employee makes a  
30 reasonable written request to use vacation leave before the leave must be  
31 forfeited under this section and the employing agency denies the request,

1 the employing agency shall pay the state employee the cash equivalent of  
2 the amount of forfeited vacation leave that was requested and denied.  
3 Such cash payment shall be made within thirty days after the requested  
4 and denied vacation leave is forfeited under this section. Such cash  
5 payment shall be considered compensation for purposes of a state  
6 employee's retirement benefit in a defined contribution or cash balance  
7 benefit plan administered by the Public Employees Retirement Board but  
8 shall not be considered compensation for purposes of a state employee's  
9 retirement benefit in any other defined benefit plan administered by the  
10 Public Employees Retirement Board.

11 (8) Each state employee, upon retirement, dismissal, or voluntary  
12 separation from state employment, shall be paid for unused accumulated  
13 vacation leave. Upon the death of a state an employee, his or her  
14 beneficiary shall be paid for unused accumulated vacation leave.

15 (9) A permanent state employee who is transferred from one agency to  
16 another shall have his or her accrued vacation leave transferred to the  
17 receiving agency.

18 (10) The Director of Personnel shall adopt and promulgate such rules  
19 and regulations as are necessary to administer this section.

20 Sec. 3. Original section 81-1328, Reissue Revised Statutes of  
21 Nebraska, and section 48-604, Revised Statutes Cumulative Supplement,  
22 2014, are repealed.