

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 753**

FINAL READING

Introduced by Crawford, 45; Bloomfield, 17; Craighead, 6; Garrett, 3;  
Hansen, 26; Hilkemann, 4; Krist, 10; Morfeld, 46.

Read first time January 06, 2016

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Military Code; to amend section 55-161,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to absence from employment for military purposes; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 55-161, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 55-161 (1) The parts of the federal Uniformed Services Employment  
4 and Reemployment Rights Act of 1994, 38 U.S.C. Chapter 43, listed in  
5 subdivisions (a) through (j) of this subsection or any other parts  
6 referred to by such parts, in existence and effective as of January 1,  
7 2001, are adopted as Nebraska law. This section shall be applicable to  
8 all persons employed in the State of Nebraska and shall include all  
9 officers and permanent employees, including teachers employed on a one-  
10 year contract basis and elected officials, of the state or of any of its  
11 agencies or political subdivisions. The Legislature hereby adopts:

12 (a) Section 4301(a) – Purposes;

13 (b) Section 4302 – Relation to other law and plans or agreements;

14 (c) Section 4303(2),(4),(7) through (13),(15), and (16) and those  
15 portions of subparagraph (3) not relating to employment in a foreign  
16 country – Definitions;

17 (d) Section 4304 – Character of service;

18 (e) Section 4311 – Discrimination against persons who serve in the  
19 uniformed services and acts of reprisal prohibited;

20 (f) Section 4312 – Reemployment rights of persons who serve in the  
21 uniformed services;

22 (g) Section 4313 with the exception of that portion of subparagraph  
23 (a) dealing with reemployment of federal employees – Reemployment  
24 positions;

25 (h) Section 4316 – Rights, benefits, and obligations of persons  
26 absent from employment for service in a uniformed service;

27 (i) Section 4317 – Health plans; and

28 (j) Section 4318 – Employee pension benefit plans.

29 (2) This section applies to all members performing duty in active  
30 service of the state and to any person employed in Nebraska who is a  
31 member of the National Guard of another state and who is called into

1 active service by the Governor of that state.

2 (3) The proper appointing authority or employer may make a temporary  
3 appointment to fill any vacancy created by the absence of an officer or  
4 employee pursuant to this section. Such officer or employee shall not be  
5 discharged from his or her former or new position without justifiable  
6 cause within one year after reinstatement.

7 (4) The Commissioner of Labor shall enforce this section.

8 (5) The Adjutant General shall perform duties assigned to the  
9 Secretary of Defense, Secretary of Veterans Affairs, or Secretary of  
10 Labor in the portions of 38 U.S.C. Chapter 43 adopted under this section.

11 Sec. 2. Original section 55-161, Reissue Revised Statutes of  
12 Nebraska, is repealed.