

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 830

Introduced by Harr, 8.

Read first time January 08, 2016

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to state employees; to amend section 81-1328,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to vacation leave; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1328, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-1328 State employees shall, during each year of continuous
4 employment, be entitled to ninety-six working hours of vacation leave
5 with full pay.

6 State employees who complete five years of continuous employment by
7 the state shall be entitled to one hundred twenty hours of vacation leave
8 during their sixth year of employment and shall thereafter be entitled to
9 eight additional hours of vacation leave with full pay for each
10 additional year of continuous state employment up to a maximum of two
11 hundred hours of vacation leave a year. Vacation leave shall be earned in
12 accordance with the following schedule:

13	During 1st year of continuous employment	96 hours per year
14	During 2nd year of continuous employment	96 hours per year
15	During 3rd year of continuous employment	96 hours per year
16	During 4th year of continuous employment	96 hours per year
17	During 5th year of continuous employment	96 hours per year
18	During 6th year of continuous employment	120 hours per
19	year	
20	During 7th year of continuous employment	128 hours per
21	year	
22	During 8th year of continuous employment	136 hours per
23	year	
24	During 9th year of continuous employment	144 hours per
25	year	
26	During 10th year of continuous employment	152 hours per
27	year	
28	During 11th year of continuous employment	160 hours per
29	year	
30	During 12th year of continuous employment	168 hours per
31	year	

1 During 13th year of continuous employment 176 hours per
2 year

3 During 14th year of continuous employment 184 hours per
4 year

5 During 15th year of continuous employment 192 hours per
6 year

7 During 16th year of continuous employment 200 hours per
8 year

9 After 16th year of continuous employment 200 hours per
10 year

11 Employees who are regularly employed less than forty hours a week
12 shall be entitled to vacation leave proportionate to their regular
13 workweek. Any employee who has been employed by the Legislature or
14 Legislative Council shall, for vacation leave entitlement purposes, be
15 credited with one continuous year of employment for each two hundred
16 sixty working days such employee was employed by the Legislature or
17 Legislative Council.

18 As used in this section, state employee shall mean any person or
19 officer employed by the state including the head of any department or
20 agency, except when such a head is a board or commission, and who works a
21 full-time or part-time schedule on an ongoing basis.

22 For purposes of this section, an employee who has terminated
23 employment with the state for any reason other than disciplinary and who
24 returns to state employment within one year from the date of termination
25 shall have his or her service for vacation leave entitlement computed by
26 combining prior continuous service with current continuous service
27 disregarding the period of absence, except that an employee who has
28 retired or voluntarily terminated in lieu of retirement shall, if he or
29 she returns to state employment, be considered a new employee for the
30 purpose of vacation leave entitlement.

31 The vacation leave account of each employee shall be balanced as of

1 11:59 p.m. Central Standard Time on December 31 each calendar year. Each
2 employee shall be entitled to have accumulated as of such time the number
3 of hours of vacation leave which he or she earned during that calendar
4 year. Hours of vacation leave accumulated in excess of that number shall
5 be forfeited ~~lost~~. Any employee shall be entitled to use any vacation
6 time as soon as it has accrued. Any vacation time not used within one
7 calendar year following the calendar year during which the time accrued
8 shall be forfeited ~~lost~~. In special and meritorious cases, when to limit
9 the annual leave to the period therein specified would work a peculiar
10 hardship, such leave may be extended in the discretion of the Governor,
11 or in situations involving employees of the Legislature, in the
12 discretion of the Executive Board of the Legislative Council.

13 It is the responsibility of the head of an employing agency to
14 provide reasonable opportunity for an employee to use rather than forfeit
15 accumulated vacation leave. If an employee makes a reasonable written
16 request to use vacation leave before the leave must be forfeited under
17 this section and the employing agency denies the request, the employing
18 agency shall pay the employee the cash equivalent of the amount of
19 forfeited vacation leave that was requested and denied.

20 Each employee, upon retirement, dismissal, or voluntary separation
21 from state employment, shall be paid for unused accumulated vacation
22 leave. Upon the death of an employee, his or her beneficiary shall be
23 paid for unused accumulated vacation leave.

24 A permanent employee who is transferred from one agency to another
25 shall have his or her accrued vacation leave transferred to the receiving
26 agency.

27 The Director of Personnel shall adopt and promulgate such rules and
28 regulations as are necessary to administer this section.

29 Sec. 2. Original section 81-1328, Reissue Revised Statutes of
30 Nebraska, is repealed.