

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB305**

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**Hearing Date:** Monday February 04, 2019  
**Committee On:** Business and Labor  
**Introducer:** Crawford  
**One Liner:** Adopt the Healthy and Safe Families and Workplaces Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	4	Senators Chambers, Crawford, Hansen, M., Lathrop
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	3	Senators Halloran, Hansen, B., Slama

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**Oral Testimony:**

**Proponents:**

Sue Crawford  
Robert Sanford  
  
Kelsey Waldron  
Jose (Pete) Galvan  
Angie Lauritsen  
Karen Bell-Dancy  
Jina Ragland  
Ken Smith  
Susan Martin  
Gregory Lauby  
Spike Eickholt

**Representing:**

District 45 Senator  
Nebraska Coalition to End Sexual and Domestic Violence  
The Women's Fund of Omaha  
Women's Center for Advancement  
Survivors Rising  
YWCA Lincoln  
AARP Nebraska  
Nebraska Appleseed  
Nebraska State AFL-CIO  
Self, Wymore  
ACLU of Nebraska

**Opponents:**

John Albin  
Erin Ebeler Rolf  
  
Kathy Siefken

**Representing:**

Nebraska Department of Labor  
Lincoln Independent Business Association; State Chamber of Commerce; National Federation of Independent Business  
Nebraska Grocery Industry Association; Nebraska Retail Federation; Nebraska Restaurant Association

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 305 creates the Healthy and Safe Families and Workplaces Act which requires employers with four or more employees to provide paid sick and safe leave. Safe leave can be used for reasons relating to domestic violence, stalking, or domestic abuse.

Section-by-Section Summary:

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Section 1: Creates the Health and Safe Families and Workplaces Act.

Section 2: Definitions Section. Defines: Commissioner; Department; Domestic abuse; Domestic assault; Employee; Employer; Family member; Health care professional; Paid sick and safe time; Sexual assault; Stalking.

Employee includes both full-time and part-time employees.

Employer means private employer of four or more employees.

Paid sick and safe time must be compensated at the same hourly rate with the same benefits as the employee normally earns.

Section 3: Employees accrue a minimum of one hour of paid sick and safe time for every thirty hours worked and cannot accrue more than forty hours in a calendar year unless the employer allows. Accrual starts at commencement of employment and can be used by the employee beginning on the sixtieth calendar day following commencement of employment. Any employer with a paid leave policy who provides an amount of paid leave to meet the requirements of this act may use their existing policy to satisfy the requirements of this act. No financial or other reimbursement of unused leave is required. Employers are allowed to loan paid sick and safe time to the employee in advance.

Section 4: Employees can use paid sick and safe time for and employee or family member's mental or physical illness, injury, health condition, or preventive care. Leave can also be used for absence due to domestic abuse domestic assault, sexual assault, or stalking regardless of if a charge or conviction.

Leave shall be provided upon the oral request of an employee. An employer cannot require the employee to find a replacement worker to cover the hours. If the leave exceeds more than three consecutive workdays, an employer may require reasonable documentation. Documentation must be provided no later than thirty days after the first day of leave.

Section 5: Paid sick and safe leave cannot be interfered with and retaliatory action or adverse action against an employee is prohibited.

Section 6: Notice of paid sick and safe leave must be provided to new employees.

Section 7: The commissioner shall take reports of violations of this act and is authorized to investigate and assess an administrative penalty of not more than five hundred dollars for a first violation and not more than five thousand dollars for a second or subsequent violation. A person aggrieved by a violation of this act may bring a civil action in court and can recover the full amount of any unpaid sick and safe time; and attorney's fees.

Section 8: Employers may adopt a more generous leave policy than required by this act.

Section 9: The department of labor administers the act and may adopt rules and regulations.

Section 10: Severability clause.

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**Explanation of amendments:**

AM 592:

Removes the term domestic partner.

