

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 224

Introduced by Guereca, 7.

Read first time January 14, 2025

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to state employees; to define terms; and to

2 provide for paid maternity leave as prescribed.

3 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) For purposes of this section:

2 (a) Maternity leave means leave hours that the state provides to a
3 maternity leave eligible employee to bond with a child;

4 (b) Maternity leave eligible employee means an employee who:

5 (i) Is a state employee;

6 (ii) Gives birth to a child; and

7 (iii) Is assuming a parental role with respect to the child;

8 (c) Retaliatory action means to do any of the following to an
9 employee:

10 (i) Dismiss the employee;

11 (ii) Reduce the employee's compensation;

12 (iii) Fail to increase the employee's compensation by an amount that
13 the employee is otherwise entitled to or was promised;

14 (iv) Fail to promote the employee if the employee would have
15 otherwise been promoted; or

16 (v) Threaten to take any of the actions described in subdivisions
17 (1)(c)(i) to (iv) of this section; and

18 (d) State employee means any person or officer employed by the state
19 who works a full-time or part-time schedule on an ongoing basis.

20 (2) Maternity leave eligible employees who work a full-time schedule
21 shall be entitled to twelve weeks of paid maternity leave for the birth
22 of such employee's child. Maternity leave eligible employees who are
23 regularly employed less than forty hours per week shall be entitled to
24 maternity leave proportionate to their regular workweek.

25 (3) Maternity leave:

26 (a) May not be used before the day on which the maternity leave
27 eligible employee's child is born;

28 (b) May not be used more than six months after the day on which the
29 maternity leave eligible employee's child is born;

30 (c) May not be used intermittently, unless:

31 (i) By mutual written agreement between the state and the maternity

1 leave eligible employee; or

2 (ii) A health care provider certifies that intermittent leave is
3 medically necessary due to a serious health condition of the child; and

4 (d) Runs concurrently with any leave authorized under the Family and
5 Medical Leave Act of 1993, 29 U.S.C. 2601 et seq.

6 (4) A maternity leave eligible employee may not use more than twelve
7 weeks of paid maternity leave within a single twelve-month period.

8 (5)(a) Except as provided in subdivision (5)(b) of this section, a
9 maternity leave eligible employee shall give the state notice at least
10 thirty days before the day on which the employee plans to begin using
11 maternity leave under this section.

12 (b) If circumstances beyond the maternity leave eligible employee's
13 control prevent the employee from giving notice in accordance with
14 subdivision (5)(a) of this section, the employee shall give such notice
15 as soon as reasonably practicable.

16 (6) Except as provided in subdivision (3)(d) of this section, the
17 state shall not charge maternity leave under this section against sick,
18 vacation, compensatory, or other leave a maternity leave eligible
19 employee is entitled to.

20 (7) The state shall not compensate a maternity leave eligible
21 employee for any unused maternity leave upon termination of employment.

22 (8) Following the expiration of maternity leave under this section,
23 the state shall ensure that the maternity leave eligible employee may
24 return to:

25 (a) The position that the employee held before using maternity
26 leave; or

27 (b) A position with the state that is equivalent in seniority,
28 status, benefits, and pay to the position that the employee held before
29 using maternity leave.

30 (9) During the time a maternity leave eligible employee uses
31 maternity leave under this section, the employee shall continue to

1 receive all employment related benefits and payments at the same level
2 that the employee received immediately before beginning the maternity
3 leave, provided that the employee pays any required employee
4 contributions.

5 (10) The state shall not:

6 (a) Interfere with or otherwise restrain a maternity leave eligible
7 employee from using maternity leave in accordance with this section; or

8 (b) Take retaliatory action against a maternity leave eligible
9 employee for using maternity leave in accordance with this section.