

# EMPLOYMENT LAW SUMMARY

## Nebraska: Employee Leave Laws—Overview



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Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, Nebraska employers must comply with state employment laws requiring employee leave for specific purposes.

Employers must also follow federal laws not addressed here, such as the Family and Medical Leave Act, that require employee leave.

Nebraska has state laws that mandate:

- Jury duty leave;
- Emergency responder leave;
- Voting leave;
- Adoption leave; and
- Family military leave.

### Overview of Nebraska Employee Leave Laws

Type of Leave	Requirements
<b>Jury Duty Leave</b>	<p>An employer must allow <b>paid leave</b> for any employee who is summoned to serve on a jury for the duration of the jury service. Workers on jury duty must be excused on request from shift work without loss of pay. Employers may not discharge or otherwise penalize an employee due to an absence related to jury duty. Employees must provide employers reasonable notice of their summons for jury duty.</p> <p>An employer may deduct an employee's pay by an amount equal to the compensation the employee received from the court for jury service, but it may not subject the employee to loss of sick leave, vacation time or any other penalty for taking time off for jury duty.</p>
<b>Emergency Responder Leave</b>	<p>Employers are prohibited from terminating or taking any adverse action against an employee who is a volunteer emergency responder and is absent or late to work due to responding to an emergency in their volunteer capacity. To be eligible for this protection, the employee must have been deployed prior to the time the employee was to report to work.</p>

Type of Leave	Requirements
<b>Voting Leave</b>	<p>Employees who are registered voters must be allowed up to <b>two consecutive hours of paid time</b> off from work to vote on an election day. Employees must apply for leave in advance of election day, and the employer may specify the hours which the employee may take leave.</p> <p>Employees who have at least two consecutive hours of non-work time when the polls are open to vote are not eligible for leave. In addition, employers may allow an employee less than two hours of leave if the time away from work combined with the employee's non-work time is at least two consecutive hours between the opening and closing of the polls.</p>
<b>Adoptive Parent Leave</b>	<p>If an employer has a policy that allows an employee to take a leave of absence upon the birth of the employee's child, then the employer is required to provide an adoptive parent the same leave on the same terms following the placement of the child with the employee. Leave is not required to be granted if:</p> <ul style="list-style-type: none"> <li>•The child being adopted is a special needs child over 18 years old;</li> <li>•The child is over 8 years old and is not a special needs child;</li> <li>•The child is a stepchild being adopted by his or her stepparent;</li> <li>•The child is a foster child being adopted by his or her foster parent; or</li> <li>•The child was originally under a voluntary placement for purposes other than adoption without assistance from an attorney, physician or other individual or agency which later resulted in a petition for the child's adoption by the person with whom the voluntary placement was made.</li> </ul>
<b>Family Military Leave Act</b>	<p>Employers with 15 or more employees must allow an eligible employee unpaid family military leave if the employee is a spouse or parent of a person called to military service lasting 179 days or longer, as follows:</p> <ul style="list-style-type: none"> <li>•Employers with <b>15 to 50 employees</b> must provide up to <b>15 days of unpaid leave</b> to an eligible employee during the time federal or state deployment orders are in effect.</li> <li>•Employers with <b>more than 50 employees</b> must provide up to <b>30 days of unpaid leave</b> to an eligible employee during the time federal or state deployment orders are in effect.</li> </ul> <p>To be eligible, an employee must have been employed for at least 12 months and worked at least 1,250 hours for a covered employer during the 12-month period preceding the leave.</p> <p>Employers must allow employees on leave to continue their benefits at the employee's expense. Additionally, an employee may not lose any employment benefit accrued prior taking family military leave. Employees returning from family military leave must be restored to the position held prior to the leave or to a position with the same status, benefits, pay and other terms and conditions of employment.</p> <p>Employees seeking leave must give notice and employers may require documentation to verify an employee's leave request.</p>

**SPECIAL NOTE:** The information in this chart focuses on statewide laws. Cities, towns and counties across the country have also enacted employee leave ordinances. Employers must generally comply with both local and statewide law where it applies.

## More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in Nebraska.

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