

NEBRASKA HEALTHY FAMILIES AND WORKPLACE ACT

Paid Sick Time Frequently Asked Questions (FAQs)

Disclaimer:

The information provided in this FAQ is intended for general guidance and informational purposes only. All cases are subject to review by the Nebraska Department of Labor on an individual basis. The Department may assess each situation according to its specific circumstances, applicable laws, and regulations. For specific advice or assistance regarding your situation, we encourage you to consult with a qualified legal professional.

Pending legislation may impact our FAQ's. Please check back regularly for updates.

1. When does the Nebraska Healthy Families and Workplaces Act take effect?

Nebraska Healthy Families and Workplaces Act takes effect **October 1, 2025**.

2. Are employers required to provide notice to employees regarding the Act?

Yes. Employers must provide written notice of this Act to employees by **September 15, 2025** or commencement of employment, whichever is later. Additionally, employers must display a poster containing the information required in the notice. If an employer does not maintain a physical workplace or an employee teleworks or performs work through a web-based or app-based platform, the employer shall provide notice of such information via electronic communication or a conspicuous posting in the web-based or app-based platform.

The Department will provide model notices and posters free of charge on the NDOL's home page prior to **September 15, 2025**.

3. Does paid sick time under the Nebraska Healthy Families and Workplaces Act apply to all employer sizes?

Yes. The Nebraska Healthy Families and Workplaces Act applies to all employers.

Small businesses are businesses that have between 1-19 employees. Small businesses are required to provide accrual of at least 40 hours of paid sick time in a year.

Businesses with 20 or more employees are required to provide accrual of at least 56 hours of paid sick time in a year.

4. Who is entitled to accrue paid sick time under the Act?

All employees (whether full-time, part-time, temporary, etc.) who work at least 80 hours in a calendar year in Nebraska are entitled to accrue paid sick time unless otherwise exempt under the Act.

5. Does an existing leave policy satisfy the requirements of the Act?

Any employer with a paid leave policy, such as a paid time off policy, who makes available an amount of paid leave sufficient to meet the requirements of the Nebraska Healthy Families and Workplaces Act that may be used for the same purposes and under the same conditions as paid sick time under the Act is not required to provide additional paid sick time.

6. To determine business size, does an out of state employer include employees that work in Nebraska as well as employees that work in other states?

For the purposes of determining business size, the Department will only include individuals that worked at least 80 hours in the state of Nebraska for the out of state employer in a calendar year.

7. Do I remain a small business if my employee count fluctuates throughout the year or year to year?

Small business does not include an employer that maintained twenty (20) or more employees on its payroll in each of twenty (20) or more calendar weeks in the current or preceding calendar year.

8. If an employer has multiple businesses in Nebraska, is each company looked at separately in calculating the 20-employee threshold?

Whether an employer meets the 20-employee threshold will be reviewed by the Department on a case-by-case basis, taking into account whether each entity was considered a separate employer for other legal purposes including taxes, unemployment insurance and workers' compensation coverage as well as the relationship between the entities. Employers should consult with a financial or legal advisor regarding whether each business entity would be considered a separate employer.

9. Can an employer front load paid sick time at the beginning of the year?

Yes, provided the amount that is front loaded is greater than or equal to the amount required within the Act.

10. How does an employer handle the accrual of paid sick time if the employer front loads time and the employee is not hired at the beginning of the designated benefit year?

An employer designates when the benefit year starts and ends. For example, if an employer's benefit year begins on January 1st and the employer front loads paid sick time on that date, for an employee who is hired on any other date throughout the year, the employer will need to ensure that the employee accrues paid sick time in an amount equal to or greater than the time provided for under the Act until the beginning of the next benefit year.

11. How is paid sick time accrued under the Nebraska Healthy Families and Workplaces Act?

Employees accrue 1 hour of paid sick time for every 30 hours worked. Small businesses with 1-19 employees must provide at least 40 hours of paid sick time per year. Businesses with 20 or more employees must provide at least 56 hours of paid sick time per year.

This does not prevent an employer from allowing employees to earn more than the Act requires.

12. Does accruing paid sick time begin upon commencement of employment or after the employee has worked 80 hours?

Employees begin accruing paid sick time upon commencement of employment or October 1, 2025, whichever is later.

13. At what rate must accrued paid sick time be compensated?

Paid sick time is compensated at the employee's regular rate of pay at the time it's used or paid out.

For employees who do not have a set regular pay rate (commission, mileage, piece-rate, etc.), sick time must be paid out at no less than Nebraska's current minimum wage.

14. In what increments can an employee use paid sick time?

An employee may use paid sick time in either hourly increments or smaller increments if the employer's payroll system accounts for absences in those smaller increments. Employers must allow at least hourly increments.

15. How does accrued paid sick time carryover year to year?

All accrued paid sick time shall be carried over to the following year. An employer designates when the year starts and ends. There is no maximum carryover.

Alternatively, in lieu of carry over, an employer may choose to pay out accrued but unused paid sick time provided that the employee begins the new year at or above the minimum paid sick time requirement.

Despite the requirement that paid sick hours be carried over, the employer is not required to permit an employee to use more than the maximum yearly amount of paid sick time provided within the Act (either 40 or 56 hours).

16. Do employees accrue paid sick time while using paid sick time?

An employee accrues the same benefits during time taken for paid sick time as they typically earn during hours worked.

17. What are an employer's requirements for tracking accrual and usage of paid sick time?

An employer is required to provide employees a statement of the following on each regular pay period: amount of paid sick time available, amount of paid sick time taken, and amount of pay the employee has received as paid sick time. This requirement can be satisfied with an online system to which the employees have access. The employer must be able to demonstrate to the Department how many hours the employee worked, how much paid sick time the employee accrued and how much paid sick time the employee was permitted to use.

18. What can an employee use paid sick time for?

Paid sick time may be used for the following:

- a) An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
- b) Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventive medical care; or in the case of a child, to attend a meeting necessitated by the child's mental or physical illness, injury, or health condition, at a school or place where the child is receiving care; or
- c) Closure of the employee's place of business by order of a public official due to a public health emergency; an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or an employee's need to self-isolate or care for the employee or a family member when it has been determined by the health authorities having jurisdiction or by a health care professional that the employee's or family member's presence in the community may jeopardize the health of others because of exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

19. Who is a family member for purposes of the Act?

The definition of family member for purposes of the Act is broad, any individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship is considered a family member under the Act. Examples of who meet this definition include:

- A biological, adopted, or foster child, a stepchild, a legal ward, or a child to whom the employee stands in *loco parentis*;
- A biological, foster, step, or adoptive parent or a legal guardian of an employee or an employee's spouse;
- A person who stood in *loco parentis* to the employee or the employee's spouse when the employee or employee's spouse was a minor child;
- A person to whom the employee is legally married under the laws of any state; and
- A grandparent, grandchild, or sibling, whether of a biological, foster, adoptive, or step relationship, of the employee or the employee's spouse.

20. Is an employee required to give notice before using paid sick time?

Notice is only required if the employer has a written policy requiring an employee to give notice of the need to use paid sick time. The employer must provide the employee the written policy containing reasonable procedures for employees to provide notice. An employer that has not provided the employee with a copy of the written policy shall not deny paid sick time to the employee.

21. Does an employee have to find someone to cover their shift in order to use paid sick time?

No. An employer cannot require, as a condition of an employee taking paid sick time, that the employee search for or find a replacement worker to cover the hours that the employee intends to use as paid sick time.

22. Can an employer require reasonable documentation to verify an employee's use of paid sick time?

An employer may require reasonable documentation for use of accrued paid sick time if the employee has used paid sick time for more than three (3) consecutive workdays.

23. What is considered reasonable documentation for purposes of the Act?

Reasonable documentation shall include documentation signed by a health care professional indicating that paid sick time is or was necessary.

If the employee or a family member did not receive services from a health care professional or if documentation cannot be obtained from a health care professional in reasonable time or without added expense, a written statement from the employee indicating that the employee is taking or took paid sick time for a qualifying purpose shall be considered reasonable documentation.

24. If an employer has an attendance point system or absence control system, what impact does the Act have on such a policy?

An employer may not count paid sick time taken under the Act as an absence that may lead to or result in a retaliatory personnel action or any other adverse action. After an employee has exhausted all paid sick time that he or she is entitled to use under the Act, an employer may then apply its normal absence control policy.

25. Is accrued paid sick time required to be paid out upon separation of employment?

No. Paid sick time is not required to be paid out upon separation of employment. However, should the employer have a combined PTO policy (vacation and sick) all accrued but unused paid time off shall be due as wages pursuant to the Nebraska Wage Payment & Collection Act.

26. How do I file a complaint?

NDOL will have a form available on our website for individuals to file a complaint.