

NE Paid Sick Leave

Effective October 1, 2025, Nebraska's Healthy Families & Workplaces Act takes effect. In short, businesses with 10 or more employees must implement paid sick leave as defined by the Department of Labor. **Notice must be given to employees by September 15th.**

Who does this effect? Nebraska's Healthy Families and Workplaces Act applies to all employers/employees that work in Nebraska EXCEPT:

- ✓ Temporary and seasonal agricultural employees,
- ✓ Workers under age 16 who do not have dependents or are not emancipated,
- ✓ Businesses with 10 or fewer employees,
- ✓ Employees who work fewer than 80 hours annually.
- ✓ Employers with a paid leave policy, such as a PTO, 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.

**Does not apply to independent contractors.*

What do small businesses have to do? Eligible employers must implement a paid sick leave policy that include these requirements, at a minimum.

- ✓ Employees must accrue at least one (1) hour of paid sick time for every 30 hours worked. Employers can either provide paid sick time on an accrual basis (earned overtime) or frontload it at the beginning of the year.
- ✓ Employees 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.
- ✓ Businesses with 20 or more employees must provide at least 56 hours of paid sick time annually. Small businesses with 11-19 employees must provide at least 40 hours.
- ✓ Employees must accrue the same benefits during time taken for paid sick time as they typically earn during hours worked.
- ✓ Eligible employees will begin accruing leave after 80 hours of consecutive employment.

- ✓ Employees can use paid sick time for their own illness, for a family member's illness, or for preventative medical care of a family member. A "family member" includes biological, adopted, or foster children, parents, spouses, and other individuals related by blood or close association. Paid sick time can also be used during a public health emergency that closes a business or school.
- ✓ Paid sick time must be 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.
- ✓ Employers can only require reasonable documentation to verify the need for paid sick time if an employee misses more than three (3) consecutive workdays. 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.
- ✓ Notice to use sick pay is only required if the employer has a written policy requiring employees to give notice of the need to use paid sick time. Employers must provide employees with the written policy containing reasonable procedures for employees to provide notice. An employer that has not provided employees with a copy of the written policy shall not deny paid sick time to the employee.
- ✓ Employers cannot require that employees search for or find a replacement worker to cover the hours that the employee intends to use as paid sick time.
- ✓ An employer may not count paid sick time taken 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, an employer may then apply its normal absence control policy.
- ✓ 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. 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.
- ✓ Employers are not required to pay out employees for unused paid sick time when they leave their place of employment. Employees who are rehired within 12 months will have their unused sick time reinstated. When an employer has 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.

- ✓ Employers are required to provide employees with 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.
- ✓ Employees cannot waive their rights under the act.
- ✓ What are small business deadlines?
- ✓ Nebraska's Healthy Families and Workplaces Act takes effect **October 1, 2025**.
- ✓ Employees begin accruing paid sick time upon commencement of employment or October 1, 2025, whichever is later.
- ✓ 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. Employers must provide notice in English and any other language spoken by at least 5% of their workforce.

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