

## SURVIVOR STATE EMPLOYMENT GUIDE

# NEBRASKA

### INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Nebraska has not enacted a state law regarding anti-discrimination protections for domestic violence, sexual assault and/or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### REASONABLE ACCOMMODATIONS

At the time of publication, Nebraska has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### LEAVE/TIME OFF WORK

- **Paid Sick Days:** In Nebraska, (**Neb. Rev. Stat. § 81-1320**), permanent employees of the State of Nebraska must be provided with paid sick leave which is accrued at a rate based on years of service. In Nebraska, at the time of publication, private sector employers are not required by law to provide employees with sick leave, paid or unpaid.
- **Time Off for Crime Victims:** In Nebraska, there is no law that requires employers to provide time off, either paid or unpaid, to crime victims. However, Nebraska law (**Neb. Rev. Stat. § 81-1848(2)(h)**), does encourage employers not to take any adverse action against employees who are cooperating with the criminal justice system as a victim or witness for missing work and encourages employers to take action ("employer intercession services") to minimize lost pay and benefits as a result of cooperating with the criminal case.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

### UNEMPLOYMENT INSURANCE

In Nebraska, generally an individual who leaves work without good cause is ineligible for unemployment insurance benefits. However, under **Neb. Rev. Stat. § 48-628.13(1)** an individual who leaves work—after

making all reasonable efforts to preserve their employment—for the necessary purpose of escaping abuse at the place of employment, or **abuse “between household members,”** (sometimes referred to as “spousal abuse”) is considered to have left for “good cause” and therefore is eligible.

- *Do I have to show proof of domestic violence?* While Nebraska law does not include a specific documentation requirement, the Nebraska Department of Labor may request information related to a claim for unemployment benefits to establish eligibility for benefits and/or “good cause” for voluntary separation from employment.