

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 240

Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to study the need for potentially amending the Nebraska Wage Payment and Collection Act (Act). On May 3, 2013, the Nebraska Supreme Court ruled in Fisher v. PayFlex Systems USA, 285 Neb. 808, that workers must be paid by their employers for earned but unused paid time off (PTO) when leaving employment. The issue in that case was whether a 2007 amendment to section 48-1229 of the Act permits an employer to not pay unused PTO benefits to separating employees even though the statute requires the payment of unused vacation leave, and despite a provision in employer policy that PTO benefits on separation would not be paid. This study shall examine the Supreme Court's ruling, the legislative intent of section 48-1229, whether there is any ambiguity in the law, whether the term "vacation leave" should be defined, if clarification by further amendment of the Act is required, and any other related issues the study committee deems necessary or appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.