

LEGISLATIVE BILL 1030

Approved by the Governor May 28, 1971

Introduced by Committee on Appropriations, Richard D. Marvel, 33rd District, Chairman; Fern Hubbard Orme, 29th District; John S. Savage, 10th District; Robert L. Clark, 47th District; Elmer Wallwey, 17th District; David H. Stahmer, 8th District

AN ACT to amend sections 81-1302, 81-1303, 81-1304, 81-1305, 81-1306, 81-1307, 81-1310, 81-1312, and 81-1313, Revised Statutes Supplement, 1969, and section 81-1311, Revised Statutes Supplement, 1969, as amended by section 1, Legislative Bill 106, Eighty-second Legislature, First Session, 1971, relating to the state personnel system; to create the Department of Personnel as prescribed; to redefine terms; to provide duties for the Director of Personnel as prescribed; to transfer the duties of state personnel service and Personnel Director to the Department of Personnel and Director of Personnel as prescribed; to provide for the salary of the Director of Personnel; to repeal the original sections, and also section 81-1317, Revised Statutes Supplement, 1969; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-1302, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1302. As used in sections 81-1301 to 81-1317, unless the context otherwise requires:

(1) Gender when referring to masculine also includes feminine;

(2) State personnel service shall refer to the personnel system established by the provisions of sections 81-1301 to 81-1317 together with those aspects of personnel systems established under any other law as such systems may be affected by the provisions of sections 81-1301 to 81-1317;

(3) Position shall mean an office or employment in an agency of this state, whether part-time or full-time, temporary or permanent, and whether occupied

or vacant, or existing for the performance of specific duties;

(4) Employee shall mean any person in the employ of an agency or department who receives a salary or wage;

(5) Position title shall mean the title assigned a position having discrete characteristics relative to the duties, responsibilities, skills, training, experience and other factors under the state position classification plan;

(6) Job description shall mean the description of duties, responsibilities, typical tasks to be performed, degree of supervision to which subject or for which responsible, and the conditions under which an incumbent in a given position shall perform, for each class and position in the state service;

(7) Pay grade shall mean a specified range of salary or wage, the starting and intermediate rates within such range, and the maximum rate of such range as may be approved by legislative enactment;

(8) Position classification plan shall mean the system of classifying each position in the state service in accordance with the kinds of skills, experience, working conditions, and other factors peculiar to each and the structuring of classes of positions in accordance with the different kinds of treatment necessary for each class and the positions within each class;

(9) Salary or pay plan shall mean a plan by which positions, as previously arranged under the classification plan, are evaluated by classes in relation to one another, by which pay grades are specified for each class of positions, and which is governed by a set of fundamental rules authorizing and controlling changes in the pay of classes of positions and their incumbents as may be provided for by law and rules and regulations promulgated pursuant to such law;

(10) Fiscal year shall mean the twelve months between July 1 of one year and June 30 of the next succeeding year;

(11) Biennium shall mean the twenty-four months between July 1 of the calendar year in which the Legislature convenes in regular session and June 30 of the year following the next succeeding calendar year;

(12) Certification of employee or applicant shall mean the act of the Personnel Director of Personnel by which a candidate for employment by an agency of the state or an employee of an agency of the state shall have been found minimally qualified for the duties of the position sought or held and which shall then authorize such an applicant to be employed or retained, as the case may be;

(13) Certified employee shall mean an employee of the state who has been examined as deemed appropriate by the Personnel Director of Personnel and who has been found minimally qualified for the position he or she holds;

(14) Qualified shall mean with reference either to a candidate for employment, or an employee, that he has been examined by appropriate means and found to possess the minimum ability, the minimum requirements of training, experience, and other requirements for the position sought or held and may therefor be certified as eligible for employment in such position;

(15) Job specifications shall mean a formal statement of skills, experience, personal qualities, education and other factors to be required of persons who hold or seek employment for each position in the state's service;

(16) Recruiting shall mean the act or actions through which potentially qualified persons are caused to apply for employment with any agency of the state;

(17) Examination shall mean the identification of minimum requirements for filling a position in the state's service through objectively rated written examination, performance tests, review of credentials, review of employment references, oral interview, or any combination of such activities as may be deemed appropriate by the Personnel Director of Personnel:

(18) Register shall mean an official list containing the names and other appropriate data on each person who shall have qualified for employment for each position in the state service;

(19) Appointment shall mean the act by which a candidate for employment shall become an employee of the state;

(20) Classification shall mean the process by which the duties, responsibilities, working conditions,

skills required, experience required, supervision received or exercised, or both, and other factors relative to a position are established in proper relationship to the same factors for all other positions in the state service and from which there shall result a job description, job specifications and assignment to a pay grade for the position so affected;

(21) Budget division shall mean the organizational subunit within the Department of Administrative Services having responsibility for preparation of recommendations, prescribing procedures for compilation of, and administration of the Governor's budget;

(22) Staffing pattern shall mean the number of positions in each class and the specific classes of positions as may be authorized for each department or agency of state government by the budget division;

(23) Authorized position shall mean any position the creation of which has been approved by the budget division;

(24) Merit increase shall mean any increase in the rate of pay for any position in the state's service beyond the starting rate and which shall be provided for by the pay plan and which shall be granted in recognition of length of service, superior or outstanding performance or as otherwise provided for by law; and

(25) Certification of payrolls shall mean the review of all payrolls or payroll vouchers by the ~~Personnel~~ Director of Personnel to assure the propriety of rates of pay, position classification, merit increases, staffing pattern, and other factors as may be provided by law and the affixing of his statement that each of the employees covered by such payroll or voucher is properly provided for thereon and may be issued a warrant for the amount provided thereon;

(26) Director shall mean the Director of Personnel; and

(27) Department shall mean the Department of Personnel.

Sec. 2. That section 81-1303, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1303. There is hereby created a--State an executive department to be known as the Department of Personnel Office to be headed by a Personnel Director of Personnel. The Personnel--Director director shall be appointed ~~for an indefinite term~~ by the Governor subject to confirmation by the Legislature. ~~The--Personnel Director shall be subject to removal for cause following an opportunity for a public hearing.~~

Sec. 3. That section 81-1304, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1304. Any person who is a graduate of an accredited four-year college or university and who has at least five years of progressively responsible experience in development and administration of a public or private personnel program, including responsibility for development and administration of company or agency policies, supervision of staff or programs, negotiations of personnel matters with other agencies or organizations and a demonstrated knowledge of public personnel administration, testing, classification, wage and salary administration, recruiting, certification, and modern office procedures may be appointed as Personnel Director of Personnel: Provided, that not more than two years' experience as a full-time paid faculty member with primary responsibilities for teaching in public or business administration, industrial engineering, sociology or psychology may be substituted for two of the five years' experience required; and provided further, that not more than one year of graduate training in one of the foregoing fields may be substituted for one year of experience.

Sec. 4. That section 81-1305, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1305. The compensation of the Personnel Director of Personnel shall be ~~determined--by--the assignment of a position classification--and--pay--grade for his position when such plans have been developed and installed--in the event--there--shall--be--no--position classification and pay plans in effect at--the--time--an appointment of--the--Personnel--Director--is--made,--his compensation shall be~~ fixed by the Governor.

Sec. 5. That section 81-1306, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1306. The Personnel Director of Personnel shall ~~appoint--all--employees--of--the--State--Personnel Office,--except--as--otherwise--provided--by--law,--and--shall~~

have authority to fix the position title and pay grade for such employees; employ the necessary personnel to carry out the provisions of sections 81-1301 to 81-1319, except as otherwise provided by law, and subject to the amount of funds appropriated to the agency.

Sec. 6. That section 81-1307, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1307. The ~~Personnel~~ Director of ~~Personnel~~ shall be responsible for the administration of the State ~~Department of Personnel, Office:~~ Subject to the review powers of the State Personnel Board, the ~~Personnel Director~~ director shall be responsible for development of recommendations on personnel policy and for development of specific administrative systems and shall have the authority to make and enforce rules and regulations pertaining thereto. Specific administrative systems for which the ~~Personnel--Director~~ director is responsible shall include but not be limited to the following:

(1) Employment Services:

(a) General employment policies and procedures;

(b) Position classification plans;

(c) Job descriptions;

(d) Job specifications;

(e) Salary or pay plans;

(f) Staffing patterns; and

(g) Recruiting, examination and certification of qualified applicants for employment and the maintenance of registers of qualified candidates for employment for all positions in state government;

(2) Personnel Records:

(a) A system of records and statistical reports containing general data on all employees, including current salary levels and such other information as may be required by the operating needs of state departments and agencies and the budget division of the Department of Administrative Services; and

(b) Standards for the development and maintenance of personnel records to be maintained within

operating departments of the state government;

(3) Personnel Management:

(a) Minimum standards for evaluation of employee efficiency and a system of regular evaluation of employee performance;

(b) Administrative guidelines governing such matters as hours of work, promotions, transfers, demotions, probation, terminations and reductions in force, salary actions, and other such matters as may not be otherwise provided for by law;

(c) Administrative policies and general procedural instructions for use by all state agencies relating to such matters as employee benefits, vacation, sick leave, holidays, insurance, sickness and accident benefits and other employee benefits as the Legislature may from time to time prescribe; and

(d) A system of formally defined relationships between the ~~State--Personnel--Office~~ department and departments and agencies to be covered by the state personnel system;

(4) Salary and Wage Survey:

(a) A current survey of prevailing salary and wage levels for positions comparable to those predominant in the departments and agencies of the state. Such survey shall be used to review the adequacy of current salary ranges for positions in the state government and shall be the basis for establishment and any revision of the state pay plan; when approved by the Legislature the pay plan shall prescribe rates of pay for each class of nonexempt position, laws to the contrary notwithstanding; and

(b) A survey of salary and wage rates for positions exempted from coverage by either the Joint Merit System Council or the state personnel service, including but not limited to the faculty and administrators of the state colleges and the University of Nebraska, exempted constitutional offices, and other positions compensation for which is fixed by law; and

(5) Payroll Certification and Staffing Patterns: The ~~Personnel-Director~~ director shall work with the budget division of the Department of Administrative Services in the provision of certified information or in the performance of work as necessary to assure the

following:

(a) That payrolls of all departments and agencies of the state government consist of employees who have been authorized for those departments and agencies by the budget division of the Department of Administrative Services;

(b) That staffing patterns for each department and agency of state government conform with those authorized by the budget division;

(c) That revisions to staffing patterns of all state departments and agencies have been approved by the budget division;

(d) That each monthly or other payroll of each department and agency of state government is reviewed to assure that salary increases for any employee are in accordance with the approved state pay plan and that all actions affecting payrolls have been authorized by the budget division;

(e) That merit increases provided for any employee of the state are the result of positive action by the appropriate supervisor;

(f) That the state's pay plan, as enacted by the Legislature, together with such amendments as may occur, is explained in appropriate handbooks for employees of the state;

(g) That pay plans covering any position or positions exempted from the state personnel service are reviewed by the ~~Personnel~~ Director of Personnel; and

(h) That comparative salary data is prepared biennially for all positions exempted from the state personnel service.

Sec. 7. That section 81-1310, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1310. The ~~Personnel~~ Director of Personnel shall review the operations of the Joint Merit System as provided by sections 81-8,106 and 81-8,107, its organization, policies, systems and procedures, and shall, wherever possible, cause to be eliminated any existing provision which duplicates in any manner features provided for by sections 81-1301 to 81-1317 or those regulations issued under authority of the state personnel service established by the provisions of

sections 81-1301 to 81-1317.

Sec. 8. That section 81-1311, Revised Statutes Supplement, 1969, as amended by section 1, Legislative Bill 106, Eighty-second Legislature, First Session, 1971, be amended to read as follows:

81-1311. The departments and agencies of the state shall have the following responsibilities:

(1) To appoint persons eligible and qualified for employment;

(2) To promote to a new or vacant position any eligible and qualified employee;

(3) To maintain a continuous supervision of all of the positions in the department or agency, to ascertain that current position titles and job descriptions are accurate, and to initiate action for a reclassification;

(4) To terminate the employment of or to demote any employee or to transfer any employee from one to another of such organization subcomponents as may exist, or to take appropriate disciplinary action;

(5) To see to the administration within the department or agency of such employee performance evaluation systems as may be prescribed by the Personnel Director ~~director~~:

(6) To initiate all merit increases for employees of the department or agency; and

(7) To see to the development of and maintenance of such records of the personnel of the department or agency as may be required by the operating needs of the department or agency or the Personnel-Director ~~director~~, and to provide such information concerning employees of the department or agency as may be required by the Personnel-Director ~~director~~: and

(8) To designate one or more representatives to work with the State Personnel Office in the development of the state personnel service.

Sec. 9. That section 81-1312, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1312. (1) The Personnel Director of Personnel may, for reasons of practical difficulties

anticipated or experienced in the development of the state personnel service, in anticipation of practical problems during the transition to effective operation of the several technical aspects of the state personnel service by the staff of the State Department of Personnel Office by reason of existence of agency personnel offices which, in the judgment of the Personnel-Director director, have adequate capability to undertake responsibilities for development of or administration of the provisions of sections 81-1301 to 81-1317, or for the convenience of either the State Personnel-Office department or the individual agencies of state government, or both, delegate responsibility for administration of any of the requirements of the provisions of sections 81-1301 to 81-1317 to any department or agency. Such delegation shall be limited to the administration of the provisions of sections 81-1301 to 81-1317 or of the provisions of policies, rules and regulations promulgated under the provisions of sections 81-1301 to 81-1317, as such provisions may affect the individual department or agency.

(2) The Personnel--Director director may make such arrangements for the production, development, or maintenance of records and reports as may be necessary, relying for such arrangements on the facilities of other state agencies.

(3) Any position, or positions within any agency, exempted from coverage by the provisions of the Constitution of the State of Nebraska or by sections 81-1301 to 81-1317, may be covered by the state personnel service through specific agreement between the exempted agency, or the agency having responsibility for exempted positions, and the State--Personnel--Office department.

Sec. 10. That section 81-1313, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1313. As soon as it may be practical but in any event not later than six years from the beginning of the fiscal year next following July 22, 1967, the state personnel service shall be operative as to all persons employed in positions covered by the provisions of sections 81-1301 to 81-1317. Beginning July 1, 1971, the state personnel service shall be operative as defined in the provisions of sections 81-1301 to 81-1319. The Director of Personnel shall on July 1, 1971, and each successive year thereafter provide to the Budget Division of the Department of Administrative

Services and the Legislative Fiscal Analyst a copy of the proposed classification and pay plans for the following fiscal year.

Sec. 11. That original sections 81-1302, 81-1303, 81-1304, 81-1305, 81-1306, 81-1307, 81-1310, 81-1312, and 81-1313, Revised Statutes Supplement, 1969, and section 81-1311, Revised Statutes Supplement, 1969, as amended by section 1, Legislative Bill 106, Eighty-second Legislature, First Session, 1971, and also section 81-1317, Revised Statutes Supplement, 1969, are repealed.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.