

AMENDMENTS TO LB 808

(Amendments to AM2210)

Introduced by Raikes, 25

1           1. Insert the following new sections:

2           Sec. 6. Section 23-114.03, Revised Statutes Cumulative  
3 Supplement, 2004, is amended to read:

4           23-114.03 Zoning regulations shall be adopted or amended  
5 by the county board only after the adoption of the county  
6 comprehensive development plan by the county board and the  
7 receipt of the planning commission's specific recommendations or  
8 by adopting temporary zoning as provided in sections 23-115 to  
9 23-115.02. Such zoning regulations shall be consistent with an  
10 adopted comprehensive development plan and designed for the purpose  
11 of promoting the health, safety, morals, convenience, order,  
12 prosperity, and welfare of the present and future inhabitants  
13 of Nebraska, including, among others, such specific purposes as:

- 14           (1) Developing both urban and nonurban areas;
- 15           (2) Lessening congestion in the streets or roads;
- 16           (3) Reducing the waste of excessive amounts of roads;
- 17           (4) Securing safety from fire and other dangers;
- 18           (5) Lessening or avoiding the hazards to persons and  
19 damage to property resulting from the accumulation or runoff of  
20 storm or flood waters;
- 21           (6) Providing adequate light and air;
- 22           (7) Preventing excessive concentration of population and

1 excessive and wasteful scattering of population or settlement;

2 (8) Promoting such distribution of population, such  
3 classification of land uses, and such distribution of land  
4 development as will assure adequate provisions for transportation,  
5 water flowage, water supply, drainage, sanitation, recreation, soil  
6 fertility, food supply, and other public requirements;

7 (9) Protecting the tax base;

8 (10) Protecting property against blight and depreciation;

9 (11) Securing economy in governmental expenditures;

10 (12) Fostering the state's agriculture, recreation, and  
11 other industries;

12 (13) Encouraging the most appropriate use of land in the  
13 county; and

14 (14) Preserving, protecting, and enhancing historic  
15 buildings, places, and districts.

16 Within the area of jurisdiction and powers established  
17 by section 23-114, the county board may divide the county into  
18 districts of such number, shape, and area as may be best suited  
19 to carry out the purposes of this section and regulate, restrict,  
20 or prohibit the erection, construction, reconstruction, alteration,  
21 or use of nonfarm buildings or structures and the use, conditions  
22 of use, or occupancy of land. All such regulations shall be  
23 uniform for each class or kind of land or buildings throughout  
24 each district, but the regulations in one district may differ  
25 from those in other districts. ~~Counties shall determine whether~~  
26 ~~nonfarm buildings used as residences shall be subject to a county's~~  
27 ~~respective zoning regulations and permit requirements.~~ An official

1 map or maps indicating the districts and regulations shall be  
2 adopted, and within fifteen days after adoption of such regulations  
3 or maps, they shall be published in book or pamphlet form or once  
4 in a legal newspaper published in and of general circulation in the  
5 county or, if none is published in the county, in a legal newspaper  
6 of general circulation in the county. Such regulations shall also  
7 be spread in the minutes of the proceedings of the county board and  
8 such map or maps filed with the county clerk. The county board may  
9 decide whether buildings located on farmsteads used as residences  
10 shall be subject to such county's zoning regulations and permit  
11 requirements.

12 For purposes of this section and section 23-114.04,  
13 nonfarm buildings are all buildings except those buildings utilized  
14 for agricultural purposes on a farmstead of twenty acres or more  
15 which produces one thousand dollars or more of farm products each  
16 year.

17 Sec. 7. Section 23-2517, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 23-2517 (1) Sections 23-2517 to 23-2533 and sections 9 to  
20 12 of this act shall be known and may be cited as the County Civil  
21 Service Act.

22 (2) The general purpose of sections 23-2517 to 23-2533  
23 the County Civil Service Act is to establish a system of personnel  
24 administration that meets the social, economic, and program needs  
25 of county offices. This system shall provide means to recruit,  
26 select, develop and maintain an effective and responsive work  
27 force, and shall include policies and procedures for employee

1 hiring and advancement, training and career development, position  
2 classification, salary administration, fringe benefits, discharge  
3 and other related activities. All appointments and promotions under  
4 the ~~provisions of sections 23-2517 to 23-2533~~ County Civil Service  
5 Act shall be made based on merit and fitness.

6 Sec. 8. Section 23-2518, Revised Statutes Cumulative  
7 Supplement, 2004, is amended to read:

8 23-2518 For purposes of ~~sections 23-2517 to 23-2533,~~  
9 ~~unless the context otherwise requires~~ the County Civil Service Act:

10 (1) Appointing authority ~~shall mean~~ means elected  
11 officials and appointed department directors authorized to make  
12 appointments in the county service;

13 (2) Board of county commissioners ~~shall mean~~ means the  
14 board of commissioners of any county with a population of one  
15 hundred fifty thousand to three hundred thousand inhabitants;

16 (3) Classified service ~~shall mean~~ means the positions in  
17 the county service to which ~~sections 23-2517 to 23-2533~~ apply the  
18 act applies;

19 (4) County personnel officer ~~shall mean~~ means the  
20 employee designated by the board of county commissioners to  
21 administer ~~sections 23-2517 to 23-2533~~ the act;

22 (5) Department ~~shall mean a major~~ means a functional  
23 unit of the county government headed by an elected official or  
24 established by the board of county commissioners;

25 (6) Deputy ~~shall mean~~ means an individual who serves as  
26 the first assistant to and at the pleasure of an elected official;  
27 and

1           (7) Elected official ~~shall mean~~ means an officer elected  
2 by the popular vote of the people and known as the county attorney,  
3 public defender, county sheriff, county treasurer, clerk of the  
4 district court, register of deeds, county clerk, county assessor,  
5 and county surveyor; -

6           (8) Internal Revenue Code means the Internal Revenue Code  
7 as defined in section 49-801.01;

8           (9) Political subdivision means a village, city of the  
9 second class, city of the first class, city of the primary class,  
10 city of the metropolitan class, county, school district, public  
11 power district, or any other unit of local government including  
12 entities created pursuant to the Interlocal Cooperation Act or the  
13 Joint Public Agency Act. Political subdivision does not include a  
14 contractor with the county;

15           (10) State means the State of Nebraska;

16           (11) Straight-time rate of pay means the rate of pay  
17 in effect on the date of transfer of employees stated in the  
18 resolution by the county board requesting the transfer; and

19           (12) Transferred employee means an employee of the state  
20 or a political subdivision transferred to the county pursuant to  
21 a request for such transfer made by the county under section 9 of  
22 this act.

23           Sec. 9. (1) The board of county commissioners may, by  
24 resolution, request that a state or political subdivision transfer  
25 employees to the county (a) if the board of county commissioners  
26 finds that direct control over such employees will be of benefit  
27 to the county, (b) pursuant to a merger of services, or (c)

1 due to the assumption of functions of the state or a political  
2 subdivision by the county. Such resolution shall state an effective  
3 date for the transfer of such employees. If the state or political  
4 subdivision determines that the transfer of its employees is  
5 necessary or desirable and approves the request of the board of  
6 county commissioners, the employees who are being transferred shall  
7 become county employees on the effective date of the transfer  
8 as stated in the resolution of the board of county commissioners  
9 requesting such transfer.

10 (2) No state employee subject to a transfer under  
11 subsection (1) of this section is required to become a county  
12 employee and may instead exercise all of his or her rights under  
13 any contract involving state employees and negotiated pursuant to  
14 the Industrial Relations Act and the State Employees Collective  
15 Bargaining Act.

16 Sec. 10. (1) For transfers involving a retirement system  
17 which maintains a defined benefit plan, the transfer value of the  
18 transferring employee's accrued benefit shall be calculated by one  
19 or both of the retirement systems involved as follows:

20 (a) If the retirement system of the state or political  
21 subdivision maintains a defined benefit plan, an initial benefit  
22 transfer value of the employee's accrued benefit shall be  
23 determined by calculating the present value of the employee's  
24 retirement benefit based on the employee's years of service as of  
25 the date of transfer and the other actuarial assumptions of the  
26 retirement system of the state or political subdivision so that  
27 the effect on the retirement system of the state or political

1 subdivision will be actuarially neutral; and

2 (b) If the retirement system of the county maintains  
3 a defined benefit plan, the final benefit transfer value of the  
4 employee's accrued benefit shall be determined by calculating the  
5 present value of the employee's retirement benefit as if the  
6 employee were employed on the date of transfer and had completed  
7 the same amount of service with the same compensation as the  
8 employee actually completed at the state or political subdivision  
9 prior to transfer. The calculation shall then be based on the  
10 employee's assumed years of service as of the date of transfer and  
11 the other actuarial assumptions of the retirement system of the  
12 county so that the effect on the retirement system of the county  
13 will be actuarially neutral.

14 (2) An employee of the state or a political subdivision  
15 who transfers from a position in the state or a political  
16 subdivision to a position in the county, and whose customary  
17 employment with the state or a political subdivision was for more  
18 than twenty hours per week shall receive credit for his or her  
19 years of participation in the retirement system of the state or  
20 political subdivision for purposes of membership in the retirement  
21 system or the county.

22 (3) An employee referred to in subsection (2) of this  
23 section shall have his or her participation in the retirement  
24 system of the state or political subdivision transferred to the  
25 retirement system of the county through one of the following  
26 options:

27 (a) If the retirement system of the county maintains a

1 defined contribution plan, the employee shall transfer all of his  
2 or her funds by paying to the retirement system of the county  
3 from funds held by the retirement system of the state or political  
4 subdivision an amount equal to one of the following: (i) If the  
5 retirement system of the state or political subdivision maintains a  
6 defined benefit plan, an amount not to exceed the initial benefit  
7 transfer value, leaving no funds attributable to the transferred  
8 employee within the retirement system of the state or political  
9 subdivision; or (ii) if the retirement system of the state or  
10 political subdivision maintains a defined contribution plan, an  
11 amount not to exceed the employee and employer accounts of the  
12 transferring employee plus earnings during the period of employment  
13 with the state or political subdivision. The employee shall receive  
14 vesting credit for his or her years of service in a governmental  
15 plan, as defined in section 414(d) of the Internal Revenue Code,  
16 maintained by the state or political subdivision. Payment shall  
17 be made within five years after employment begins with the  
18 receiving entity or prior to retirement whichever comes first,  
19 and may be made through direct payment, installment payments, or an  
20 irrevocable payroll deduction authorization; or

21 (b) If the retirement system of the county maintains a  
22 defined benefit plan, the employee shall transfer all of his or  
23 her funds out of the retirement system of the state or political  
24 subdivision to purchase service credits that will generate a  
25 final benefit transfer value not to exceed the employee's initial  
26 benefit transfer value in the retirement system of the state or  
27 political subdivision. After such purchase, the employee shall

1 receive vesting credit in the retirement system of the county for  
2 his or her years of service in a governmental plan, as defined  
3 in section 414(d) of the Internal Revenue Code, maintained by  
4 the state or political subdivision. The amount to be paid by  
5 the member for such service credit shall equal the actuarial  
6 cost to the retirement system of the county for allowing such  
7 additional service credit to the employee. If any funds remain  
8 in the retirement system of the state or political subdivision  
9 after the employee has purchased service credits in the retirement  
10 system of the county, such remaining funds shall be rolled over  
11 into another qualified trust under section 401(a) of the Internal  
12 Revenue Code, an individual retirement account, or an individual  
13 retirement annuity. Payment shall be made within five years after  
14 the transfer of services, but prior to retirement, and may be made  
15 through direct payment, installment payments, or an irrevocable  
16 payroll deduction authorization.

17 (4) The state or political subdivision, the county, and  
18 the employees who are being transferred may by binding agreement  
19 determine which parties will provide funds to pay any amount needed  
20 to purchase creditable service in the retirement system of the  
21 county sufficient to provide a final benefit transfer value not to  
22 exceed the employee's initial benefit transfer value, if the amount  
23 of a direct rollover from the retirement system of the state or  
24 political subdivision is not sufficient to provide a final benefit  
25 transfer value in the retirement system of the county.

26 (5) The retirement system of the county may accept cash  
27 rollover contributions from a member who is making payment pursuant

1 to this section if the contributions do not exceed the amount  
2 of payment required for the service credits purchased by the  
3 member and the contributions represent (a) all or any portion  
4 of the balance of the member's interest in a qualified trust  
5 under section 401(a) of the Internal Revenue Code or (b) the  
6 interest of the member from an individual retirement account or  
7 an individual retirement annuity, all of which is attributable  
8 to a qualified total distribution, as defined in the Internal  
9 Revenue Code, from a qualified trust under section 401(a) of the  
10 code and qualified as a tax-free rollover amount. The member's  
11 interest under subdivision (a) or (b) of this subsection shall  
12 be transferred to the retirement system within sixty days after  
13 the date of the distribution from the qualified trust, individual  
14 retirement account, or individual retirement annuity.

15 (6) Cash transferred to the retirement system of the  
16 county as a rollover contribution shall be deposited as other  
17 contributions.

18 (7) The retirement system of the county may accept  
19 direct rollover distributions made from a qualified trust pursuant  
20 to section 401(a)(31) of the Internal Revenue Code. The direct  
21 rollover distribution shall be deposited as all other payments  
22 under this section.

23 (8) The county or its retirement system shall adopt  
24 provisions defining procedures for acceptance of rollovers which  
25 are consistent with sections 401(a)(31) and 402 of the Internal  
26 Revenue Code.

27 (9) If the county participates in the Retirement System

1 for Nebraska Counties and the transferred employee participates  
2 in the State Employees Retirement System, the transferred employee  
3 shall immediately begin participation in the Retirement System for  
4 Nebraska Counties under the same benefit which had been elected  
5 pursuant to subsection (1) of section 84-1309.02.

6           Sec. 11. (1) The state or a political subdivision shall  
7 transfer all accrued sick leave of the transferred employee up to  
8 the maximum number of accumulated hours for sick leave allowed by  
9 the county personnel system. The state or political subdivision  
10 shall reimburse the county for twenty-five percent of the value of  
11 the accrued sick leave hours based on the straight-time rate of pay  
12 for the employee.

13           (2) The transferred employee may transfer the maximum  
14 amount of accrued annual leave earned as an employee of the state  
15 or a political subdivision allowed by the county personnel system.  
16 The state or a political subdivision shall reimburse the county for  
17 one hundred percent of the value of the hours of accrued annual  
18 leave transferred.

19           (3) No transferred employee shall lose any accrual rate  
20 value of his or her sick leave and vacation leave as a result of  
21 becoming a county employee, and a transferred employee may credit  
22 years of service with the state or a political subdivision toward  
23 the accrual rate for sick leave and vacation leave plans. When  
24 accrued sick leave and vacation leave for a transferred employee  
25 are at a greater rate value than allowed by the county's sick leave  
26 and vacation leave plans, the state or political subdivision shall  
27 pay the county the difference between the value of the benefits

1 allowed by the county and the state or political subdivision  
2 based on, at the time of the transfer, twenty-five percent of the  
3 employee's straight-time rate of pay for the sick leave and one  
4 hundred percent of the employee's straight-time rate of pay for  
5 vacation leave. A state or political subdivision shall reimburse  
6 the county not later than one year after the transfer is complete.

7 (4) The transferred employee shall not receive any  
8 additional accrual rate value for county benefits until the  
9 employee meets the qualifications for the increased accrual rates  
10 pursuant to the county's requirements.

11 (5) The transferred employee shall receive credit for  
12 time of service with the state or a political subdivision toward  
13 participation, coverage by insurance programs for the county, and  
14 the waiting period for medical insurance coverage provided by the  
15 county.

16 Sec. 12. (1) A transferred employee shall be credited for  
17 time of service with the state or a political subdivision toward  
18 the probationary period in the county:

19 (a) A transferred employee whose credited time of service  
20 with the state or a political subdivision does not satisfy  
21 the county's probationary period time requirement shall be a  
22 probationary employee of the county and afforded the same rights,  
23 benefits, and privileges as are afforded to a probationary employee  
24 under the county personnel system; and

25 (b) A transferred employee whose credited time of service  
26 with the state or a political subdivision does not satisfy the  
27 county's probationary period time requirement shall successfully

1 complete the remainder of the county's probationary period time  
2 requirement before being given status with the county.

3 (2) Transferred employees shall retain seniority  
4 accumulated during service with the state or a political  
5 subdivision, and no transferred employee shall lose accumulated  
6 seniority as a result of becoming a county employee.

7 Sec. 13. Section 23-2519, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 23-2519 The county service shall be divided into the  
10 classified service and the unclassified service. All officers  
11 and positions of the county shall be in the classified service  
12 unless specifically designated as being in the unclassified service  
13 established by ~~sections 23-2517 to 23-2533~~ the County Civil Service  
14 Act. All county employees who have permanent status under any  
15 other act prior to the passage of ~~sections 23-2517 to 23-2533~~ the  
16 act shall have status under ~~such sections~~ the act without further  
17 qualification. Positions in the unclassified service shall not be  
18 governed by ~~such sections~~ the act and shall include the following:

19 (1) County officers elected by popular vote and persons  
20 appointed to fill vacancies in such elective offices;

21 (2) The county personnel officer and the administrative  
22 assistant to the board of county commissioners;

23 (3) Bailiffs;

24 (4) Department heads and one principal assistant or chief  
25 deputy for each county department. When more than one principal  
26 assistant or chief deputy is mandated by law, all such positions  
27 shall be in the unclassified service;

1           (5) Members of boards and commissions appointed by the  
2 board of county commissioners;

3           (6) Persons employed in a professional or scientific  
4 capacity to make or conduct a temporary and special investigation  
5 or examination on behalf of the board of county commissioners;

6           (7) Attorneys;

7           (8) Physicians;

8           (9) Employees of an emergency management organization;  
9 and

10          (10) Deputy sheriffs.

11           Nothing in ~~such sections~~ the act shall be construed as  
12 precluding the appointing authority from filling any positions in  
13 the unclassified service in the manner in which positions in the  
14 classified service are filled.

15           Sec. 14. Section 23-2520, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           23-2520 There is hereby created a personnel office in the  
18 office of the board of county commissioners, the executive head  
19 of which shall be the county personnel officer. In such office  
20 there shall be a personnel policy board consisting of six members  
21 with powers and duties provided in ~~sections 23-2517 to 23-2533~~ the  
22 County Civil Service Act. The board of county commissioners shall  
23 make appropriations from the general fund to meet the estimated  
24 costs of administering ~~sections 23-2517 to 23-2533~~ the act.

25           Sec. 15. Section 23-2522, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           23-2522 The powers and duties of the personnel policy

1 board shall be:

2 (1) To review and make recommendations to the board of  
3 county commissioners on the personnel rules and regulations and any  
4 amendments thereto prior to the approval by the commissioners;

5 (2) To advise and assist the personnel officer on matters  
6 of personnel policy, administration, and practice;

7 (3) To cooperate with and advise the personnel officer in  
8 fostering interest and cooperation of institutions of learning and  
9 civic, professional, and employee organizations in the improvement  
10 of personnel standards and the development of high public regard  
11 for the county as an employer and for careers in the county  
12 service;

13 (4) To require the personnel officer to make or to make  
14 on its own initiative any investigation which it may consider  
15 necessary concerning the management of personnel in the county  
16 service;

17 (5) To review any grievance or case of disciplinary  
18 action of a classified service employee when appealed by  
19 such employee in accordance with approved personnel rules and  
20 regulations and issue a determination that is binding on all  
21 parties concerned;

22 (6) To issue subpoenas to compel the attendance of county  
23 employees as witnesses and the production of documents and to  
24 administer oaths, take testimony, hear proofs, and receive exhibits  
25 in evidence in connection with any of the powers and duties of such  
26 board. In case of a refusal to obey a subpoena issued to any county  
27 employee, the personnel policy board on its own motion, or a party

1 to the proceedings, may make application to the district court of  
2 Lancaster County for an enforcement order, and any failure to obey  
3 such order may be punished by such court as contempt thereof;

4 (7) To make annual reports and recommendations to the  
5 board of county commissioners; and

6 (8) To perform such other duties as may be expressly set  
7 forth in ~~sections 23-2517 to 23-2533~~ the County Civil Service Act  
8 and in the regulations adopted pursuant thereto.

9 Sec. 16. Section 23-2524, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 23-2524 In addition to other duties imposed upon him or  
12 her by or pursuant to ~~sections 23-2517 to 23-2533~~ the County Civil  
13 Service Act, it shall be the duty of the county personnel officer:

14 (1) To apply and carry out the ~~provisions of sections~~  
15 ~~23-2517 to 23-2533~~ act and the rules and regulations adopted  
16 thereunder;

17 (2) To attend meetings of the personnel policy board and  
18 to act as its secretary and keep minutes of its proceedings;

19 (3) To establish and maintain a roster of all employees  
20 in the classified service, in which there shall be set forth as to  
21 each employee the class title, pay, or status, and other pertinent  
22 data;

23 (4) To appoint such employees of his or her office and  
24 such experts and special assistants as may be necessary to carry  
25 out effectively the ~~provisions of sections 23-2517 to 23-2533~~ act;

26 (5) To foster and develop, in cooperation with appointing  
27 authorities and others, programs for the improvement of employee

1 effectiveness, including training, safety, health, counseling, and  
2 welfare;

3 (6) To encourage and exercise leadership in the  
4 development of effective personnel administration with the several  
5 county agencies, departments, and institutions; and

6 (7) To perform such other lawful acts as he or she may  
7 consider necessary or desirable to carry out the purposes and  
8 provisions of ~~sections 23-2517 to 23-2533~~ the act.

9 Sec. 17. Section 23-2525, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 23-2525 The county personnel officer shall, with the  
12 assistance of two advisory groups, one of classified employees and  
13 one of department heads, prepare and submit to the personnel policy  
14 board proposed personnel rules and regulations for the classified  
15 service. He or she shall give reasonable notice thereof to the  
16 heads of all agencies, departments, county employee associations,  
17 and institutions affected thereby, and they shall be given an  
18 opportunity, upon request, to appear before the board and present  
19 their views thereon. The personnel policy board shall submit the  
20 rules and regulations for adoption or amendment and adoption by  
21 resolution of the board of county commissioners. Amendments thereto  
22 shall be made in the same manner. The rules and regulations shall  
23 provide:

24 (1) For a single integrated classification plan covering  
25 all positions in the county service except those expressly exempt  
26 from the ~~provisions of sections 23-2517 to 23-2533~~ County Civil  
27 Service Act, which shall group all positions into defined classes

1 containing a descriptive class title and a code identifying each  
2 class, and which shall be based on similarity of duties performed  
3 and responsibilities assumed, so that the same qualifications  
4 may reasonably be required and the same schedule of pay may be  
5 equitably applied to all positions in the same class. After the  
6 classification plan has been approved by the personnel policy  
7 board, the county personnel officer shall be responsible for  
8 the administration and maintenance of the plan and for the  
9 allocation of each classified position. Any employee affected  
10 by the allocation of a position to a class shall, upon request, be  
11 given a reasonable opportunity to be heard thereon by the personnel  
12 policy board who shall issue an advisory opinion to the personnel  
13 officer;

14 (2) For a compensation plan for all employees in  
15 the classified service, comprising salary schedules, hours of  
16 work, premium payments, special allowances, and fringe benefits,  
17 considering the amount of money available, the prevailing rates  
18 of pay in government and private employment, the cost of living,  
19 the level of each class of position in the classification plan,  
20 and other relevant factors. Initial, intervening, and maximum rates  
21 of pay for each class shall be established to provide for steps  
22 in salary advancement without change of duty in recognition of  
23 demonstrated quality and length of service. The compensation plan  
24 and amendments thereto shall be adopted in the manner prescribed  
25 for rules and regulations and shall in no way limit the authority  
26 of the board of county commissioners relative to appropriations for  
27 salary and wage expenditures;

1                   (3) For open competitive examinations to test the  
2 relative fitness of applicants for the respective positions.  
3 Competitive examination shall not be required for transferred  
4 employees transferring from positions in the state or a political  
5 subdivision to positions in the county pursuant to a merger of  
6 services or transferred employees transferring from positions in  
7 the state or a political subdivision to positions in the county  
8 due to the assumption of functions of the state or a political  
9 subdivision by the county. The rules and regulations shall provide  
10 for the public announcement of the holding of examinations and  
11 shall authorize the personnel officer to prescribe examination  
12 procedures and to place the names of successful candidates on  
13 eligible lists in accordance with their respective ratings.  
14 Examinations may be assembled or unassembled and may include  
15 various job-related examining techniques, such as rating training  
16 and experience, written tests, oral interviews, recognition of  
17 professional licensing, performance tests, investigations, and any  
18 other measures of ability to perform the duties of the position.  
19 Examinations shall be scored objectively and employment registers  
20 shall be established in the order of final score. Certification of  
21 eligibility for appointment to vacancies shall be in accordance  
22 with a formula which limits selection by the hiring department  
23 from among the highest ranking available and eligible candidates,  
24 but which also permits selective certification under appropriate  
25 conditions as prescribed in the rules and regulations;

26                   (4) For promotions which shall give appropriate  
27 consideration to examinations and to record of performance,

1 seniority<sub>L</sub> and conduct. Vacancies shall be filled by promotion  
2 whenever practicable and in the best interest of the service, and  
3 preference may be given to employees within the department in which  
4 the vacancy occurs;

5 (5) For the rejection of candidates who fail to comply  
6 with reasonable requirements of the personnel officer in regard  
7 to such factors as physical conditions, training<sub>L</sub> and experience  
8 or who have been guilty of infamous or disgraceful conduct, who  
9 are addicted to alcohol or narcotics, or who have attempted any  
10 deception or fraud in connection with an examination;

11 (6) Prohibiting disqualification of any person from  
12 taking an examination, from promotion or from holding a position  
13 because of race, sex, ~~except where~~ unless it constitutes a  
14 bona fide occupational qualification, or national origin, physical  
15 disabilities, age, political or religious opinions or affiliations,  
16 or other factors which have no bearing upon the individual's  
17 fitness to hold the position;

18 (7) For a period of probation not to exceed one year  
19 before appointment or promotion may be made complete, and during  
20 which period a probationer may be separated from his or her  
21 position without the right of appeal or hearing except as provided  
22 in section 23-2531. After a probationer has been separated, he or  
23 she may again be placed on the eligible list at the discretion of  
24 the personnel officer. The rules shall provide that a probationer  
25 shall be dropped from the payroll at the expiration of his or  
26 her probationary period if, within ten days prior thereto, the  
27 appointing authority has notified the personnel officer in writing

1 that the services of the employee have been unsatisfactory;

2 (8) When an employee has been promoted but fails to  
3 satisfactorily perform the duties of the new position during the  
4 probationary period, he or she shall be returned to a position  
5 comparable to that held immediately prior to promotion at the  
6 current salary of such position;

7 (9) For temporary or seasonal appointments of limited  
8 terms of not to exceed one year;

9 (10) For part-time appointment where the employee accrues  
10 benefits of full-time employment on a basis proportional to the  
11 time worked;

12 (11) For emergency employment for not more than thirty  
13 days with or without examination, with the consent of the county  
14 personnel officer and department head;

15 (12) For provisional employment without competitive  
16 examination when there is no appropriate eligible list available.  
17 No such provisional employment shall continue longer than six  
18 months, nor shall successive provisional appointments be allowed;

19 (13) For transfer from a position in one department  
20 to a similar position in another department involving similar  
21 qualifications, duties, responsibilities, and salary ranges;

22 (14) For the transfer of employees of the state or  
23 a political subdivision to the county pursuant to a merger of  
24 services or due to the assumption of functions of the state or a  
25 political subdivision by the county;

26 ~~(14)~~ (15) For layoff by reason of lack of funds or  
27 work or abolition of the position, or material change in duties

1 or organization, for the layoff of nontenured employees first,  
2 and for reemployment of permanent employees so laid off, giving  
3 consideration in both layoff and reemployment to performance record  
4 and seniority in service;

5 ~~(15)~~ (16) For establishment of a plan for resolving  
6 employee grievances and complaints;

7 ~~(16)~~ (17) For hours of work, holidays, and attendance  
8 regulations in the various classes of positions in the classified  
9 service, and for annual, sick, and special leaves of absence, with  
10 or without pay, or at reduced pay;

11 ~~(17)~~ (18) For the development of employee morale, safety,  
12 and training programs;

13 ~~(18)~~ (19) For a procedure whereby an appointing authority  
14 may suspend, reduce, demote, or dismiss an employee for misconduct,  
15 inefficiency, incompetence, insubordination, malfeasance, or other  
16 unfitness to render effective service and for the investigation and  
17 public hearing of appeals of such suspended, reduced, demoted, or  
18 dismissed employee;

19 ~~(19)~~ (20) For granting of leave without pay to a  
20 permanent employee to accept a position in the unclassified  
21 service, and for his or her return to a position comparable  
22 to that formerly held in the classified service at the conclusion  
23 of such service;

24 ~~(20)~~ (21) For regulation covering political activity of  
25 employees in the classified service; and

26 ~~(21)~~ (22) For other regulations not inconsistent with  
27 ~~sections 23-2517 to 23-2533~~ the act and which may be necessary for

1 its effective implementation.

2           Sec. 18. Section 23-2526, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           23-2526 (1) No county personnel, or fiscal or other  
5 officer shall make or approve or take any part in making or  
6 approving any payment for personal service to any person holding a  
7 position in the classified service unless the payroll voucher or  
8 account of such pay bears the certification of the county personnel  
9 officer or his or her authorized agent, in the manner he or she  
10 may prescribe, that the persons named therein have been appointed  
11 and employed in accordance with the ~~provisions of sections 23-2517~~  
12 ~~to 23-2533~~ County Civil Service Act and the rules and regulations  
13 adopted hereunder.

14           (2) The county personnel officer may, for proper cause,  
15 withhold certification from a payroll any specific item or items  
16 thereon. The personnel officer shall provide that certification of  
17 payrolls be made each year and that such certification shall remain  
18 in effect except in the case of an officer or employee whose status  
19 has changed after the last certification of his or her payroll,  
20 in which case no voucher for payment of salary to such officer or  
21 employee shall be issued or payment of salary made without further  
22 certification by the personnel officer.

23           Sec. 19. Section 23-2527, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           23-2527 (1) Any county subject to ~~sections 23-2517 to~~  
26 ~~23-2533~~ the County Civil Service Act may enter into reciprocal  
27 agreements, upon such terms as may be agreed upon, for the use

1 of equipment, materials, facilities, and services with any public  
2 agency or body for purposes deemed of benefit to the county  
3 personnel system.

4 (2) The county personnel officer, with the approval  
5 of the board of county commissioners, may cooperate with other  
6 governmental agencies charged with public personnel administration  
7 in conducting personnel tests, recruiting personnel, training  
8 personnel, establishing lists from which eligible candidates shall  
9 be certified for appointment, and for the interchange of personnel  
10 and their benefits.

11 Sec. 20. Section 23-2531, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 23-2531 (1) Discrimination against any person in  
14 recruitment, examination, appointment, training, promotion,  
15 retention, discipline, or any other aspect of personnel  
16 administration because of political or religious opinions or  
17 affiliations or because of race, national origin, or other nonmerit  
18 factors shall be prohibited. Discrimination on the basis of age  
19 or sex or physical disability shall be prohibited ~~except where~~  
20 unless specific age, sex, or physical requirements constitute  
21 a bona fide occupational qualification necessary to proper and  
22 efficient administration. The rules and regulations shall provide  
23 for appeals in cases of alleged discrimination to the personnel  
24 policy board whose determination shall be binding upon a finding  
25 of discrimination.

26 (2) No person shall make any false statement,  
27 certificate, mark, rating, or report with regard to any test,

1 certification, or appointment made under any provision of sections  
2 ~~23-2517 to 23-2533~~ the County Civil Service Act or in any manner  
3 commit or attempt to commit any fraud preventing the impartial  
4 execution of ~~sections 23-2517 to 23-2533~~ the act and the rules and  
5 regulations promulgated pursuant to ~~sections 23-2517 to 23-2533~~ the  
6 act.

7 (3) No person shall, directly or indirectly, give,  
8 render, pay, offer, solicit, or accept any money, service, or  
9 other valuable consideration for or on account of any appointment,  
10 proposed appointment, promotion, or proposed promotion to, or any  
11 advantage in, a position in the classified service.

12 (4) No employee of the personnel office, examiner, or  
13 other person shall defeat, deceive, or obstruct any person in  
14 his or her right to examination, eligibility, certification, or  
15 appointment under ~~sections 23-2517 to 23-2533~~ the act, or furnish  
16 to any person any special or secret information for the purpose of  
17 affecting the rights or prospects of any persons with respect to  
18 employment in the classified service.

19 Sec. 21. Section 23-2533, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 23-2533 Any person who willfully violates any provision  
22 of ~~sections 23-2517 to 23-2533~~ the County Civil Service Act or  
23 of the rules and regulations adopted under ~~sections 23-2517 to~~  
24 ~~23-2533~~ the act shall be guilty of a misdemeanor, and shall, upon  
25 conviction thereof, be fined not more than five hundred dollars, or  
26 be imprisoned in the county jail for not more than six months, or  
27 be both so fined and imprisoned.

1                   Sec. 50. Original sections 23-2517, 23-2519, 23-2520,  
2 23-2522, 23-2524, 23-2525, 23-2526, 23-2527, 23-2531, and 23-2533,  
3 Reissue Revised Statutes of Nebraska, and section 23-2518, Revised  
4 Statutes Cumulative Supplement, 2004, are repealed.

5                   2. Correct the operative date section so that the  
6 sections added by this amendment become operative three calendar  
7 months following adjournment of this legislative session.

8                   3. Renumber the remaining sections and correct internal  
9 references accordingly.