

## LEGISLATIVE BILL 14

Approved by the Governor October 5, 1992

Introduced by Lindsay, 9, at the request of the Governor

AN ACT relating to state government; to amend sections 9-807, 48-197, 49-14, 121, 81-8, 106, 81-1108, 81-1113, 81-1301, 81-1302, 81-1303, 81-1305, 81-1306, 81-1307, 81-1311, 81-1312, 81-1318, 81-1318.01, 81-1318.02, 81-1329, 81-1334, 81-1353, 81-1357, 81-1371, 81-1374, 81-1376, 81-1424, 84-1001, and 84-1511, Reissue Revised Statutes of Nebraska, 1943, and sections 49-617, 81-8, 220, 81-8, 239.01, 81-1373, 84-1602, 84-1603, 84-1605, and 84-1606, Revised Statutes Supplement, 1992; to eliminate the Department of Personnel and create the personnel division of the Department of Administrative Services; to eliminate references to the State Personnel Office; to transfer powers and duties; to transfer the Division of Employee Relations to the Department of Administrative Services; to create the risk management and state claims division of the Department of Administrative Services; to authorize appointment of a secretary for the State Claims Board; to transfer administration of risk management and claims against the state to the department; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 9-807, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-807. (1) The director shall hire at least one full-time staff attorney. One such attorney shall be designated the Deputy Director of the Lottery Division and shall serve as director in the director's absence. The deputy director shall be compensated at a rate not less than ninety percent of the director's salary at the time the deputy director is hired. Other than the director, all employees of the division shall be classified employees under the rules and regulations of the Department of Personnel personnel division of the

Department of Administrative Services.

(2) Before entering upon the duties of the office, the director, deputy director, and each employee of the division who is accountable for funds shall be bonded under the blanket surety bond required by section 11-201.

Sec. 2. That section 48-197, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-197. All claims under sections 48-192 to 48-1,109 shall be filed with the Risk Manager, ~~of the State Claims Board.~~ The Risk Manager shall immediately advise the Attorney General of the filing of any claim. ~~It is~~ and ~~it~~ shall be the duty of the Attorney General to cause a complete investigation to be made of all such claims. Whenever any state agency receives notice or has knowledge of any alleged injury under the Nebraska Workers' Compensation Act, such state agency shall immediately file a first report of such alleged injury with the Nebraska Workers' Compensation Court and the Risk Manager and shall file such other forms as may be required by such court or board.

Sec. 3. That section 49-617, Revised Statutes Supplement, 1992, be amended to read as follows:

49-617. The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the Supreme Court. These copies shall be held and disposed of by the court as follows: Sixty copies to the State Library to exchange for statutes of other states; five copies to the State Library to keep for daily use; not to exceed twenty-five copies to the Legislative Council for bill drafting and related services to the Legislature and executive state officers; as many copies to the Attorney General as he or she has attorneys on his or her staff; up to sixteen copies to the State Court Administrator; twelve copies to the Tax Commissioner; eight copies to the Nebraska Publications Clearinghouse; six copies to the Public Service Commission; four copies to the Secretary of State; four copies to the Clerk of the Legislature for use in his or her office and three copies to be maintained in the legislative chamber, one copy on each side of the chamber and one copy at the desk of the Clerk of the Legislature, under control of the sergeant at arms; two copies each to the Governor of the state, the Chief Justice and each judge of the Supreme Court, each judge of the Court of Appeals, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the Auditor of Public Accounts, the Commissioner of Labor,

and the Revisor of Statutes; one copy each to the Secretary of State of the United States, each Indian tribal court located in the State of Nebraska, the library of the Supreme Court of the United States, the Adjutant General, the Air National Guard, the Commissioner of Education, the State Treasurer, the Board of Educational Lands and Funds, the Director of Agriculture, the Director of Administrative Services, the Director of Aeronautics, the Director of Economic Development, the director of the Public Employees Retirement Board, the Director of Health, the Director-State Engineer, the Director of Banking and Finance, the Director of Insurance, the Director of Motor Vehicles, the Director of Veterans' Affairs, the Director of Water Resources, the Director of Social Services, the Director of Public Institutions, the Director of Correctional Services, the Nebraska Emergency Operating Center, each judge of the Nebraska Workers' Compensation Court, each judge of the Commission of Industrial Relations, the Nebraska Liquor Control Commission, the Nebraska Natural Resources Commission, the State Real Estate Commission, the secretary of the Game and Parks Commission, the Board of Pardons, each state institution under the Department of Public Institutions, each state institution under the State Department of Education, the State Surveyor, the Nebraska State Patrol, the materiel division of the Department of Administrative Services, the Department of Personnel the personnel division of the Department of Administrative Services, the Nebraska Motor Vehicle Industry Licensing Board, the Board of Trustees of the Nebraska State Colleges, each of the Nebraska state colleges, each district judge of the State of Nebraska, each judge of the county court, each judge of a separate juvenile court, the Lieutenant Governor, each United States Senator from Nebraska, each United States Representative from Nebraska, each clerk of the district court for the use of the district court, the clerk of the Nebraska Workers' Compensation Court, each clerk of the county court, each county attorney, each county public defender, each county law library, and the inmate library at all state penal and correctional institutions, and each member of the Legislature shall be entitled to two complete sets, and two complete sets of such volumes as are necessary to update previously issued volumes, but each member of the Legislature and each judge of any court referred to in this section shall be entitled, on request, to an additional complete set. Copies of the statutes distributed without charge,

as listed in this section, shall be the property of the state or governmental subdivision of the state and not the personal property of the particular person receiving a copy. Distribution of statutes to the library of the College of Law of the University of Nebraska shall be as provided in sections 85-176 and 85-177.

Sec. 4. That section 49-14,121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,121. The commission shall employ an executive director, and may employ a general counsel and such other staff as are necessary to carry out its duties pursuant to ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and Disclosure Act. The executive director shall serve at the pleasure of the commission, and shall be solely responsible to it. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him or her by the commission, except that the commission shall not delegate the making of regulations to the executive director. The commission may obtain the services of experts and consultants as necessary to carry out its duties pursuant to ~~sections 49-1401 to 49-14,138~~ the act. Unless prohibited by law, the Tax Commissioner, the Auditor of Public Accounts, the Attorney General, and the county attorneys shall make available to the commission such personnel, facilities, and other assistance as the commission may request. Members of the commission shall be exempted from the provisions of Chapter 81, article 13, except that they may be covered by the State Personnel System through specific agreement between the commission and the Department of Personnel personnel division of the Department of Administrative Services.

Sec. 5. That section 81-8,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,106. Nothing in section 11 of this act shall interfere with, limit, or affect in any way the method of employing or advancing any employee by any agency, or division thereof, receiving funds from the government of the United States under laws or regulations of the United States which require the maintenance of a merit system or personnel plan by such agency or division as a condition for receiving funds from the government of the United States. The Joint Merit System shall remain in full force and effect until such time as the plan and rules promulgated under the

provisions of sections 81-1301 to ~~81-1317~~ 81-1316 are approved by the appropriate federal agencies. When there is no substantive objection founded on federal requirements for a merit system, the policies, rules and regulations, systems, and procedures developed and promulgated by the state personnel service shall govern the activities of state agencies otherwise covered by the Joint Merit System. As soon as practicable after the federal agencies approve the plan and rules and at a time agreed upon between the State Personnel Board and the Joint Merit System Council, the powers, authority, and jurisdiction now exercised and imposed by law upon the Joint Merit System Council shall be transferred to and imposed upon the State Personnel Board. Simultaneously, personnel assigned to, office fixtures and equipment in the possession of, and records maintained by the Joint Merit System Council Office shall be transferred to the State Personnel Office.

Sec. 6. That section 81-8,220, Revised Statutes Supplement, 1992, be amended to read as follows:

81-8,220. The Director of Insurance, Commissioner of Labor, and Director of Administrative Services shall constitute the State Claims Board which shall be a part of the Risk Management Program for the State of Nebraska created by section 81-8,239.01. The Attorney General shall be its legal advisor. With the advice and consent of the other members of the board, the Director of Administrative Services shall hire a secretary for the board. The members of the board shall receive no compensation for their services except that provided by law for the offices they hold, but they shall be allowed necessary traveling expenses in performing their duties imposed by the State Tort Claims Act as provided in sections 81-1174 to 81-1177, for state employees. The board shall hire a Risk Manager to perform the duties set forth in section 81-8,239.01.

Sec. 7. That section 81-8,239.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-8,239.01. (1) For purposes of sections 81-8,239.01 to 81-8,239.08, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a division within the Department of Administrative Services to be

known as the risk management and state claims division. The division shall be headed by the Risk Manager who shall be appointed by the Director of Administrative Services. The division shall be responsible for the Risk Management Program, which program is hereby created. for the State of Nebraska- The program shall consist of the systematic identification of exposures to risk of loss as provided in sections 11-201 to 11-203, 13-911, 25-2165, 43-1320, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.08, and 81-8,300 and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and authorize payment for such purchase out of the appropriate funds created by section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for

the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 81-8,239.05, 81-8,239.07, and 84-1603;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of sections ~~11-201 to 11-203, 13-911, 25-2165, 43-1320, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239-01 to 81-8,239-08, and 81-8,300~~ the Risk Management Program and make appropriation requests for the administration of the Risk Management Program program and the funding of the separate funds administered by the Risk Manager.

(4) No official or employee of any entity created by local public agencies pursuant to the Interlocal Cooperation Act shall be considered a state official or employee for purposes of sections 81-8,239.01 to 81-8,239.06.

Sec. 8. That section 81-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108. The Department of Administrative Services shall fulfill the functions in the administration of state government of fiscal control, and of centralizing services, of personnel services, and of risk management. There shall be separate divisions within the department to assist in fulfilling these functions. The divisions shall be the accounting division and the budget division in the area of fiscal control, ~~and shall be~~ the data processing division, materiel division, state building division, division of communications, and the general services division in the area of centralized services, the personnel division and the Division of Employee Relations in the area of personnel services, and the risk management and state claims division in the area of risk management. The Director of Administrative Services shall appoint a separate administrator as head of each division other than the Division of Employee Relations. The director shall have the responsibility and authority for directing and coordinating the programs and activities of the several divisions, and shall be empowered to remove the administrators of any of the several divisions other than the Chief Negotiator at his or her

discretion. The director shall have the power to delegate authority for administration of the provisions of sections 81-1101 to 81-1129 81-1189, sections 81-1301 to 81-1390, and the Risk Management Program to any of his the division heads as he or she may deem appropriate except as otherwise provided by law.

Sec. 9. That section 81-1113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1113. The budget division shall prepare the executive budget in accordance with the wishes and policies of the Governor. The budget division shall have the following duties, powers, and responsibilities:

(1) Shall prescribe the forms and procedures to be employed by all departments and agencies of the state in compiling and submitting their individual budget requests; and shall set up a budget calendar which shall provide for (a) the date, not later than July 15 of each even-numbered year, for distribution of instructions; (b) the date by which time requests for appropriations by each agency shall be submitted; and (c) the period during which such public hearings as the Governor may elect shall be held for each department and agency. The budget request shall be submitted no later than on or before September 15 of each even-numbered year, and shall include the intended receipts and expenditures by programs, subprograms, and activities; and such additional information as the administrator may deem appropriate for each fiscal year, and shall be made upon a biennial basis, and shall include actual receipts and actual expenditures for each fiscal year of the most recently completed biennium; and the first year of the current biennium and estimates for the second year of the current biennium and each year of the next ensuing biennium;

(2) Shall work with each governmental department and agency in developing performance standards for each program, subprogram, and activity to measure and evaluate present as well as projected levels of expenditures;

(3) Shall, following passage of legislative appropriations, be responsible for the administration of the approved budget through budgetary allotments;

(4) Shall be responsible for a monthly budgetary report for each department and agency showing comparisons between actual expenditures and allotments which report shall be subject to review by the director and budget administrator; and

(5) Shall be responsible for the authorization



of employee positions. Such authorizations shall be based on the following:

(a) A requirement that a sufficient budget program appropriation and salary limitation exist to fully fund all authorized positions;

(b) A requirement that permanent full-time positions which have been vacant for ninety days or more be reviewed and reauthorized prior to being filled. If requested by the budget division, the Department of Personnel personnel division of the Department of Administrative Services shall review such vacant position to determine the proper classification for the position;

(c) A requirement that authorized positions accurately reflect legislative intent contained in legislative appropriation and intent bills; and

(d) Other relevant criteria as determined by the budget administrator.

Sec. 10. That section 81-1301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1301. The purposes of sections 81-1301 to ~~81-1317~~ 81-1316 are to:

(1) Promote economy and efficiency in state government through the selection, employment, and effective utilization of qualified persons in all departments and agencies of the state;

(2) Provide equal opportunity to qualified persons for employment on the basis of ability;

(3) Avoid salary competition among government departments and agencies to secure or retain the services of equally qualified employees for similar positions in the state's employ;

(4) Retain maximum authority and responsibility at the department and agency level for decisions to select or to terminate employees and for other facets of personnel management as may be consistent with the rulemaking authority of the Personnel Director personnel division for the development of uniform state personnel administrative procedures;

(5) Establish the necessary procedures to assure reasonably uniform and consistent personnel practices and provide a reliable basis for personnel cost projections and staffing patterns; and

(6) Establish uniform control over the description of and compensation for positions in all departments and agencies so that position titles and duties have similar meanings throughout the state

service and provide equal pay for persons holding similar positions in the state's service.

Sec. 11. That section 81-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1302. As used in sections 81-1301 to 81-1316 and 81-1354.01, 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 such sections ~~81-1301 to 81-1316 and 81-1354.01~~ together with those aspects of personnel systems established under any other law as such systems may be affected by such sections, ~~81-1301 to 81-1316 and 81-1354.01~~;

(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 each odd-numbered year and June 30 of the year following the next succeeding calendar year;

(12) Certification of employee or applicant shall mean the act of the 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 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 or she has been examined by appropriate means and found to possess the minimum ability, and 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 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's 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's 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 budget division of the Department of Administrative Services, having responsibility for preparation of recommendations for, 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;

(25) Certification of payrolls shall mean the review of all payrolls or payroll vouchers by the 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 or her 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) Grievance shall mean a management action resulting in an injury, injustice, or wrong involving a misinterpretation or misapplication of rules promulgated by the ~~department; personnel division or agency rules~~

and regulations; ~~7~~ or applicable labor contracts if so agreed to by the appropriate parties;

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

(28) ~~Department shall mean the Department of Personnel~~ Personnel division shall mean the personnel division of the Department of Administrative Services.

Sec. 12. That section 81-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1303. There is hereby ~~created an executive department established a division within the Department of Administrative Services~~ to be known as the Department of Personnel personnel division, to be headed by a Director of Personnel. The director shall be appointed by the Governor subject to confirmation by the Legislature Director of Administrative Services.

Sec. 13. That section 81-1305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1305. The compensation of the Director of Personnel shall be fixed by the Governor Director of Administrative Services.

Sec. 14. That section 81-1306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1306. The Director of Personnel shall employ the necessary personnel to carry out the provisions of sections 81-1301 to 81-1319, except as otherwise provided by law, and duties of the personnel division subject to the amount of funds appropriated to the agency for such purpose.

Sec. 15. That section 81-1307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1307. The Director of Personnel shall be responsible for the administration of the ~~Department of Personnel~~ personnel division. Subject to the review powers of the State Personnel Board, the director shall be responsible for development of recommendations on personnel policy and for development of specific administrative systems and shall have the authority to adopt, promulgate, and enforce rules and regulations pertaining thereto. Specific administrative systems for which the 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; 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 department personnel division and departments and agencies to be covered by the State Personnel System;

(4) Salary and Wage Survey: Measuring, through the use of surveys, the state's comparative level of employee compensation with the labor market;

(5) Payroll Certification and Staffing Patterns: The director shall work with the budget division 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;

(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 Director of Personnel; and

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

(6) Temporary Employee Pool: The director shall administer a temporary employee applicant pool from which state agencies can draw when in need of a short-term labor supply.

Sec. 16. That section 81-1311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1311. Agency heads and other management personnel so designated by the agency head shall have the following authorities and responsibilities, consistent with rules and regulations adopted and promulgated by the Department of Personnel personnel division:

(1) Decisions concerning the mission of the agency;

(2) Decisions on how to maintain and improve the efficiency and effectiveness of government operations;

(3) Decisions on services to be rendered, operations to be performed, technology to be utilized, or matters to be budgeted;

(4) Decisions concerning the overall methods, processes, means, or personnel by which operations are

to be conducted;

(5) Decisions concerning the processes and acts of hiring, directing, or supervising employees;

(6) Determining the performance evaluation rating of individual employees on at least an annual basis;

(7) Employee salary administration decisions;

(8) Assuring that position titles and job descriptions are accurate;

(9) Decisions concerning employee job assignments, employee work schedules, promotions of employees, transfers of employees, and discipline of employees including terminations;

(10) Decisions to reimburse the best qualified job applicants for travel, meals, and lodging expenses incurred in traveling to and from the prospective job site, except that no more than three applicants for any position may be reimbursed under this subdivision;

(11) Decisions to relieve employees from duties because of lack of work or funds or under conditions when the employer determines continued work would be inefficient or nonproductive including the contracting out for goods and services;

(12) Decisions concerning development and maintenance of any personnel records necessary for the operation of the agency;

(13) Decisions to confer with any or all of its employees in the process of developing policies; and

(14) Decisions to take any other action not otherwise specified in this section.

Sec. 17. That section 81-1312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1312. (1) The 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 Department of Personnel personnel division by reason of existence of agency personnel offices which, in the judgment of the director, have adequate capability to undertake responsibilities for development of or administration of the provisions of sections 81-1301 to ~~81-1317~~ 81-1316, or for the convenience of either the department personnel division or the individual agencies of state government, or both, delegate responsibility for administration of any of the requirements of such 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 such sections ~~81-1301 to 81-1317~~ or of the provisions of policies, rules, and regulations promulgated under the provisions of such sections ~~81-1301 to 81-1317~~, as such provisions may affect the individual department or agency.

(2) The 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~~, ~~81-1316~~ 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 department personnel division.

Sec. 18. That section 81-1318, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1318. There is hereby created a State Personnel Board composed of five persons appointed by the Governor subject to confirmation by the Legislature. Not more than three of the members shall be members of the same political party. Each board member serving on August 30, 1987, shall retain his or her position until resignation or until a successor is appointed at the expiration of the member's appointive term. Any member of the board may be removed by the Governor, upon notice and hearing as determined by the Governor, for neglect of duty or malfeasance in office, but for no other cause. New members shall be appointed for terms of five years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member succeeded. State employees covered by sections 81-1301 to 81-1319 shall not be appointed to the State Personnel Board. At least three appointees to the board shall have experience in personnel administration, business or public administration, labor relations, or law. The board, by majority vote, shall designate one member to serve as chairperson. The principal office and business address of the board shall be the Department of Personnel personnel division of the Department of Administrative Services in Lincoln, Nebraska, but the board may meet and exercise any or all of its powers at any other location.

The board may delegate to a group of three or more members any or all of the powers which it may exercise. The board shall be authorized to designate and delegate its powers under section 81-1318.01 to hearing officers to conduct grievance appeal hearings and recommend a decision to the board for final action. A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and three members of the board shall at all times constitute a quorum of the board.

Sec. 19. That section 81-1318.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1318.01. The State Personnel Board shall ensure the fair and equitable administration of the State Personnel System by:

(1) Operating as prescribed by rules and regulations adopted and promulgated by the Department of Personnel personnel division of the Department of Administrative Services;

(2) Reviewing and approving, by majority vote, rules and regulations adopted and promulgated by the Department of Personnel personnel division;

(3) Determining the grievability of issues or doing so through the designation of a board member. Issues determined to be not grievable shall be subject to summary dismissal;

(4) Adjudicating grievance appeals and rendering final binding decisions;

(5) Rendering decisions consistent with the rules and regulations adopted and promulgated by the Department of Personnel personnel division; and

(6) Reviewing and providing counsel regarding any matter affecting the State Personnel System.

Sec. 20. That section 81-1318.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1318.02. Any employee appealing a ruling made pursuant to Chapter 81, article 13, shall file a grievance appeal with the State Personnel Board. The chairperson of the board may assign the appeal to a hearing officer who shall be chosen from a list of hearing officers established and maintained by the board. The board shall establish the qualifications necessary to be a hearing officer. Such qualifications shall be consistent with experience in personnel administration, labor relations, or administrative law proceedings. Persons eligible to be hearing officers shall include (1) employees of the Department of

Personnel; ~~(2)~~ personnel division of the Department of Administrative Services, (2) employees of the Division of Employee Relations of the Department of Administrative Services, (3) employees included within the State Personnel System who the board determines are qualified, and ~~(3)~~ (4) other qualified persons, except that no person who has negotiated or assisted in the negotiation of the contract at issue shall be eligible to be a hearing officer.

After the chairperson of the State Personnel Board assigns the grievance appeal to a hearing officer, the appellant may disapprove such assignment and request that another person be assigned as his or her hearing officer. The second assignment shall be final.

Sec. 21. That section 81-1329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1329. (1) The Legislature hereby approves the State of Nebraska Classification and Pay Plan dated June 1, 1972, as revised December 31, 1972, and amendments thereto, as prepared by the Department of Personnel personnel division of the Department of Administrative Services, and directs its implementation commencing July 1, 1973. On July 1, 1973, the Director of Personnel and the Merit System Office for merit system agencies shall deposit one copy of such plan and amendments thereto in the office of the Clerk of the Legislature and one copy in the office of the Secretary of State. Further amendments shall be effective on the date of approval by the Director of Personnel and the Merit System Office for merit system agencies and shall remain effective until or unless specifically disapproved by the Legislature. Such amendments shall be deposited with the Clerk of the Legislature and Secretary of State on October 1, 1973, and quarterly thereafter. To insure uniformity of position classification and pay throughout all agencies of state government during the period prior to the merger of the State Personnel System and the Nebraska Joint Merit System, the Director of Personnel shall review all classification and pay actions taken by the Joint Merit System Council for conformance with the state plan and his or her recommendations shall become a permanent part of the record to be forwarded to the appropriate federal agency for its review action.

(2) The Director of Personnel is hereby directed to amend the State of Nebraska Classification and Pay Plan so as to provide all full-time state employees with an hourly wage of at least two dollars

and sixty cents as of July 1, 1976.

Sec. 22. That section 81-1334, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1334. Agencies, boards, and commissions not covered by the State Personnel System are directed to develop administrative procedures so that sections 81-1331 to 81-1334 can be implemented in a manner similar to that prescribed in the rules and regulations of the Department of Personnel personnel division of the Department of Administrative Services.

Sec. 23. That section 81-1353, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1353. No agency, board, or commission shall receive additional appropriations to carry out sections 81-1346 to 81-1354, except the Department of Personnel personnel division of the Department of Administrative Services which shall be allocated funds to administer such sections, 81-1346 to 81-1354. All awards shall be made from the amount of appropriated money saved by the suggestions of employees.

Sec. 24. That section 81-1357, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1357. There is hereby created the Affirmative Action Office which shall be a division of the Department of Personnel within the personnel division of the Department of Administrative Services. The office shall be under the administrative control of the Director of Personnel.

Sec. 25. That section 81-1371, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1371. For purposes of the State Employees Collective Bargaining Act, unless the context otherwise requires:

(1) Chief Negotiator shall mean the Chief Negotiator of the Division of Employee Relations in the Department of Personnel of the Department of Administrative Services;

(2) Commission shall mean the Commission of Industrial Relations;

(3) Division shall mean the Division of Employee Relations of the Department of Administrative Services;

(4) Employee or state employee shall mean any employee of the State of Nebraska;

(5) Employer or state employer shall mean the

State of Nebraska and shall not include any political subdivision thereof;

(6) Employer-representative shall mean (a) for negotiations involving employees of the University of Nebraska, the Board of Regents, (b) for negotiations involving employees of the Nebraska state colleges, the Board of Trustees of the Nebraska State Colleges, (c) for negotiations involving employees of other constitutional agencies, the governing officer or body for each such agency, and (d) for negotiations involving other state employees, the Governor;

(7) Grievance shall mean a management action resulting in an injury, injustice, or wrong involving a misinterpretation or misapplication of applicable labor contracts if so agreed to by the appropriate parties;

(8) Issue shall mean broad subjects of negotiation which are presented to the Special Master pursuant to section 81-1382. All aspects of wages shall be a single issue, all aspects of insurance shall be a single issue, and all other subjects of negotiations classified in broad categories shall be single issues;

(8) (9) Mandatory topic or topics of bargaining shall mean those subjects of negotiation on which employers must negotiate pursuant to the Industrial Relations Act, including terms and conditions of employment which may otherwise be provided by law for state employees, except when specifically prohibited by law from being a subject of bargaining;

(9) (10) Meet-and-confer rights shall mean the rights of employees to discuss wages, hours, and other terms and conditions of employment with the appropriate employer-representative but shall not require either party to enter into a written agreement. Employees afforded meet-and-confer rights shall not be entitled to utilize the impasse resolution procedures provided in the State Employees Collective Bargaining Act or to file a petition with the commission invoking its jurisdiction as provided in the Industrial Relations Act for the purpose of obtaining an order or orders under section 48-818. Meet-and-confer rights shall not apply to any bargaining unit other than a supervisory unit; and

(10) (11) Special Master shall mean a factfinder chosen pursuant to section 81-1380.

Sec. 26. That section 81-1373, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1373. (1) For the purpose of implementing the state employees' right to organize for the purpose of collective bargaining, there are hereby created

twelve bargaining units for all state agencies except the University of Nebraska, the Nebraska state colleges, and other constitutional offices. The units shall consist of state employees whose job classifications are occupationally and functionally related and who share a community of interest. The bargaining units shall be:

(a) Maintenance, Trades, and Technical, which unit is composed of generally recognized blue collar and technical classes, including highway maintenance workers, carpenters, plumbers, electricians, print shop workers, auto mechanics, engineering aides and associates, and similar classes;

(b) Administrative Support, which unit is composed of clerical and administrative nonprofessional classes, including typists, secretaries, accounting clerks, computer operators, office service personnel, and similar classes;

(c) Health and Human Care Nonprofessional, which unit is composed of institutional care classes, including nursing aides, psychiatric aides, therapy aides, and similar classes;

(d) Social Services and Counseling, which unit is composed of generally professional-level workers providing services and benefits to eligible persons. Classes shall include job service personnel, income maintenance personnel, social workers, counselors, and similar classes;

(e) Administrative Professional, which unit is composed of professional employees with general business responsibilities, including accountants, buyers, personnel specialists, data processing personnel, and similar classes;

(f) Protective Service, which unit is composed of institutional security personnel, including correctional officers, building security guards, and similar classes;

(g) Law Enforcement, which unit is composed of employees holding powers of arrest, including Nebraska State Patrol officers and sergeants, game wardens, fire marshal personnel, and similar classes. Sergeants, investigators, and patrol officers employed by the Nebraska State Patrol as authorized in section 81-2004 shall be presumed to have a community of interest with each other and shall be included in this bargaining unit notwithstanding any other provision of law which may allow for the contrary;

(h) Health and Human Care Professional, which unit is composed of community health, nutrition, and health service professional employees, including nurses,

doctors, psychologists, pharmacists, dietitians, licensed therapists, and similar classes;

(i) Examining, Inspection, and Licensing, which unit is composed of employees empowered to review certain public and business activities, including driver-licensing personnel, revenue agents, bank and insurance examiners, various public health and protection inspectors, and similar classes;

(j) Engineering, Science, and Resources, which unit is composed of specialized professional scientific occupations, including civil and other engineers, architects, chemists, geologists and surveyors, and similar classes;

(k) Teachers, which unit is composed of employees required to be licensed or certified as a teacher; and

(l) Supervisory, which unit is composed of employees who are supervisors as defined in section 48-801.

All employees who are excluded from bargaining units pursuant to the Industrial Relations Act, and all employees of the ~~Department of Personnel~~ personnel division of the Department of Administrative Services, and all employees of the Division of Employee Relations of the Department of Administrative Services shall be excluded from any bargaining unit of state employees.

(2) Any employee organization, including one which represents other state employees, may be certified or recognized as provided in the Industrial Relations Act as the exclusive collective-bargaining agent for a supervisory unit, except that such unit shall not have full collective-bargaining rights but shall be afforded only meet-and-confer rights.

(3) It is the intent of the Legislature that professional and managerial employee classifications and office and service employee classifications be grouped in broad occupational units for the University of Nebraska and the Nebraska state colleges established on a university-wide or college-system-wide basis, including all campuses within the system. Any unit entirely composed of supervisory employees of the University of Nebraska or the Nebraska state colleges shall be afforded only meet-and-confer rights. Except as provided in subsection (4) of this section, the bargaining units for academic, faculty, and teaching employees of the University of Nebraska and the Nebraska state colleges shall continue as they exist on April 9, 1987, and any adjustments thereto or new units therefor shall continue to be determined pursuant to the

Industrial Relations Act.

(4) Except as provided in subdivision (2)(c) of section 85-1,119, when the institution now known as Kearney State College is transferred to the control and management of the Board of Regents of the University of Nebraska, any academic, faculty, and teaching employees of Kearney State College who are included in a bargaining unit and represented by a certified or recognized collective-bargaining agent as of June 30, 1991, shall, on and after July 1, 1991, compose a separate bargaining unit of University of Nebraska employees, and such agent shall be entitled to certification by the commission for the new bargaining unit without the necessity of a representation election. Any adjustments to the unit or the representation thereof shall be determined pursuant to the Industrial Relations Act.

(5) Other constitutional offices shall continue to subscribe to the procedures for unit determination in the Industrial Relations Act, except that the commission is further directed to determine the bargaining units in such manner as to (a) reduce the effect of overfragmentation of bargaining units on the efficiency of administration and operations of the constitutional office and (b) be consistent with the administrative structure of the constitutional office. Any unit entirely composed of supervisory employees of a constitutional office shall be afforded only meet-and-confer rights.

Sec. 27. That section 81-1374, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1374. The transition of bargaining units and certified exclusive collective-bargaining agents existing prior to and on April 9, 1987, to those units prescribed in section 81-1373 and certified exclusive collective-bargaining agents shall be implemented as follows:

(1)(a) When the employees in a bargaining unit or units existing prior to and on April 9, 1987, and represented by a single certified exclusive collective-bargaining agent comprise at least seventy percent of the employees to be included in a bargaining unit prescribed in section 81-1373 and there is no other collective-bargaining agent certified to represent any of the other employees who would be included in the new unit, the certified exclusive collective-bargaining agent for the existing unit or units shall be entitled to a certification by the commission for the new



bargaining unit without the necessity of a representation election.

(b) When the employees in two or more bargaining units existing prior to and on April 9, 1987, and represented by two or more certified exclusive collective-bargaining agents together comprise at least eighty percent of the employees to be included in a bargaining unit prescribed in section 81-1373, an election shall be held between the certified exclusive collective-bargaining agents for the existing units to determine which should be certified by the commission as the exclusive collective-bargaining agent for the new bargaining unit. The competing collective-bargaining agents shall be the only choices on the ballot.

If either of the competing collective-bargaining agents disclaims an interest in certification for the new bargaining unit, the remaining collective-bargaining agent, if it represents a majority of the employees to be included in the new bargaining unit, shall be entitled to a certification by the commission for the new bargaining unit without the necessity of a representation election. The disclaimer shall be in writing submitted to the competing collective-bargaining agent and the Department of Personnel division and filed with the commission.

(c) When, on April 9, 1987, less than seventy percent of the employees to be included in a bargaining unit prescribed in section 81-1373 are represented by existing certified collective-bargaining agents, representation of employees in the new bargaining unit shall be determined pursuant to procedures prescribed in section 48-838 and any rules and regulations adopted and promulgated pursuant thereto by the commission, except that the commission shall recognize representation claims existing on April 9, 1987, when such claims are sufficient in number, as satisfying the requirements of subsection (3) of section 48-838 for requests in writing;

(2) Any employee organization which prior to and on April 9, 1987, has been the exclusive collective-bargaining agent of any employees may disclaim any interest in representation of such employees. The disclaimer shall be in writing and submitted to the competing collective-bargaining agent and the Department of Personnel division and filed with the commission. Any two or more organizations which prior to and on April 9, 1987, were exclusive collective-bargaining agents for any employees may combine, merge, or affiliate for purposes of

representation of employees in a bargaining unit prescribed by section 81-1373;

(3) The appropriate employer-representative for the State of Nebraska shall, upon receipt of a copy of the appropriate final certification order from the commission, recognize any employee organization's claim to certification as the exclusive collective-bargaining agent which is based upon this section;

(4) The job classifications which compose each bargaining unit and, only for purposes of determining transition to new bargaining units as provided in this section, the number of employees within each job classification shall be found in the Appendix of the report entitled Nebraska State Government and Collective Bargaining, which report is on file with the Clerk of the Legislature on April 9, 1987. No job classification included within any bargaining unit shall be removed or reassigned from a unit until (a) two years after April 9, 1987, or (b) there is a certified exclusive collective-bargaining agent for the unit, whichever occurs first. After such period, adjustments in the job classifications which compose any bargaining unit prescribed in section 81-1373 shall comply with the Industrial Relations Act and any rule and regulation adopted and promulgated pursuant thereto; and

(5) Except as otherwise provided in this section, procedures for determination of a certified exclusive collective-bargaining agent for any bargaining unit prescribed in section 81-1373 shall comply with section 48-838 and any rules and regulations adopted and promulgated pursuant thereto by the commission.

Sec. 28. That section 81-1376, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1376. There is hereby created within the Department of Personnel Department of Administrative Services the Division of Employee Relations to be headed by the Chief Negotiator who shall be appointed by, serve at the pleasure of, and represent the Governor. The division shall be responsible for negotiating and administering all labor contracts entered into by the State of Nebraska, except that the division shall not be responsible for contracts entered into by constitutional offices, the Board of Trustees of the Nebraska State Colleges, and the Board of Regents of the University of Nebraska.

The Chief Negotiator may, at the discretion of the Governor, also be the Director of Personnel. The Chief Negotiator shall for agencies within the

jurisdiction of the division:

(1) Negotiate or supervise the negotiations of labor contracts on a statewide basis;

(2) Be responsible for the administration of all collective-bargaining agreements, except that the Chief Negotiator may delegate such responsibility to designated representatives who may be employees of state agencies when the Chief Negotiator deems it appropriate;

(3) Be vested with authority on all mandatory topics of bargaining to negotiate the contracts. Contracts may adjust or change rates of pay and other terms and conditions of employment that are mandatory topics of bargaining pursuant to the Industrial Relations Act and the State Employees Collective Bargaining Act;

(4) Make recommendations to the Governor and Legislature regarding wages, hours, and conditions of employment for all unorganized employees;

(5) Consult with agency and department heads regarding possible terms of labor contracts and administration of agreements when appropriate; and

(6) Manage the day-to-day operations of the division.

The division and the Chief Negotiator may represent any of the constitutional offices in labor contract negotiations and administration of contracts if requested to do so by such offices by resolution of the governing officer or body submitted to the Chief Negotiator and affected collective-bargaining agent and filed with the commission.

The responsibilities for negotiating contracts with employees of the Nebraska state colleges and the University of Nebraska shall not be exercised by the division and the Chief Negotiator. The Board of Regents and the Board of Trustees of the Nebraska State Colleges shall be responsible for negotiating contracts with exclusive collective-bargaining agents for their employees.

Sec. 29. That section 81-1424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1424. The Governor shall appoint and set the salary of the executive director consistent with any compensation and pay plan established by the State Personnel Office personnel division of the Department of Administrative Services. The executive director shall be qualified for ~~his~~ the position by appropriate training and experience in the field of criminal law and justice. The executive director may be removed only for

cause by the Governor after a hearing, if requested.

Sec. 30. That section 84-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1001. (1) All state officers and heads of departments and their deputies, assistants, and employees, except permanent part-time employees, temporary employees, and the members of any board or commission not required to render full-time service, shall render not less than forty hours of labor each week except any week in which a paid holiday may occur.

(2) Regular work by such employees shall not be performed on paid holidays, Saturdays, or Sundays except in case of an emergency or when otherwise ordered or deemed essential by the Governor.

(3) For the purposes of this section, paid holidays shall include all of the days enumerated in section 25-2221 and all days declared by law or proclamation of the President or Governor to be holidays.

(4) All such holidays shall be paid holidays except as provided in subsection (5) of this section. For the purposes of this section, employees shall include permanent and temporary employees. A permanent employee shall mean an employee in a regular full-time or part-time position who works a full-time or part-time schedule on an ongoing basis, and a temporary employee shall mean an employee appointed to a full-time or part-time position for a limited period of time to accomplish a specific task. If any such holiday falls on Sunday, the following Monday shall be a holiday. If any such holiday falls on Saturday, the preceding Friday shall be a holiday.

(5) Employees who are required to work on any holiday shall be granted either a work day of compensatory time off or be paid for the time worked in accordance with existing state and federal statutes, except that temporary employees shall not be eligible for paid holidays and if required to work on a holiday shall be paid for the time worked at their normal rate of pay. Permanent part-time employees shall be eligible for paid holidays on a pro rata basis. In order to receive pay for such holiday an employee, whether part time or full time, must not have been absent without pay on the work day immediately preceding or immediately following the holiday unless excused by his or her supervisor. The ~~State Personnel~~ Director of Personnel shall adopt and promulgate such rules and regulations as are necessary to administer the ~~provisions~~ of this

section.

Sec. 31. That section 84-1511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1511. (1) The Public Employees Retirement Board shall establish a comprehensive preretirement planning program for state patrol officers, state employees, judges, county employees, and school employees who are members of the retirement systems established pursuant to Chapter 23, article 23, Chapter 24, article 7, Chapter 79, articles 10 and 15, Chapter 81, article 20, and Chapter 84, article 13. The program shall provide information and advice regarding the many changes employees face upon retirement including, but not limited to, changes in physical and mental health, housing, family life, leisure activity, and retirement income.

(2) The preretirement planning program shall be available to all employees who have attained the age of fifty or are within five years of qualifying for retirement or early retirement under their retirement systems.

(3) The preretirement planning program shall include information on the federal and state income tax consequences of the various annuity or retirement benefit options available to the employee, information on social security benefits, information on various local, state, and federal government programs and programs in the private sector designed to assist elderly persons, and information and advice the board deems valuable in assisting public employees in the transition from public employment to retirement.

(4) The board shall work with the Department on Aging, ~~Department of Personnel~~ personnel division of the Department of Administrative Services, employee groups, and any other governmental agency, including political subdivisions or bodies whose services or expertise may enhance the development or implementation of the preretirement planning program.

(5) Funding to cover the expense of the preretirement planning program shall be charged back to each retirement fund on a pro rata share based on the number of employees in each plan.

(6) Leave with pay shall be provided by the employer to each employee qualified and registered to attend a preretirement planning program. An employee eligible to attend such a program shall not be entitled to attend more than one preretirement planning program per fiscal year prior to actual election of retirement.

(7) A nominal registration fee shall be charged each person attending a preretirement planning program to cover the costs for meals, meeting rooms, or other expenses incurred under such program.

Sec. 32. That section 84-1602, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1602. Sections 84-1601 to 84-1615 shall be administered by the Department of Personnel personnel division of the Department of Administrative Services. The Director of Personnel may employ such administrative, clerical, secretarial, and technical assistants and consultants as are required for the administration of such sections. ~~84-1601 to 84-1615-~~

Sec. 33. That section 84-1603, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1603. The Department of Personnel personnel division of the Department of Administrative Services shall select, with the assistance of the Risk Manager and the Chief Negotiator, one or more carriers or combinations of carriers licensed to do insurance business in Nebraska to serve as administrator of the insurance contract or contracts. Such selection shall be made after open competitive bidding in which any carrier authorized to provide the type or types of insurance coverage involved shall be eligible to participate. The department personnel division may develop bid specifications which provide for various forms of plan design and funding methods, including plans of self-insurance or any combination of such methods. The department personnel division may utilize such expert technical assistance provided by the Risk Manager, the Chief Negotiator, and other state agencies or outside consultants as may be required to establish and evaluate criteria for selection of carriers. The insurance contract or contracts may be subject to rebidding at any time after the inception of this program at the discretion of the department personnel division.

Sec. 34. That section 84-1605, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1605. Out of appropriations made for that purpose, the Department of Personnel personnel division of the Department of Administrative Services shall (1) first enter into a contract providing, entirely at state expense, ten thousand dollars of basic life insurance protection and (2) enter into a contract to purchase a

contract of group health insurance to be financed by the state to the extent that appropriations made for that purpose are available and, if necessary, by contributions from each employee. Each such contract shall provide insurance coverage for each employee specified in section 84-1601. Participation in the program of group health and life insurance shall be optional with the employee.

Sec. 35. That section 84-1606, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1606. The Department of Personnel personnel division of the Department of Administrative Services may elect to offer a group health insurance option to employees subject to sections 84-1601 to 84-1615 in which the total cost of the single, two-party, four-party, and family coverages are less than the rates listed in section 84-1611. The state shall provide such coverage at no cost to the employee.

Sec. 36. That original sections 9-807, 48-197, 49-14,121, 81-8,106, 81-1108, 81-1113, 81-1301, 81-1302, 81-1303, 81-1305, 81-1306, 81-1307, 81-1311, 81-1312, 81-1318, 81-1318.01, 81-1318.02, 81-1329, 81-1334, 81-1353, 81-1357, 81-1371, 81-1374, 81-1376, 81-1424, 84-1001, and 84-1511, Reissue Revised Statutes of Nebraska, 1943, and sections 49-617, 81-8,220, 81-8,239.01, 81-1373, 84-1602, 84-1603, 84-1605, and 84-1606, Revised Statutes Supplement, 1992, are repealed.

Sec. 37. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.