

LEGISLATIVE BILL 697

Approved by the Governor June 4, 1993

Introduced by Government, Military and Veterans Affairs Committee:
Schimek, 27, Chairperson; Cudaback, 36;
Janssen, 15; Pirsch, 10; Schmitt, 41; Witek, 31

AN ACT relating to public officers and employees; to amend sections 23-1112, 81-1323, and 81-1328, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1176, 81-1317, and 81-1317.01, Revised Statutes Supplement, 1992; to change reimbursement provisions for mileage traveled by county and state officers and employees; to authorize adjustments to terms and conditions of employment; to clarify the balancing date for certain accounts; to provide for leave for certain state employees for participation in specialized disaster relief services in Nebraska; to harmonize provisions; to provide operative dates; 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 23-1112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1112. (1) When it is necessary for any county officer or his or her deputy or assistants, except any county sheriff or his or her deputy, to travel on business of the county, he or she shall be allowed mileage at the rate of ~~twenty-seven~~ ~~twenty-four~~ and one-half cents per mile for each mile actually and necessarily traveled by the most direct route if the trip or trips are made by automobile, but if travel by rail or bus is economical and practical, he or she shall be allowed only the actual cost of rail or bus transportation upon the presentation of his or her bill for the same accompanied by a proper voucher to the county board of his or her county in like manner as is provided for as to all other claims against the county.

(2) Any future adjustments made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

Sec. 2. That section 81-1176, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1176. (1) If a trip or trips included in a request for payment or reimbursement filed under sections 81-1174 and 81-1175 are made by personal automobile or otherwise, only one mileage request shall be allowed for each mile actually and necessarily traveled in each calendar month by the most direct route regardless of the fact that one or more persons are transported in the same motor vehicle. Reimbursement on

such requests shall be computed ~~on the following basis: If a trip is made by personal automobile at the convenience of the agency involved, the reimbursement rate shall be twenty four cents per mile. If a trip is made by personal automobile primarily based on the rate established by the Department of Administrative Services. The department may establish different rates based on whether the personal automobile usage is at the convenience of the agency involved or at the convenience of the state officer or employee, as previously agreed upon by the officer or employee and the agency involved. ; the reimbursement rate shall be the prevailing rate established by the transportation services bureau of the Department of Administrative Services.~~ Funds expended for parking may be requested in addition to mileage.

(2) The payment of mileage shall be limited to the actual cost of travel at the rates established in subsection (1) of this section or the cost of commercial transportation, whichever is less. Savings of productive time shall be taken into consideration when making the comparison. No additional rate of mileage shall be allowed to state inspectors or others who carry state equipment by motor vehicle regardless of the weight thereof.

(3) Any future adjustments made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

Sec. 3. That section 81-1317, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1317. Except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act and except for the pay increases provided by the Legislature, the Director of Personnel shall have authority to establish programs and otherwise adjust terms and conditions of employment for ~~FY1991-92 and FY1992-93~~ FY1993-94 and FY1994-95 for employees not covered by collective-bargaining agreements, including terms and conditions of employment which may not be specifically provided or may otherwise be provided by law, in order to make such terms and conditions of employment more consistent with those of such covered employees or otherwise address changes arising out of collective bargaining.

Sec. 4. That section 81-1317.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1317.01. Except for employees of the University of Nebraska and the state colleges and except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act, terms and conditions of employment which may otherwise be provided by law for employees not covered under the State Personnel System may be adjusted ~~by the employer representative as defined in section 81-1371 for FY1991-92 and FY1992-93~~ FY1993-94 and FY1994-95 to address changes arising out of collective bargaining.

Sec. 5. That section 81-1323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1323. The sick leave account shall be balanced as of 11:59 p.m. Central Standard Time on December 31 each calendar year. Sick leave shall be cumulative for not more than one thousand four hundred forty hours.

Sec. 6. That section 81-1328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1328. State employees shall, during each year of continuous employment, be entitled to ninety-six working hours of vacation leave with full pay.

State employees who complete five years of continuous employment by the state shall be entitled to one hundred twenty hours of vacation leave during their sixth year of employment and shall thereafter be entitled to eight additional hours of vacation leave with full pay for each additional year of continuous state employment up to a maximum of two hundred hours of vacation leave a year. Vacation leave shall be earned in accordance with the following schedule:

During 1st year of continuous employment	96 hours per year
During 2nd year of continuous employment	96 hours per year
During 3rd year of continuous employment	96 hours per year
During 4th year of continuous employment	96 hours per year
During 5th year of continuous employment	96 hours per year
During 6th year of continuous employment	120 hours per year
During 7th year of continuous employment	128 hours per year
During 8th year of continuous employment	136 hours per year
During 9th year of continuous employment	144 hours per year
During 10th year of continuous employment	152 hours per year
During 11th year of continuous employment	160 hours per year
During 12th year of continuous employment	168 hours per year
During 13th year of continuous employment	176 hours per year
During 14th year of continuous employment	184 hours per year
During 15th year of continuous employment	192 hours per year
During 16th year of continuous employment	200 hours per year

After 16th year of continuous employment 200 hours per year

Employees who are regularly employed less than forty hours a week shall be entitled to vacation leave proportionate to their regular workweek. Any employee who has been employed by the Legislature or Legislative Council shall, for vacation leave entitlement purposes, be credited with one continuous year of employment for each two hundred sixty working days such employee was employed by the Legislature or Legislative Council.

As used in this section, state employee shall mean any person or officer employed by the state including the head of any department or agency, except when such a head is a board or commission, and who works a full-time or part-time schedule on an ongoing basis.

For the purposes of this section, an employee who has terminated his employment with the state for any reason other than disciplinary and who returns to state employment within one year from the date of termination shall have his or her service for vacation leave entitlement computed by combining prior continuous service with current continuous service disregarding the period of absence, except that an employee who has retired or voluntarily terminated in lieu of retirement shall, if he or she returns to state employment, be considered a new employee for the purpose of vacation leave entitlement.

The vacation leave account of each employee shall be balanced as of 11:59 p.m. Central Standard Time on December 31 each calendar year. Each employee shall be entitled to have accumulated as of ~~December 31 of each calendar year~~ such time the number of hours of vacation leave which he or she earned during that calendar year. Hours of vacation leave accumulated in excess of that number shall be lost. Any employee shall be entitled to use any vacation time as soon as it has accrued. Any vacation time not used within one calendar year following the calendar year during which the time accrued shall be lost. In special and meritorious cases, ~~where~~ when to limit the annual leave to the period therein specified would work a peculiar hardship, such leave may be extended in the discretion of the Governor, or in situations involving employees of the Legislature, in the discretion of the Executive Board of the Legislative Council.

Each employee, upon retirement, dismissal, or voluntary separation from state employment, shall be paid for unused accumulated vacation leave. Upon the death of an employee, his or her beneficiary shall be paid for his unused accumulated vacation leave.

A permanent employee who is transferred from one agency to another shall have his or her accrued vacation leave transferred to the receiving agency.

The Director of Personnel shall adopt and promulgate such rules and regulations as are necessary to administer this section.

Sec. 7. Any state employee who is a certified disaster service volunteer of the American Red Cross may, with the authorization

of his or her supervisor, be granted a leave not to exceed fifteen working days in each year to participate in specialized disaster relief services in Nebraska for the American Red Cross, upon the request of the American Red Cross, without loss of pay, vacation time, sick leave, or earned overtime accumulation.

For purposes of this section, state employee shall have the definition found in section 81-1331.

Sec. 8. Sections 2 and 9 of this act shall become operative on July 1, 1993. The other sections of this act shall become operative on their effective date.

Sec. 9. That original section 81-1176, Revised Statutes Supplement, 1992, is repealed.

Sec. 10. That original sections 23-1112, 81-1323, and 81-1328, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1317 and 81-1317.01, Revised Statutes Supplement, 1992, are repealed.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.