

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 447**

Introduced by McDonnell, 5.

Read first time January 18, 2019

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the State Personnel System; to amend
- 2 section 81-1316, Revised Statutes Cumulative Supplement, 2018; to
- 3 exempt positions from the Nebraska State Historical Society as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1316, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 81-1316 (1) All agencies and personnel of state government shall be  
4 covered by sections 81-1301 to 81-1319 and shall be considered subject to  
5 the State Personnel System, except the following:

- 6 (a) All personnel of the office of the Governor;
- 7 (b) All personnel of the office of the Lieutenant Governor;
- 8 (c) All personnel of the office of the Secretary of State;
- 9 (d) All personnel of the office of the State Treasurer;
- 10 (e) All personnel of the office of the Attorney General;
- 11 (f) All personnel of the office of the Auditor of Public Accounts;
- 12 (g) All personnel of the Legislature;
- 13 (h) All personnel of the court systems;
- 14 (i) All personnel of the Board of Educational Lands and Funds;
- 15 (j) All personnel of the Public Service Commission;
- 16 (k) All personnel of the Nebraska Brand Committee;
- 17 (l) All personnel of the Commission of Industrial Relations;
- 18 (m) All personnel of the State Department of Education;
- 19 (n) All personnel of the Nebraska state colleges and the Board of  
20 Trustees of the Nebraska State Colleges;
- 21 (o) All personnel of the University of Nebraska;
- 22 (p) All personnel of the Coordinating Commission for Postsecondary  
23 Education;
- 24 (q) All personnel of the Governor's Policy Research Office, but not  
25 to include personnel within the State Energy Office;
- 26 (r) All personnel of the Commission on Public Advocacy;
- 27 (s) All agency heads;
- 28 (t)(i) The Director of Behavioral Health of the Division of  
29 Behavioral Health; (ii) the Director of Children and Family Services of  
30 the Division of Children and Family Services; (iii) the Director of  
31 Developmental Disabilities of the Division of Developmental Disabilities;

1 (iv) the Director of Medicaid and Long-Term Care of the Division of  
2 Medicaid and Long-Term Care; and (v) the Director of Public Health of the  
3 Division of Public Health;

4 (u) The chief medical officer established under section 81-3115, the  
5 Administrator of the Office of Juvenile Services, and the chief executive  
6 officers of the Beatrice State Developmental Center, Lincoln Regional  
7 Center, Norfolk Regional Center, Hastings Regional Center, Grand Island  
8 Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home,  
9 Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment  
10 Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;

11 (v) The chief executive officers of all facilities operated by the  
12 Department of Correctional Services and the medical director for the  
13 department appointed pursuant to section 83-4,156;

14 (w) All personnel employed as pharmacists, physicians,  
15 psychiatrists, or psychologists by the Department of Correctional  
16 Services;

17 (x) All personnel employed as pharmacists, physicians,  
18 psychiatrists, psychologists, service area administrators, or facility  
19 operating officers of the Department of Health and Human Services or the  
20 Department of Veterans' Affairs;

21 (y) Deputies and examiners of the Department of Banking and Finance  
22 and the Department of Insurance as set forth in sections 8-105 and  
23 44-119, except for those deputies and examiners who remain in the State  
24 Personnel System; ~~and~~

25 (z) All personnel of the Tax Equalization and Review Commission;  
26 and -

27 (aa) The associate director of the Conservation Division of the  
28 Nebraska State Historical Society and all personnel employed as a  
29 Conservator I or Conservator II of the Conservation Division of the  
30 Nebraska State Historical Society.

31 (2) At each agency head's discretion, up to the following number of

1 additional positions may be exempted from the State Personnel System,  
2 based on the following agency size categories:

3	Number of Agency	Number of Noncovered
4	Employees	Positions
5	less than 25	0
6	25 to 100	1
7	101 to 250	2
8	251 to 500	3
9	501 to 1000	4
10	1001 to 2000	5
11	2001 to 3000	8
12	3001 to 4000	11
13	4001 to 5000	40
14	over 5000	50

15 The purpose of having such noncovered positions shall be to allow  
16 agency heads the opportunity to recruit, hire, and supervise critical,  
17 confidential, or policymaking personnel without restrictions from  
18 selection procedures, compensation rules, career protections, and  
19 grievance privileges. Persons holding the noncovered positions shall  
20 serve at the pleasure of the agency head and shall be paid salaries set  
21 by the agency head. An agency with over five thousand employees shall  
22 provide notice in writing to the Health and Human Services Committee of  
23 the Legislature when forty noncovered positions have been filled by the  
24 agency head pursuant to this subsection.

25 (3) No changes to this section or to the number of noncovered  
26 positions within an agency shall affect the status of personnel employed  
27 on the date the changes become operative without their prior written  
28 agreement. A state employee's career protections or coverage by personnel  
29 rules and regulations shall not be revoked by redesignation of the  
30 employee's position as a noncovered position without the prior written  
31 agreement of such employee.

1           Sec. 2.    Original section 81-1316, Revised Statutes Cumulative  
2 Supplement, 2018, is repealed.