

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1024**

Introduced by Avery, 28.

Read first time January 17, 2012

Committee:

A BILL

- 1 FOR AN ACT relating to state government; to amend section 81-1316,
- 2 Revised Statutes Supplement, 2011; to provide exemptions
- 3 from the State Personnel System; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 81-1316, Revised Statutes Supplement,  
2   2011, is amended to read:

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

- 7                   (a) All personnel of the office of the Governor;
- 8                   (b) All personnel of the office of the Lieutenant  
9   Governor;
- 10                  (c) All personnel of the office of the Secretary of  
11   State;
- 12                  (d) All personnel of the office of the State Treasurer;
- 13                  (e) All personnel of the office of the Attorney General;
- 14                  (f) All personnel of the office of the Auditor of Public  
15   Accounts;
- 16                  (g) All personnel of the Legislature;
- 17                  (h) All personnel of the court systems;
- 18                  (i) All personnel of the Board of Educational Lands and  
19   Funds;
- 20                  (j) All personnel of the Public Service Commission;
- 21                  (k) All personnel of the Nebraska Brand Committee;
- 22                  (l) All personnel of the Commission of Industrial  
23   Relations;
- 24                  (m) All personnel of the State Department of Education;
- 25                  (n) All personnel of the Nebraska state colleges and the

1 Board of Trustees of the Nebraska State Colleges;

2 (o) All personnel of the University of Nebraska;

3 (p) All personnel of the Coordinating Commission for  
4 Postsecondary Education;

5 (q) All personnel of the Governor's Policy Research  
6 Office, but not to include personnel within the State Energy Office;

7 (r) All personnel of the Commission on Public Advocacy;

8 (s) All agency heads;

9 (t) All deputy agency heads;

10 ~~(t)(i)~~(i) The Director of Behavioral Health of the  
11 Division of Behavioral Health; (ii) the Director of Children and  
12 Family Services of the Division of Children and Family Services;  
13 (iii) the Director of Developmental Disabilities of the Division of  
14 Developmental Disabilities; (iv) the Director of Medicaid and Long-  
15 Term Care of the Division of Medicaid and Long-Term Care; (v) the  
16 Director of Public Health of the Division of Public Health; and (vi)  
17 the Director of Veterans' Homes of the Division of Veterans' Homes;

18 ~~(u)~~(v) The chief medical officer established under  
19 section 81-3115, the Administrator of the Office of Juvenile  
20 Services, and the chief executive officers of the Beatrice State  
21 Developmental Center, Lincoln Regional Center, Norfolk Regional  
22 Center, Hastings Regional Center, Grand Island Veterans' Home,  
23 Norfolk Veterans' Home, Eastern Nebraska Veterans' Home, Western  
24 Nebraska Veterans' Home, Youth Rehabilitation and Treatment Center-  
25 Kearney, and Youth Rehabilitation and Treatment Center-Geneva;

1                   ~~(v)~~-(w) The chief executive officers of all facilities  
 2 operated by the Department of Correctional Services and the medical  
 3 director for the department appointed pursuant to section 83-4,156;

4                   ~~(w)~~-(x) All personnel employed as pharmacists,  
 5 physicians, psychiatrists, or psychologists by the Department of  
 6 Correctional Services;

7                   ~~(x)~~-(y) All personnel employed as pharmacists,  
 8 physicians, psychiatrists, psychologists, service area  
 9 administrators, or facility operating officers of the Department of  
 10 Health and Human Services;

11                   ~~(y)~~-(z) Deputies and examiners of the Department of  
 12 Banking and Finance and the Department of Insurance as set forth in  
 13 sections 8-105 and 44-119, except for those deputies and examiners  
 14 who remain in the State Personnel System; and

15                   ~~(z)~~-(aa) All personnel of the Tax Equalization and Review  
 16 Commission.

17                   (2) At each agency head's discretion, up to the following  
 18 number of additional positions may be exempted from the State  
 19 Personnel System, based on the following agency size categories:

20	Number of Agency	Number of Noncovered
21	Employees	Positions
22	less than 25	0
23	25 to 100	1
24	101 to 250	2

1	251 to 500	3
2	501 to 1000	4
3	1001 to 2000	5
4	2001 to 3000	8
5	3001 to 4000	11
6	4001 to 5000	14
7	over 5000	50

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

19           (3) No changes to this section or to the number of  
20 noncovered positions within an agency shall affect the status of  
21 personnel employed on the date the changes become operative without  
22 their prior written agreement. A state employee's career protections  
23 or coverage by personnel rules and regulations shall not be revoked  
24 by redesignation of the employee's position as a noncovered position

1 without the prior written agreement of such employee.

2                   Sec. 2. Original section 81-1316, Revised Statutes

3 Supplement, 2011, is repealed.