

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 745**

FINAL READING

Introduced by Aguilar, 35.

Read first time January 09, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to state administrative departments; to amend  
2 section 81-1316, Revised Statutes Supplement, 2007; to  
3 change provisions relating to personnel exempt from  
4 the State Personnel System; and to repeal the original  
5 section.

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

1           Section 1. Section 81-1316, Revised Statutes Supplement,  
2 2007, 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  
5 shall be considered subject to the State Personnel System, except  
6 the 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  
7 Office;

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

9 (s) All agency heads;

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

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

1 Rehabilitation and Treatment Center-Geneva;

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

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

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

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

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

19	Number of Agency	Number of Noncovered
20	Employees	Positions
21	less than 25	0
22	25 to 100	1
23	101 to 250	2
24	251 to 500	3
25	501 to 1000	4

1	1001 to 2000	5
2	2001 to 3000	8
3	3001 to 4000	11
4	4001 to 5000	14
5	over 5000	25

6           The purpose of having such noncovered positions shall  
7 be to allow agency heads the opportunity to recruit, hire,  
8 and supervise critical, confidential, or policymaking personnel  
9 without restrictions from selection procedures, compensation rules,  
10 career protections, and grievance privileges. Persons holding the  
11 noncovered positions shall serve at the pleasure of the agency head  
12 and shall be paid salaries set by the agency head.

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

21           Sec. 2. Original section 81-1316, Revised Statutes  
22 Supplement, 2007, is repealed.