

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 773

Introduced by Hudkins, 21.

Read first time January 09, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to county government; to amend sections
2 23-2502, 23-2536, and 23-2537, Reissue Revised Statutes
3 of Nebraska, and section 23-2519, Revised Statutes
4 Cumulative Supplement, 2006; to change provisions
5 relating to unclassified service positions; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-2502, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 23-2502 As used in sections 23-2501 to 23-2516, unless
4 the context otherwise requires:

5 (1) Employees shall mean all county employees of the
6 county. The term employees shall not include part-time employees,
7 employees subject to the state personnel service, court-appointed
8 employees except bailiffs, employees of the county attorney's
9 office, employees of the public defender's office, dentists,
10 physicians, practicing attorneys, deputy sheriffs, officers
11 appointed by the Governor, or elected officers or the chief deputy
12 of each office or the deputy of each office if there is not more
13 than one deputy in the office;

14 (2) Part-time employee shall mean any person whose
15 position is seasonal or temporary as defined by the commission;

16 (3) Department head shall mean an officer holding an
17 elected office, an officer holding office by appointment of the
18 Governor, the chief deputy of any office or the deputy if there is
19 not more than one deputy, and such other persons holding positions
20 as are declared to be department heads by the county board; and

21 (4) Commission shall mean the Civil Service Commission.

22 Sec. 2. Section 23-2519, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 23-2519 The county service shall be divided into the
25 classified service and the unclassified service. All officers

1 and positions of the county shall be in the classified service
2 unless specifically designated as being in the unclassified service
3 established by the County Civil Service Act. All county employees
4 who have permanent status under any other act prior to the passage
5 of the County Civil Service Act shall have status under the
6 act without further qualification. Positions in the unclassified
7 service shall not be governed by the act and shall include the
8 following:

9 (1) County officers elected by popular vote and persons
10 appointed to fill vacancies in such elective offices;

11 (2) The county personnel officer and the administrative
12 assistant to the board of county commissioners;

13 ~~(3) Bailiffs;~~

14 ~~(4) (3) Department heads and one principal assistant~~
15 or chief deputy for each county department. When more than one
16 principal assistant or chief deputy is mandated by law, all such
17 positions shall be in the unclassified service;

18 ~~(5) (4) Members of boards and commissions appointed by~~
19 the board of county commissioners;

20 ~~(6) (5) Persons employed in a professional or scientific~~
21 capacity to make or conduct a temporary and special investigation
22 or examination on behalf of the board of county commissioners;

23 ~~(7) (6) Attorneys;~~

24 ~~(8) (7) Physicians;~~

25 ~~(9) (8) Employees of an emergency management~~

1 organization; and

2 ~~(10)~~ (9) Deputy sheriffs.

3 Nothing in the act shall be construed as precluding the
4 appointing authority from filling any positions in the unclassified
5 service in the manner in which positions in the classified service
6 are filled.

7 Sec. 3. Section 23-2536, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 23-2536 If a program is adopted pursuant to sections
10 23-2534 to 23-2544, the county service shall be divided into the
11 classified service and the unclassified service. All officials and
12 employees of the county shall be in the classified service unless
13 specifically designated as being in the unclassified service.
14 Positions in the unclassified service shall not be governed
15 by personnel rules and regulations adopted pursuant to sections
16 23-2534 to 23-2544. Unless otherwise designated by rules and
17 regulations adopted pursuant to sections 23-2534 to 23-2544, the
18 unclassified service shall include the following:

19 (1) Officials;

20 (2) The county personnel officer and the administrative
21 assistant to the county board;

22 ~~(3) Bailiffs;~~

23 ~~(4)~~ (3) Department heads and one principal assistant or
24 deputy for each county department;

25 ~~(5)~~ (4) Members of boards and commissions appointed by

1 the county board;

2 ~~(6)~~ (5) Persons employed in a professional or scientific
3 capacity to make or conduct a temporary and special investigation
4 or examination on behalf of the county board;

5 ~~(7)~~ (6) Attorneys, including deputy county attorneys; and

6 ~~(8)~~ (7) Employees who are covered by the State Personnel
7 System.

8 Nothing in sections 23-2534 to 23-2544 shall be construed
9 as precluding the appointing authority from filling any positions
10 in the unclassified service in the manner in which positions in the
11 classified service are filled.

12 Sec. 4. Section 23-2537, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 23-2537 (1) A personnel policy board may be created
15 by resolution of the county board. The members of a personnel
16 policy board shall include one elected county official chosen
17 by the elected county officials other than the members of the
18 county board, one county board member chosen by the county board,
19 one member chosen by the employees who are not described in
20 subdivisions (1) through ~~(8)~~ (7) of section 23-2536, one lay member
21 chosen by the elected county officials, and one lay member chosen
22 by the county board. All members shall serve four-year terms,
23 except of the members first chosen, the elected county official
24 and the county board member shall serve one-year terms, the lay
25 member chosen by the county board shall serve a two-year term,

1 the lay member chosen by the elected county officials shall serve
2 a three-year term, and the member chosen by the employees shall
3 serve a four-year term. Each member of the board shall hold office
4 until his or her successor is appointed and qualified. Any person
5 appointed to fill a vacancy occurring prior to the expiration of a
6 term shall be appointed in the same manner for the remainder of the
7 term.

8 (2) A majority of the county board and elected county
9 officials may remove any member of the personnel policy board for
10 nonattendance at three meetings.

11 (3) A personnel policy board shall elect a chairperson
12 from among its members. A board shall meet at such time and place
13 as shall be specified by call of the chairperson or the county
14 personnel officer. At least one meeting shall be held quarterly.
15 Three members shall constitute a quorum for the transaction of
16 business. Board members shall serve without compensation but shall
17 receive reimbursement for actual and necessary expenses.

18 Sec. 5. Original sections 23-2502, 23-2536, and 23-2537,
19 Reissue Revised Statutes of Nebraska, and section 23-2519, Revised
20 Statutes Cumulative Supplement, 2006, are repealed.