

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 321**

Introduced by Avery, 28.

Read first time January 15, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to state government; to amend section 81-1302,  
2 Reissue Revised Statutes of Nebraska; to provide for  
3 state employees to participate in qualified mentoring  
4 programs; to harmonize provisions; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) For purposes of this section:

2           (a) Mentoring program means a structured, managed program  
3 in which a minor is appropriately matched with a screened and  
4 trained adult volunteer for meetings and activities on a regular  
5 basis, providing involvement for the minor with a caring and  
6 supportive adult who provides a positive role model;

7           (b) Nonprofit mentoring organization means a nonprofit  
8 organization which qualifies as a tax-exempt organization under  
9 section 501(c)(3) of the Internal Revenue Code as defined in  
10 section 49-801.01 with a primary mission of providing a mentoring  
11 program; and

12           (c) Qualified mentoring program means a mentoring program  
13 operated by a political subdivision, a state agency, or a nonprofit  
14 mentoring organization in Nebraska.

15           (2) A state employee may request up to four hours  
16 per month of mentoring leave with full pay to participate in a  
17 qualified mentoring program. The employee shall receive his or her  
18 regularly hourly wage for the time spent using mentoring leave.

19           Sec. 2. Section 81-1302, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           81-1302 As used in sections 81-1301 to 81-1316 and  
22 81-1354.01 and section 1 of this act, unless the context otherwise  
23 requires:

24           (1) Gender when referring to masculine also includes  
25 feminine;

1           (2) State personnel service shall refer to the personnel  
2 system established by such sections together with those aspects of  
3 personnel systems established under any other law as such systems  
4 may be affected by such sections;

5           (3) Position shall mean an office or employment in an  
6 agency of this state, whether part time or full time, temporary  
7 or permanent, and whether occupied or vacant, or existing for the  
8 performance of specific duties;

9           (4) Employee shall mean any person in the employ of an  
10 agency or department who receives a salary or wage;

11           (5) Position title shall mean the title assigned a  
12 position having discrete characteristics relative to the duties,  
13 responsibilities, skills, training, experience, and other factors  
14 under the state position classification plan;

15           (6) Job description shall mean the description of  
16 duties, responsibilities, typical tasks to be performed, degree  
17 of supervision to which subject or for which responsible, and  
18 conditions under which an incumbent in a given position shall  
19 perform, for each class and position in the state service;

20           (7) Pay grade shall mean a specified range of salary or  
21 wage, the starting and intermediate rates within such range, and  
22 the maximum rate of such range as may be approved by legislative  
23 enactment;

24           (8) Position classification plan shall mean the system  
25 of classifying each position in the state service in accordance

1 with the kinds of skills, experience, working conditions, and  
2 other factors peculiar to each and the structuring of classes  
3 of positions in accordance with the different kinds of treatment  
4 necessary for each class and the positions within each class;

5 (9) Salary or pay plan shall mean a plan by which  
6 positions, as previously arranged under the classification plan,  
7 are evaluated by classes in relation to one another, by which pay  
8 grades are specified for each class of positions, and which is  
9 governed by a set of fundamental rules authorizing and controlling  
10 changes in the pay of classes of positions and their incumbents as  
11 may be provided for by law and rules and regulations promulgated  
12 pursuant to such law;

13 (10) Fiscal year shall mean the twelve months between  
14 July 1 of one year and June 30 of the next succeeding year;

15 (11) Biennium shall mean the twenty-four months between  
16 July 1 of each odd-numbered year and June 30 of the year following  
17 the next succeeding calendar year;

18 (12) Qualified shall mean, with reference either to a  
19 candidate for employment or an employee, that he or she has been  
20 examined by appropriate means and found to possess the minimum  
21 ability and the minimum requirements of training, experience, and  
22 other requirements for the position sought or held and may therefor  
23 be certified as eligible for employment in such position;

24 (13) Job specifications shall mean a formal statement  
25 of skills, experience, personal qualities, education, and other

1 factors to be required of persons who hold or seek employment for  
2 each position in the state's service;

3 (14) Recruiting shall mean the act or actions through  
4 which potentially qualified persons are caused to apply for  
5 employment with any agency of the state;

6 (15) Classification shall mean the process by which  
7 the duties, responsibilities, working conditions, skills required,  
8 experience required, supervision received or exercised, or both,  
9 and other factors relative to a position are established in  
10 proper relationship to the same factors for all other positions  
11 in the state's service and from which there shall result a job  
12 description, job specifications, and assignment to a pay grade for  
13 the position so affected;

14 (16) Budget division shall mean the budget division of  
15 the Department of Administrative Services;

16 (17) Staffing pattern shall mean the number of positions  
17 in each class and the specific classes of positions as may be  
18 authorized for each department or agency of state government by the  
19 budget division;

20 (18) Authorized position shall mean any position the  
21 creation of which has been approved by the budget division;

22 (19) Merit increase shall mean any increase in the rate  
23 of pay for any position in the state's service beyond the starting  
24 rate and which shall be provided for by the pay plan and which  
25 shall be granted in recognition of length of service, superior or

1 outstanding performance, or as otherwise provided for by law;

2 (20) Grievance shall mean a management action resulting  
3 in an injury, injustice, or wrong involving a misinterpretation or  
4 misapplication of rules promulgated by the personnel division or  
5 agency rules and regulations;

6 (21) Director shall mean the Director of Personnel; and

7 (22) Personnel division shall mean the personnel division  
8 of the Department of Administrative Services.

9 Sec. 3. Original section 81-1302, Reissue Revised  
10 Statutes of Nebraska, is repealed.