

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 737

Introduced by Karpisek, 32.

Read first time January 06, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to state administrative departments; to amend
2 section 81-1316, Reissue Revised Statutes of Nebraska; to
3 provide an exemption from the State Personnel System for
4 certain employees; and to repeal the original section.

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

1 Section 1. Section 81-1316, Reissue Revised Statutes of
2 Nebraska, 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, or directors of nursing by the
7 Department of Correctional Services;

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

12 (y) Deputies and examiners of the Department of Banking
13 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; and

16 (z) All personnel of the Tax Equalization and Review
17 Commission.

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

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

2	251 to 500	3
3	501 to 1000	4
4	1001 to 2000	5
5	2001 to 3000	8
6	3001 to 4000	11
7	4001 to 5000	14
8	over 5000	25

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

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

24 Sec. 2. Original section 81-1316, Reissue Revised
1 Statutes of Nebraska, is repealed.