

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 218**  
Final Reading

Introduced by Karpisek, 32.

Read first time January 10, 2011

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 change provisions relating to personnel exempt from the  
4 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, 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 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)(i) The Director of Behavioral Health of the Division  
10 of Behavioral Health; (ii) the Director of Children and Family  
11 Services of the Division of Children and Family Services; (iii) the  
12 Director of Developmental Disabilities of the Division of  
13 Developmental Disabilities; (iv) the Director of Medicaid and Long-  
14 Term Care of the Division of Medicaid and Long-Term Care; (v) the  
15 Director of Public Health of the Division of Public Health; and (vi)  
16 the Director of Veterans' Homes of the Division of Veterans' Homes;

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

25 (v) The chief executive officers of all facilities

1 operated by the Department of Correctional Services and the medical  
2 director for the department appointed pursuant to section 83-4,156;

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

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

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

14 (z) All personnel of the Tax Equalization and Review  
15 Commission.

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

1	501 to 1000	4
2	1001 to 2000	5
3	2001 to 3000	8
4	3001 to 4000	11
5	4001 to 5000	14
6	<del>over 5000</del>	<del>25</del>
7	<u>over 5000</u>	<u>50</u>

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, Reissue Revised

3 Statutes of Nebraska, is repealed.