

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 417

Introduced by Wallman, 30; Smith, 14.

Read first time January 13, 2011

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the Civil Service Act; to amend section
2 19-1835, Reissue Revised Statutes of Nebraska; to extend
3 the time period for probationary service of firefighters;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 19-1835, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 19-1835 (1) Whenever a position subject to the Civil
4 Service Act becomes vacant, the appointing authority shall ~~make~~
5 ~~requisition upon request from~~ the commission ~~for~~ the names and
6 addresses of the persons eligible for appointment and may decline to
7 fill such vacancy for an indefinite period.

8 (2) The commission, upon request of the appointing
9 authority, shall establish and maintain a list, for a period of time
10 established by the appointing authority, of ~~those~~ persons eligible
11 for appointment to or promotion within the department. Such list
12 shall be established and maintained through the open competitive
13 examinations required by section 19-1829, with the time and date of
14 any examination to be established by the appointing authority. Any
15 person having satisfactorily passed the examination for any position
16 shall be placed on the list of those eligible for appointment or
17 promotion to such position.

18 (3) Upon the request of the appointing authority, the
19 commission shall certify the names of the persons who are the three
20 highest on the eligible list, following the most recent examination,
21 and whose qualifications have been validated by the commission for
22 the vacant position. If fewer than three names are on the eligible
23 list, the commission shall certify those that do appear. If the
24 commission certifies fewer than three names for each vacancy to the
25 appointing authority, the appointing authority may appoint one of

1 such persons to fill the vacancy, may decline to fill the vacancy, or
2 may order that another examination be held by the civil service
3 commission.

4 (4) If a vacancy occurs and there is no eligible list for
5 the position or if the commission has not certified persons from the
6 eligible list, a temporary appointment may be made by the appointing
7 authority. Such temporary appointment shall not continue for a period
8 longer than four months. No person shall receive more than one
9 temporary appointment or serve more than four months as a temporary
10 appointee in any one fiscal year.

11 (5) To enable the appointing authority to exercise a
12 choice in the filling of positions, no appointment, employment, or
13 promotion in any position in the service shall be deemed complete
14 until after the expiration of a period of ~~three to six months~~ not
15 less than six months nor more than one year probationary service for
16 firefighters and not less than six months nor more than one year
17 after certification by the Nebraska Law Enforcement Training Center
18 for police officers, as may be provided in the rules of the civil
19 service commission, during which time the appointing authority may
20 terminate the employment of the person appointed by it if, during the
21 performance test thus afforded and upon an observation or
22 consideration of the performance of duty, the appointing authority
23 deems such person unfit or unsatisfactory for service in the
24 department. The appointing authority may appoint one of the other
25 persons certified by the commission and such person shall likewise

1 enter upon such duties until some person is found who is fit for
2 appointment, employment, or promotion for the probationary period
3 provided and then the appointment, employment, or promotion shall be
4 complete.

5 Sec. 2. Original section 19-1835, Reissue Revised
6 Statutes of Nebraska, is repealed.