

AMENDMENTS TO LB411

(Amendments to Standing Committee amendments, AM514)

Introduced by Brewer, 43.

1 1. Strike section 45 and insert the following new sections:

2 Section 1. Sections 1 to 17 of this act shall be known and may be  
3 cited as the County Civil Service Commission Act.

4 Sec. 2. Section 23-2501, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 ~~23-2501~~ The purpose of the County Civil Service Commission Act  
7 ~~sections 23-2501 to 23-2516~~ is to guarantee to all citizens a fair and  
8 equal opportunity for employment in the county offices governed by the  
9 act and sections 23-2501 to 23-2516, to establish conditions of  
10 employment and to promote economy and efficiency in such offices. In  
11 addition, the purpose of the act is to establish a system of personnel  
12 administration that meets the social, economic, and program needs of  
13 county offices. Such system shall provide the means to recruit, select,  
14 develop, and maintain an effective and responsive workforce and shall  
15 include policies and procedures for employee hiring and advancement,  
16 training and career development, position classification, salary  
17 administration, benefits, discipline, discharge, and other related  
18 matters. All appointments and promotions under the act shall be made  
19 based on merit and fitness.

20 Sec. 3. Section 23-2502, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 ~~23-2502~~ As used in the County Civil Service Commission Act sections  
23 ~~23-2501 to 23-2516,~~ unless the context otherwise requires:

24 (1) Employees means ~~shall mean~~ all county employees of the county.  
25 Employees does ~~The term employees shall~~ not include part-time employees,  
26 employees subject to the state personnel service, court-appointed

1 employees, employees of the county attorney's office, employees of the  
2 public defender's office, dentists, physicians, practicing attorneys,  
3 deputy sheriffs, officers appointed by the Governor, or elected officers  
4 or the chief deputy of each office or the deputy of each office if there  
5 is not more than one deputy in the office;

6 (2) Part-time employee means ~~shall mean~~ any person whose position is  
7 seasonal or temporary as defined by the commission;

8 (3) Department head means ~~shall mean~~ an officer holding an elected  
9 office, an officer holding office by appointment of the Governor, the  
10 chief deputy of any office or the deputy if there is not more than one  
11 deputy, and such other persons holding positions as are declared to be  
12 department heads by the county board; and

13 (4) Commission means ~~shall mean~~ the civil service commission formed  
14 pursuant to section 4 of this act ~~Civil Service Commission~~.

15 Sec. 4. Section 23-2503, Revised Statutes Cumulative Supplement,  
16 2018, is amended to read:

17 ~~23-2503~~ In any county having a population of four hundred thousand  
18 inhabitants or more as determined by the most recent federal decennial  
19 census, there shall be a civil service commission ~~Civil Service~~  
20 ~~Commission~~ which shall be formed as provided in the County Civil Service  
21 Commission Act ~~sections 23-2501 to 23-2516~~. A county shall comply with  
22 this section within six months after a determination that the population  
23 has reached four hundred thousand inhabitants or more as determined by  
24 the most recent federal decennial census.

25 Sec. 5. Section 23-2504, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 ~~23-2504~~ (1) The commission shall consist of five members who shall  
28 be in sympathy with the application of merit principles to public  
29 employment. No member of the commission shall be a member of any local,  
30 state, or national committee of a political party or an officer or member  
31 of a committee in any partisan political club or organization.

1           (2) The members of the commission shall be as follows: (a) Two  
2 elected officers selected from the offices of and elected by the county  
3 commissioners, clerk, assessor, treasurer, public defender, register of  
4 deeds, clerk of the district court, engineer surveyor, and sheriff, being  
5 of opposite political parties if possible, and each party shall  
6 separately select its own member, (b) two full-time permanent county  
7 employees, and (c) one public member holding no public or political  
8 office. The initial two such employees shall be selected by the two  
9 elected officers referred to in subdivision (a) of this subdivision as  
10 follows: Any such employee who is at least twenty-one years of age may  
11 submit his or her name as a candidate to the elected officer of the  
12 political party with which the employee is registered who shall then  
13 select one commission member from such list of names. The four members of  
14 the commission shall then select the public member. The commission shall  
15 establish employee election procedures which shall provide that all  
16 county employees subject to the County Civil Service Commission Act  
17 ~~sections 23-2501 to 23-2516~~ may vote and, if not less than twenty-one  
18 years of age, be candidates for a member of the commission. One employee  
19 member of the commission shall be a Democrat elected by the Democrat-  
20 registered employees subject to the County Civil Service Commission Act  
21 ~~sections 23-2501 to 23-2516~~ and one employee member of the commission  
22 shall be a Republican elected by the Republican-registered employees  
23 subject to the County Civil Service Commission Act ~~sections 23-2501 to~~  
24 ~~23-2516~~. An employee otherwise eligible to vote and be a candidate for  
25 the office of employee member of the commission, but who is not  
26 registered as either a Democrat or a Republican, may become eligible to  
27 vote, and become a candidate for the office of employee member of the  
28 commission by making a declaration that he or she desires to vote for  
29 such a member of the commission, or be a candidate for such office, and,  
30 in the same declaration, designating the party, Democrat or Republican,  
31 with which he or she desires to be affiliated for this purpose. After

1 making such declaration, that employee shall have the same right to vote  
2 for a candidate, and be a candidate for the office of employee member of  
3 the commission as if the employee were a registered member of the party  
4 so designated in the declaration. The manner, form, and contents of such  
5 declaration shall be initially established by the two elected officials  
6 referred to in subdivision (2)(a) of this section, subject to  
7 modification by the commission after it has been fully formed.

8 (3) The initial term of office of (a) the two elected officers shall  
9 be three years from May 21, 1971; (b) the initial term of office of the  
10 county employees shall be two years from May 21, 1971; and (c) the  
11 initial term of the public member shall be three years from May 21, 1971.

12 (4) At the expiration of the initial term of office, a successor  
13 member shall be elected or appointed as provided in the County Civil  
14 Service Commission Act sections 23-2501 to 23-2516 for a term of three  
15 years. Membership on the commission of any member shall terminate upon  
16 the resignation of any member or at such time as the member no longer  
17 complies with the qualifications for election or appointment to the  
18 commission. If In the event a member's term terminates prior to the  
19 expiration of the term for which the member was elected or appointed, the  
20 commission shall appoint a successor complying with the same  
21 qualifications for the unexpired term.

22 Sec. 6. Section 23-2505, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 ~~23-2505~~ The members of the commission shall not receive compensation  
25 for their services but shall be reimbursed for such necessary expenses  
26 and mileage as may be incurred in the performance of their duties with  
27 reimbursement for mileage to be made at the rate provided in section  
28 81-1176. The county board shall provide sufficient funds in order that  
29 such commission may function as set forth in the County Civil Service  
30 Commission Act sections 23-2501 to 23-2516.

31 Sec. 7. Section 23-2506, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 ~~23-2506~~ The commission shall hold regular meetings at least once  
3 every three months and shall designate the time and place thereof by  
4 notice posted in the courthouse at least seven days prior to the meeting.  
5 The commission shall adopt rules of procedure and shall keep a record of  
6 its proceedings. The commission shall also make provision for special  
7 meetings, and all meetings and records of the commission shall be open to  
8 the public except as otherwise provided in the County Civil Service  
9 Commission Act sections ~~23-2501 to 23-2516~~. The commission shall elect  
10 one of its members as chairperson for a period of one year or until a  
11 successor has been duly elected and qualified.

12 Sec. 8. Section 23-2508, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 ~~23-2508~~ The commission may recommend to the county board salary and  
15 pay plans for the employees.

16 Sec. 9. Section 23-2509, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 ~~23-2509~~ All employees governed by the County Civil Service  
19 Commission Act sections ~~23-2501 to 23-2516~~ on May 21, 1971, shall retain  
20 their employment without the necessity of taking any qualifying  
21 examination.

22 Sec. 10. Section 23-2510, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 ~~23-2510~~ Any employee may be discharged, suspended, or demoted in  
25 rank or compensation by his or her department head by a written order  
26 which shall specifically state the reasons therefor. Such order shall be  
27 filed with the commission, and a copy of such order shall be served upon  
28 the employee personally or by leaving it at his or her usual place of  
29 residence. Any employee so affected may, within ten days after service of  
30 the order, appeal such order to the commission. Notice of such appeal  
31 shall be in writing, signed by the employee appealing, and delivered to

1 any member of the commission. The delivery of the notice of appeal shall  
2 be sufficient to perfect an appeal, and no other act shall be deemed  
3 necessary to confer jurisdiction of the commission over the appeal. In  
4 the event any employee is discharged, suspended, or demoted prior to the  
5 formation of the commission, such employee may appeal the order to the  
6 commission within ten days after the formation of the commission in the  
7 manner provided in this section.

8 Sec. 11. Section 23-2511, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 ~~23-2511~~ The commission shall, within two weeks after receipt of the  
11 notice of appeal, hold a public hearing thereon at which the employee  
12 shall be entitled to appear personally, be represented by counsel, cross-  
13 examine witnesses, and produce evidence. The commission shall have the  
14 authority to affirm, modify, or revoke the order appealed from, and the  
15 finding and the decision of the commission shall be certified to the  
16 department head who issued the order, and the finding and decision of the  
17 commission shall be binding on all parties concerned. In the event of an  
18 appeal to the commission, no order affecting an employee shall become  
19 permanent until the finding and decision of the commission shall be  
20 certified as provided in this section. Notwithstanding any other  
21 provision of the County Civil Service Commission Act sections 23-2501 to  
22 ~~23-2516~~, an employee affected by an order may request transfer to another  
23 department governed by the County Civil Service Commission Act sections  
24 ~~23-2501 to 23-2516~~ with the consent of the commission and the department  
25 head of such other department.

26 Sec. 12. Section 23-2512, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 ~~23-2512~~ To effectively carry out the duties imposed on the  
29 commission by the County Civil Service Commission Act sections 23-2501 to  
30 ~~23-2516~~, the commission shall have the power to subpoena witnesses,  
31 administer oaths, and compel the production of books and papers.

1           Sec. 13. Section 23-2513, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           ~~23-2513~~ No employee or person desiring to be an employee in an  
4 office governed by the County Civil Service Commission Act sections  
5 ~~23-2501 to 23-2516~~ shall be appointed, demoted, ~~or~~ discharged, or in any  
6 way favored or discriminated against, ~~because of~~ political, racial, or  
7 religious opinions or affiliations, but advocating, ~~or~~ being a member of  
8 a political party or organization that advocates the overthrow of the  
9 government of the United States or of this state by force or violence  
10 shall be sufficient reason to discharge an employee.

11           Sec. 14. Section 23-2514, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13           ~~23-2514~~ Notwithstanding any other provision of the County Civil  
14 Service Commission Act sections ~~23-2501 to 23-2516~~, any person who holds  
15 the position of chief deputy, or deputy if there is not more than one  
16 deputy in the office, may be removed by the elected officer from the  
17 position of chief deputy or deputy without cause, but such person shall,  
18 if he or she has been an employee of the county for more than two years  
19 prior to the appointment as chief deputy or deputy, have the right,  
20 unless discharged or demoted as provided in sections 10 23-2510 and 11 of  
21 this act 23-2511, to remain as a county employee at a salary not less  
22 than eighty percent of his or her average salary during the three  
23 preceding years.

24           Sec. 15. (1) The county board shall appoint a human resources  
25 director to help carry out the County Civil Service Commission Act. Such  
26 human resources director shall be a person experienced in the field of  
27 personnel administration and in known sympathy with the application of  
28 merit principles in public employment. The human resources director shall  
29 report to the county board. In addition to other duties imposed upon him  
30 or her by the county board, the human resources director shall:

31           (a) Apply and carry out the act and the rules and regulations

1 thereunder;

2 (b) Attend meetings of the commission and act as its secretary and  
3 keep minutes of its proceedings;

4 (c) Establish and maintain a roster of all employees in the  
5 classified service which shall set forth the class title, pay, status,  
6 and other pertinent data for each employee;

7 (d) Appoint such employees and experts and special assistants as may  
8 be necessary;

9 (e) Foster and develop, in cooperation with appointing authorities  
10 and others, programs for the improvement of employee effectiveness,  
11 including, but not limited to, training, safety, health, counseling, and  
12 welfare;

13 (f) Encourage and exercise leadership in the development of  
14 effective personnel administration with the several county agencies,  
15 departments, and institutions; and

16 (g) Perform such other duties as he or she may consider necessary or  
17 desirable to carry out the purposes of the County Civil Service  
18 Commission Act.

19 (2) The human resources director shall require department heads to  
20 provide sufficient criteria to enable the commission to properly conduct  
21 employment examinations and shall require department heads to supply to  
22 the commission position classification plans, job descriptions, and job  
23 specifications.

24 (3) Individual personnel records shall be available for inspection  
25 only by the employee involved, the employee's department head, and such  
26 other persons as the commission shall authorize.

27 Sec. 16. Section 23-2515, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 ~~23-2515~~ An appeal from a final order of the commission shall be in  
30 the manner provided in sections 25-1901 to 25-1908.

31 Sec. 17. Section 23-2516, Reissue Revised Statutes of Nebraska, is



1 amended to read:

2 ~~23-2516~~ If any provision of the County Civil Service Commission Act  
3 ~~sections 23-2501 to 23-2516~~ or of any rule, regulation, or order  
4 thereunder or the application of such provision to any person or  
5 circumstances shall be held invalid, the remainder of the County Civil  
6 Service Commission Act sections 23-2501 to 23-2516 and the application of  
7 such provision of the County Civil Service Commission Act sections  
8 ~~23-2501 to 23-2516~~ or of such rule, regulation, or order to persons or  
9 circumstances other than those as to which it is held invalid shall not  
10 be affected thereby.

11 Sec. 19. Section 14-2105, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 14-2105 Regular meetings of the board of directors shall be held ~~on~~  
14 ~~the first Wednesday of~~ each calendar month at such hour and on such date  
15 as the board may designate and at such other stated times as shall be  
16 fixed in the bylaws. Special meetings of the board may be held at any  
17 time at the call of the chairperson or at the request of any two members  
18 filed in writing with the secretary. All meetings of the board, any of  
19 its committees, or committees of its employees shall be public.

20 Sec. 20. Section 18-2515, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 18-2515 (1) Each petition presented for signature must be identical  
23 to the petition authorized for circulation by the city clerk pursuant to  
24 section 18-2512.

25 (2) Every petition shall contain the name and place of residence of  
26 not more than three persons as chief petitioners or sponsors of the  
27 measure. ~~The chief petitioners or sponsors shall be qualified electors of~~  
28 ~~the municipal subdivision potentially affected by the initiative or~~  
29 ~~referendum proposal.~~

30 (3) Every petition shall contain the caption and the statement  
31 specified in subdivisions (1)(a) and (1)(c) of section 18-2513.

1 (4) When a special election is being requested, such fact shall be  
2 stated on every petition.

3 Sec. 38. Section 32-618, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 32-618 (1) The number of signatures of registered voters needed to  
6 place the name of a candidate upon the nonpartisan ballot for the general  
7 election shall be as follows:

8 (a) For each nonpartisan office other than members of the Board of  
9 Regents of the University of Nebraska and board members of a Class III  
10 school district, at least ten percent of the total number of registered  
11 voters voting for Governor or President of the United States at the  
12 immediately preceding general election in the district or political  
13 subdivision in which the officer is to be elected, not to exceed two  
14 thousand;

15 (b) For members of the Board of Regents of the University of  
16 Nebraska, at least ten percent of the total number of registered voters  
17 voting for Governor or President of the United States at the immediately  
18 preceding general election in the regent district in which the officer is  
19 to be elected, not to exceed one thousand; and

20 (c) For board members of a Class III school district, at least  
21 twenty percent of the total number of votes cast for the board member  
22 receiving the highest number of votes at the immediately preceding  
23 general election in the school district.

24 (2) The number of signatures of registered voters needed to place  
25 the name of a candidate for an office upon the partisan ballot for the  
26 general election shall be as follows: ~~at least ten percent of the~~  
27 ~~registered voters entitled to vote for the office.~~

28 (a) For each partisan office to be filled by the registered voters  
29 of the entire state, at least four thousand, and at least seven hundred  
30 fifty signatures shall be obtained in each congressional district in the  
31 state;

1       (b) For each partisan office to be filled by the registered voters  
2 of a county, at least twenty percent of the total number of registered  
3 voters voting for Governor or President of the United States at the  
4 immediately preceding general election within the county, not to exceed  
5 two thousand, except that the number of signatures shall not be required  
6 to exceed twenty-five percent of the total number of registered voters  
7 voting for the office at the immediately preceding general election; and

8       (c) For each partisan office to be filled by the registered voters  
9 of a political subdivision other than a county, at least twenty percent  
10 of the total number of registered voters voting for Governor or President  
11 of the United States at the immediately preceding general election within  
12 the political subdivision, not to exceed two thousand.

13       Sec. 44. Section 32-904, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15       32-904   (1) The election commissioner or county clerk shall  
16 designate the polling places for each precinct at which the registered  
17 voters of the precinct will cast their votes. Polling places representing  
18 different precincts may be combined at a single location when potential  
19 sites cannot be found, contracts for utilizing polling sites cannot be  
20 obtained, or a potential site is not accessible to handicapped persons as  
21 provided in section 32-907.

22       (2) When combining polling places at a single site for an election  
23 other than a special election, the election commissioner or county clerk  
24 shall clearly separate the polling places from each other and maintain  
25 separate receiving boards. When combining polling places at a single site  
26 for a special election, the election commissioner or county clerk may  
27 combine the polling places and receiving boards.

28       (3) Polling places shall not be changed between the statewide  
29 primary and general elections unless the election commissioner or county  
30 clerk has been authorized to make such change by the Secretary of State.  
31 If changes are authorized, the election commissioner or county clerk

1 shall notify each state and local candidate affected by the change.

2 (4) Notwithstanding any other provision of the Election Act, the  
3 Secretary of State may adopt and promulgate rules and regulations, with  
4 the consent of the appropriate election commissioner or county clerk, for  
5 the establishment of polling places which may be used for voting pursuant  
6 to section 32-1041 for the twenty days preceding the day of election.  
7 Such polling places shall be in addition to the office of the election  
8 commissioner or county clerk and the polling places otherwise established  
9 pursuant to this section.

10 Sec. 45. Section 32-907, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 32-907 (1) All polling places shall be accessible to all registered  
13 voters and shall be in compliance with the federal Americans with  
14 Disabilities Act of 1990, as amended, and the federal Help America Vote  
15 Act of 2002, as amended. In addition, all ~~All~~ polling places shall be  
16 modified or relocated to architecturally barrier-free buildings to  
17 provide unobstructed access to such polling places by people with  
18 physical limitations as required by this section. At least one voting  
19 booth shall be so constructed as to provide easy access for people with  
20 limitations, ~~and~~ shall accommodate a wheelchair, and shall have a cover  
21 or barrier to provide privacy. The modifications required by this section  
22 may be of a temporary nature to provide such unobstructed access only on  
23 election day.

24 (2) All polling places shall meet the requirements of the federal  
25 Americans with Disabilities Act of 1990, as amended, and the federal Help  
26 America Vote Act of 2002, as amended, including, but not limited to,  
27 requirements for:

- 28 (a) Parking;  
29 (b) An exterior route to an accessible entrance;  
30 (c) Polling place entrances;  
31 (d) The route from the entrance into the voting area;

1       (e) Voting areas, including, but not limited to, a sign (i) that  
2 indicates that assistance is available, (ii) that contains the contact  
3 telephone number approved by the Secretary of State, and (iii) posted  
4 with visible lettering that is two inches, plus one-eighth inch per foot  
5 of viewing distance more than one hundred eighty inches from viewing  
6 points;

7       (f) Ramps;

8       (g) Lifts; and

9       (h) Elevators.

10       (3) The Secretary of State shall develop, print, and make publicly  
11 available a training manual regarding accessibility requirements of the  
12 Election Act, the federal Americans with Disabilities Act of 1990, as  
13 amended, and the federal Help America Vote Act of 2002, as amended.

14       (4) The Secretary of State shall include in the biennial training  
15 for election commissioners and county clerks current standards for  
16 accessibility. All poll workers shall receive training regarding  
17 accessibility between appointment and serving at an election.

18       Sec. 67. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
19 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,  
20 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51,  
21 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, and 70 of  
22 this act become operative three calendar months after the adjournment of  
23 this legislative session. The other sections of this act become operative  
24 on their effective date.

25       Sec. 68. Original sections 18-2515, 23-149, 23-202, 23-293,  
26 23-2501, 23-2502, 23-2505, 23-2508, 23-2509, 23-2511, 23-2512, 23-2513,  
27 23-2515, 23-2516, 31-787, 31-793, 32-116, 32-202, 32-221, 32-223, 32-230,  
28 32-231, 32-236, 32-552, 32-618, 32-631, 32-803, 32-816, 32-901, 32-903,  
29 32-904, 32-907, 32-910, 32-916, 32-952, 32-956, 32-1002, 32-1008,  
30 32-1010, 32-1012, 32-1013, 32-1041, 32-1121, 32-1306, 32-1309, 32-1405,  
31 32-1407, 32-1409, 32-1524, and 49-1499.03, Reissue Revised Statutes of

1 Nebraska, and sections 14-2103, 18-2713, 23-148, 23-2503, 23-2504,  
2 23-2506, 23-2510, 23-2514, 32-330, 32-607, 32-1007, 32-1303, and  
3 49-14,126, Revised Statutes Cumulative Supplement, 2018, are repealed.

4 Sec. 69. Original section 14-2105, Reissue Revised Statutes of  
5 Nebraska, is repealed.

6 Sec. 70. The following section is outright repealed: Section  
7 23-2507, Revised Statutes Cumulative Supplement, 2018.

8 Sec. 71. Since an emergency exists, this act takes effect when  
9 passed and approved according to law.

10 2. Renumber the remaining sections accordingly.