

Summary of Proposed Changes to the NDE Personnel Rules
Title 93, Nebraska Administrative Code, Chapters 1-16
1/30/2015

Chapter 1: Coverage

- No changes.

Chapter 2: Management Authority

- No changes.

Chapter 3: Definitions

- Adds definition for Deputy Commissioner and allows for a Chief of Staff and the Commissioner to act as necessary (§011; p. 4)

Chapter 4: Employee Selection

- No changes.

Chapter 5: Probationary Periods

- Removes obsolete classification (§001.01; p. 9)
- Clarifies that secondary probation periods may not be extended (§001.03; p. 9)
- Revises policies regarding employees who move to another position during their original probationary period (§002; p. 10)
 - Employees will be required to serve a new probationary period for the new position and will not receive credit for probationary service completed in the previous position
 - Employees who move to positions of the same paygrade under the same Leadership Council Member will be credited with all probationary service in the previous position
- Revises language regarding secondary probationary periods to align with the bargaining agreement (§003; p. 10)
- Allows for performance appraisals to be optional during secondary probation (§003.01; p. 10)
- Removes requirement for a 90-day appraisal for employees with a twelve-month probationary period (§006.02; p. 11)

Chapter 6: Classification Plan

- Allows for a lesser pay increase if an employee has already received a salary increase for the same duties which resulted in the reclassification (§003.01B; p. 15)
- Allows greater flexibility in hiring internal candidates above the posted range (§005.01; p. 16)

Chapter 7: Salary Administration

- No changes.

Chapter 8: Overtime

- Clarifies overtime policies for Disability Determination Section (DDS) employees (§003; p.18)
- Clarifies that requests for an extension of the 60-calendar-day time period in which compensatory time is to be taken must be in writing; timelines are updated (§§004.02A & 004.02B; p.19)

Chapter 9: Leave and Holidays

- Clarifies language regarding vacation and sick leave accrual while on unpaid status (V - §004.03; p. 22 & S - §005.05; p. 25)
- Adds language to require a repayment schedule if an employee terminates and uses more sick leave than is available, and an adjustment cannot be made in the final pay check (§005.08; p. 26)

Chapter 10: Performance Appraisals

- Revises language to better reflect the electronic performance appraisal process (§003; p. 40)

Chapter 11: Personnel File Information

- Deletes “or former employee” from §002 as this section pertains only to current employees and conflicts with §008, which addresses the personnel records of former employees (§002; p. 41)
- Clarifies that charges for copies of personnel file information applies only to material previously provided to the employee (§004; p. 42)

Chapter 12: Layoff, Recall and Resignation

- No changes.

Chapter 13: Corrective and Disciplinary Actions

- Allows for email communication of suspension with pay (§002.01A; p. 47), suspension without pay (§004.01B; p. 49), and a dismissal recommendation with prior agreement of the employee (§004.04E; p. 51)
- Allows for extension of administrative probation period beyond one year due to absence (§004.03C; p.50)

Chapter 14: Grievance Procedure

- Adds another non-grievable matter: Placement on suspension without pay, or other action of the Commissioner, following a decision recommending an employee’s dismissal to the Board (§003.11; p. 53)

Chapter 15: Miscellaneous

- Clarifies how employee performance is considered in conjunction with requests for release time or tuition reimbursement for postsecondary coursework (§§006.01 and 006.02; pp. 61-62)
- Adds section on online coursework to align with the bargaining agreement (§§006.04; p. 63)

Chapter 16: Code of Ethics

No changes.