

LEGISLATIVE BILL 198

Approved by the Governor May 5, 1987

Introduced by McFarland, 28

AN ACT relating to the county personnel system; to amend sections 23-2520, 23-2521, and 23-2522, Reissue Revised Statutes of Nebraska, 1943; to provide for the appointment of an additional personnel policy board member as prescribed; to change a restriction on board membership; to provide additional powers and duties for the personnel policy board as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 23-2520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2520. There is hereby created a personnel office in the office of the board of county commissioners, the executive head of which shall be the county personnel officer. In such office there shall be a personnel policy board consisting of ~~five~~ six members with powers and duties provided in sections 23-2517 to 23-2533. The board of county commissioners shall make appropriations from the general fund to meet the estimated costs of administering ~~the provisions of~~ sections 23-2517 to 23-2533.

Sec. 2. That section 23-2521, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2521. (1) The members of the personnel policy board shall be persons in sympathy with the application of merit principles to public employment and who, ~~except for one member,~~ are not otherwise employed by the county, ~~except that the member employed by the county if serving on such board on the effective date of this act shall continue to serve until the term of such member expires.~~ No member shall hold during his or her term, or shall have held for a period of one year prior thereto, any political office or a position as officer or employee of a political organization.

(2) Two members of the board shall be appointed by the board of county commissioners, ~~and~~ two members shall be appointed by the elected department

heads, and two members - One member shall be appointed by classified employees who are covered by the county personnel system.

(3) The first appointments made to the personnel policy board shall be for one, two, three, four, and five years. The board of county commissioners shall initially appoint members for terms of one and five years. The elected department heads shall initially appoint members for terms of two and four years. The classified employees who are covered by the county personnel system shall initially appoint a member for a term of three years. Within three months after the effective date of this act the classified employees who are covered by the county personnel system shall initially appoint another member for a term of one year. Thereafter, each member shall be appointed in the same manner for a term of five years, except that any person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed in the same manner for the remainder of the term. Each member of the board shall hold office until his or her successor is appointed and qualified.

(4) The board of county commissioners and elected ~~officials~~ department heads may remove any member of the personnel policy board for neglect of duty or misconduct in office, after first giving him or her a copy of the reasons for removal and providing for the member to be heard publicly before the commissioners and elected ~~officials~~ department heads. A copy of the charges and a transcript of the record of the hearing shall be filed with the county clerk.

(5) The personnel policy board shall elect a ~~chairman~~ chairperson from among its members. The board shall meet at such time and place as shall be specified by call of the ~~chairman~~ chairperson or the county personnel officer. At least one meeting shall be held quarterly. ~~Three~~ Four members shall constitute a quorum for the transaction of business. Board members shall serve without compensation.

Sec. 3. That section 23-2522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2522. The powers and duties of the personnel policy board shall be:

(1) To review and make recommendations to the board of county commissioners on the personnel rules and regulations and any amendments thereto prior to the approval by the commissioners;

(2) To advise and assist the personnel officer

on matters of personnel policy, administration, and practice;

(3) To cooperate with and advise the personnel officer in fostering interest and cooperation of institutions of learning and civic, professional, and employee organizations in the improvement of personnel standards and the development of high public regard for the county as an employer and for careers in the county service;

(4) To require the personnel officer to make or to make on its own initiative any investigation which it may consider necessary concerning the management of personnel in the county service;

(5) To review any grievance or case of disciplinary action of a classified service employee when appealed by such employee in accordance with approved personnel rules and regulations and issue a determination that is binding on all parties concerned;

(6) To issue subpoenas to compel the attendance of county employees as witnesses and the production of documents and to administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with any of the powers and duties of such board. In case of a refusal to obey a subpoena issued to any county employee, the personnel policy board on its own motion, or a party to the proceedings, may make application to the district court of Lancaster County for an enforcement order, and any failure to obey such order may be punished by such court as contempt thereof;

(7) ~~(6)~~ To make annual reports and recommendations to the board of county commissioners; and

(8) ~~(7)~~ To perform such other duties as may be expressly set forth in sections 23-2517 to 23-2533 and in the regulations adopted pursuant thereto.

Sec. 4. That original sections 23-2520, 23-2521, and 23-2522, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.