

# **Nebraska Supreme Court**

## **PERSONNEL POLICIES & PROCEDURES**

**NEBRASKA SUPREME COURT SYSTEM**

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## **RANGE OF APPLICABILITY**

These policies and procedures apply equally to all employees of the Nebraska Supreme Court unless otherwise noted. Included are employees of the probation system, the county courts, the Reporter of the Supreme Court's Office, the Clerk of the Supreme Court's Office, the Administrative Office, the Staff Attorney Offices of the Supreme Court and Court of Appeals, the Office of the Counsel for Discipline, the Office of Dispute Resolution and the State Library.

These policies, except where otherwise specifically stated hereinafter or in any other Nebraska Supreme Court rule, expressly do not apply to judges, the Clerk of the Supreme Court and Court of Appeals, the Reporter of the Supreme Court and Court of Appeals, the State Court Administrator, the State Probation Administrator, the Counsel for Discipline, official court reporters, or private staff of the individual justices of the Supreme Court or judges of the Court of Appeals. Such private staff consists of administrative assistants, career law clerks, and law clerks.

If additional policies exist pertaining only to particular probation districts or county courts in which personnel are employed, they will be explained by the chief probation officer, clerk magistrate, or judicial administrator in that location. Any additional policy, however, shall require approval by the Administrative Office of the Courts/Probation and shall be consistent with, and limited by, the provisions of these rules.

Amended 7-16-03

## **MANAGEMENT AUTHORITY**

Supervisors in local offices are responsible for managing and directing the employees of those offices in accordance with the Supreme Court Personnel Policies and Procedures. Supervisory staff is designated by job description. Unless otherwise assigned, pursuant to Neb. Ct. R. of Cty, Cts. 59 (Presiding Judges), the presiding judge bears the responsibility for the hiring, evaluating, and disciplining of the judicial administrator and/or clerk magistrate(s) of the district in accordance with the Supreme Court Personnel Policies and Procedures.

Supervisors have the authority to determine specific responsibilities of any position within the constraints of the individual job descriptions and to make assignments or changes in duties as needed. The supervisors are also responsible for other conditions of employment, including work schedules and working conditions.

Supervisors are responsible for the application of these rules within their local offices and shall ensure that all employees comply with the provisions of these rules.

Amended 7-16-03

## **EQUAL EMPLOYMENT**

The Nebraska Supreme Court endorses the philosophy of equal employment opportunity. Employment decisions will be made without discrimination on the basis of race, color, religion, sex, national origin, political affiliation, marital status, physical or mental disability, or age. Such

employment action includes, but is not limited to, recruitment, hiring, job assignment, training, transfer, promotion, discipline, benefits, and educational opportunities.

Amended 7-16-03

### **NEPOTISM**

An employee shall not engage in nepotism, in connection with the hiring, discharge, or treatment of persons who are or may be under the employee's supervision. "Nepotism" means the participation by an employee in any action relating to the employment or discipline of a member of the employee's family, including advocating, authorizing, or otherwise causing the employment, appointment, promotion, transfer, or advancement of a member of the employee's family, or supervising or managing any member of the employee's family. For purposes of this policy, member of the employee's family means grandfather, grandmother, mother, father, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepdaughter, stepson, stepbrother, stepsister, half brother or half sister.

Adopted 4-23-08

### **SELECTION AND RECRUITMENT**

Each office of the Nebraska Court System shall take steps to ensure that employees within the system are recruited and selected based on an open and competitive basis. The necessary knowledge, skills, and abilities for the specific position shall be the principal factors considered in the selection process. Existing staff interested in filling a vacancy and meeting the job qualifications including the knowledge, skills and abilities required for the vacancy shall be interviewed. Selection procedures shall be uniformly administered in making a final hiring decision. Each office is responsible for documenting all required selection activities involved in the hiring process including the interview questions and any other screening device. A copy of the hiring procedure shall be sent to the Administrative Office of the Courts/Probation. Applications and all other material used in the hiring process may be disposed of 3 years after the date of application.

When a vacancy occurs, permission to fill the vacancy must be obtained from the Administrative Office of the Courts/Probation. Job notices shall be advertised both internally and externally.

#### **Internal Job Notice**

When permission is granted to fill a vacancy, a notice of such vacancy shall first be posted internally for at least five (5) workdays. Posting shall be on bulletin boards or electronic bulletin boards where used, stating the job title, description, work area, qualifications, pay range and closing date for applications.

Amended 4-23-08

#### **External Job Notice**

Notices must be filed with either the local Nebraska Workforce Development office, the State Department of Personnel for inclusion in the Job Mart publication, or with other local publications. Notices placed in newspapers or publications that involve costs to the Supreme

Court require prior approval from the Administrative Office. Positions shall be advertised for a minimum of 6 workdays.

Applications/resumes must be received by the close of business on the specifically announced closing dates for applicants to be considered as viable candidates for a vacancy.

Applications/resumes shall only be accepted when a vacancy occurs. Application/resumes that are received when a vacancy does not exist shall be returned to the sender.

With prior approval, the Supreme Court may reimburse up to three applicants per position/vacancy for travel, meals, and lodging expenses incurred in traveling to and from the prospective job site/interview site. The same policies as established for employee travel shall apply when determining the amounts to be reimbursed, and requests for reimbursement shall require the same documentation.

Amended 9-27-05

### **Veterans' Preference**

Veterans determined eligible in accordance with Sec. 80-401.01 of the Nebraska Revised Statutes shall be given preference (Veteran's Preference) as specified in Sec. 48-226 of the Statutes. The preference will be granted in the following manner: When two or more equally qualified candidates are being considered for a vacant position the qualifying veteran will be given preference for that position.

Adopted 7-16-03

### **Criminal History Screening**

In accordance with procedures approved by the Nebraska Supreme Court, a criminal background check will be conducted after a conditional offer of employment is extended, with continued employment contingent upon a satisfactory result of the background check. The employee shall be required to sign a statement of understanding regarding the criminal background check and conditional job offer.

Adopted 7-16-03

### **EMPLOYMENT STATUS VERIFICATION**

The Immigration Reform and Control Act of 1986 requires employers to verify both identity and employment authorization of all individuals hired to work in the United States. Verification documents shall be reviewed, completed, and retained in accordance with federal regulations. Supervisors in local offices are responsible for verifying the appropriate completed forms of all new employees after the job offer has been made and within the first three days of employment. New employees choose the documents to present from the list of acceptable verification documents. The completed I-9 form shall be included in the employee's personnel file and a copy of the form shall be sent to the Administrative Office.

Amended 7-16-03

## **INITIAL EMPLOYMENT**

Employees will be furnished a packet of payroll forms and other information. These should be completed and returned to the Administrative Office immediately. If the employee will be driving a state car, a driver identification card must be obtained from the Administrative Office after taking the State's defensive driving course.

All probation staff will be provided with a probation based policy and procedural manual upon commencing employment. A state photo identification card will be issued to all probation officers, and to probation support staff, at the supervisor's discretion. Following completion of their provisional period, probation officers will be issued a badge. All probation staff are responsible for any state or county-owned equipment or business related items entrusted to them and the same shall be returned to their supervisor upon termination of employment.

Amended 7-16-03

## **SERVICE DATE**

An employee's service date is used to determine the amount of annual vacation and sick leave earned, and to compute eligibility for the Public Employees Retirement System. For most employees, this is the date of hire. If an employee leaves employment or is on leave without pay status with the Nebraska Court System for other than disciplinary reasons and returns to employment with the Nebraska Court System within 5 years, the service date will be adjusted for the period of absence. The employee will earn leave at the same rate as when they left employment with the Nebraska Court System and their accumulated unpaid sick leave balance will be reinstated. However, the employee will be considered a "new employee" for original provisional status purposes.

Amended 7-16-03

## **ANNIVERSARY DATE**

An anniversary date is the date of original hire with the Nebraska Court System.

## **EMPLOYMENT CATEGORIES**

### **Full-time**

Full-time employees work, at a minimum, 40 hours per week on an ongoing, continuous basis. Full-time employees earn all benefits.

### **Part-time**

Part-time employees work fewer hours than full-time employees on an ongoing, continuous basis. Work schedules may fluctuate by week, month, or season. Part-time employees earn benefits on a prorated basis equal to the total yearly full-time equivalent for their positions. However, only part-time employees working 50 percent or more of the FTE are eligible for insurance benefits.

## **Temporary**

Temporary employment may be full-time or part-time. Temporary employees shall be hired for a period of time not to exceed 1 year.

Temporary employment shall not count toward service date or original provisional period.

Temporary employees may be separated at any time without 2 weeks' notice. The notice of separation must be in writing and shall specify the date of separation.

Temporary employees shall not receive benefits except the following types of paid leave: civil leave and military training or emergency duty leave.

Temporary employees have no grievance rights.

## **Authority for Employment of Part-time or Temporary Employees**

Employment of persons on a part-time or temporary basis can be undertaken upon the recommendation of the appropriate supervisor and the approval of the Administrative Office. The recommendation shall contain the reasons for employment, the expected duration of employment, and the wage or salary to be paid. If offices have temporary help or other part-time employees who are paid on an hourly basis, time cards shall be submitted in compliance with the schedule that has been set by the Administrative Office.

When clerical help is secured through project agencies, no guarantee can be made concerning employment at the termination of their project entitlement.

## **Replacement Status**

For the purpose of training, and with the approval of the Administrative Office, supervisors may hire a qualified applicant for a period not to exceed 30 calendar days to understudy an incumbent vacating a position. Service in a replacement status shall be included as a part of the original provisional period for the position occupied.

## **CLASSIFICATION PLAN**

The classification plan is based on a systematic review and analysis of the duties responsibilities of all positions in the Supreme Court classified personnel system. Classification is based on a variety of factors including duties performed, scope and level of responsibilities assigned, the nature and extent of supervision received and/or exercised, and the knowledge, abilities and skills required. Positions having similar duties and responsibilities are grouped into classes or occupational groupings and are assigned to a salary grade.

## **Job Reclassification**

It may be necessary to reclassify specific jobs. Such action can be taken by the Supreme Court upon written recommendation of any supervisor. It is a supervisor's responsibility to

monitor changes in duties and/or responsibilities to maintain appropriate classification assignments. Any reclassification which lowers a salary grade will not result in a salary reduction for an incumbent.

Amended 7-16-03

### **TEMPORARY REASSIGNMENT TO A HIGHER SALARY GRADE**

An employee temporarily promoted to fill a vacancy, or to fill in for a leave period exceeding 15 working days, shall be paid at least the hiring rate of the salary grade being filled or 5% more than the employee's current salary, whichever is greater. The salary increase may begin on the first day of the temporary promotion but shall begin no later than the 16th day following the temporary promotion. At the end of this temporary promotion, the employee's salary shall be reduced to the amount paid prior to the temporary promotion, except that any salary increases granted during that temporary promotion shall be added back into the employee's base salary. Temporary promotions shall not exceed 1 year unless authorized by the Administrative Office.

Amended 7-16-03

### **NEW JOB DESCRIPTIONS**

When a new position does not fit within existing job descriptions, a new job description may be written and submitted to the Administrative Office for Supreme Court consideration.

Amended 7-16-03

### **SALARY ADMINISTRATION**

All salaries, except those of the Counsel for Discipline, the State Probation Administrator, and the State Court Administrator, have been placed on salary schedules.

Amended 7-16-03

### **SALARY GUIDELINES (A\* County Court and Probation )**

\*Applicable to all County Court and Probation Employees other than those probation employees in the Administrative Office.

### **New Employee Salaries**

New employees will usually begin at Step 1 of the salary grade for their job classification. If the individual possesses outstanding qualifications in terms of education, related experience, or bilingual skills, that individual may be started at an increased rate not to exceed Step 6 of the salary grade. If the starting salary is above Step 1, the employee will not be eligible for a provisional salary increase. Any starting salary other than Step 1 of the applicable grade requires the approval of the State Court Administrator or State Probation Administrator based upon the written recommendation of the supervisor. Written recommendations for an increased hiring rate must include the reasons why the applicant should be paid more than the hiring rate.

Amended 3-28-07

## **Bilingual Employees**

The State Court Administrator or the State Probation Administrator, in consultation with the hiring supervisor, may approve an increased hiring rate for a bilingual employee. The need for a bilingual employee and the language skill level demonstrated by testing approved by the Administrative Office will be factors in the process to approve an increased hiring rate. A bilingual employee is expected to perform all duties of the job for which he or she is hired. The supervisor should, as needed, adjust the bilingual employee's workload based on the time the employee may be taken away from his or her duties to assist non-English speaking customers.

Court employees who were hired prior to this policy who are or become bilingual may request testing to determine their language skill level. Based on the results of the test, the supervisor may recommend a salary adjustment to the State Court Administrator or State Probation Administrator.

Bilingual employees shall not serve as courtroom interpreters unless approved by the Administrative Office of the Courts.

Approved 3-28-07

## **Rehiring Former Employees**

A former employee returning to work in the same position within the Supreme Court Personnel System may be rehired at the same rate the employee was receiving when he/she left employment with the Court, except that the rate must not be less than the hiring rate or higher than Step 16 of the current salary grade.

Adopted 7-16-03

## **Salary Increases Upon Completion of Provisional Period**

Upon completion of the provisional period, and with a performance report of satisfactory or better, employees paid less than Step 2 of their salary grade will be given a salary increase to Step 2 of that grade. Employees hired at a salary greater than Step 2 of their salary grade will not receive a salary increase upon completion of the provisional period. Employees shall be informed of this information when they are hired.

## **Salary Changes**

The Supreme Court may authorize a general alteration in the salary schedule based upon appropriations made available. When such an "across the board" adjustment is authorized, all employees subject to the salary schedule shall receive an alteration in salary in the amount authorized.

The Supreme Court may authorize other salary increases to employees, subject to the following conditions:

1. Funds are available;

2. Employees at or above the maximum rate, employees on disciplinary probation, employees who are serving their original provisional period, and temporary employees are not eligible; except, beginning January 1, 2001, an employee at or above the maximum rate may be eligible for a longevity increase if during the previous year (prior to the first of January) the employee has experienced an anniversary with the court system of 20 or more total service years that is divisible by 5, as established by his/her service anniversary date. For each of those anniversaries, an additional \$50 a month will be added to the base salary of those eligible employees who are **at** the maximum rate. For eligible employees **over** the maximum rate the longevity increase will be reduced by the amount their salary exceeds the maximum rate and added to the base salary. Eligible part-time employees will receive increases on a prorated basis. In no event will salaries be reduced. No additional amount will be given to those employees with salaries over the maximum rate already receiving the amount equal to or greater than the longevity increase.
3. Such salary increases require the acceptable performance (Satisfactory or better on a performance report) of the employee and approval of the supervisor. Acceptable performance of the employee must be documented in a current annual performance evaluation on file in the Administrative Office at least 30 days prior to the salary increase. If an employee receives an unacceptable performance evaluation, the employee, after 90 days or more, may request another evaluation. If that evaluation indicates acceptable performance, the salary increase may then be given to the employee with the approval of the supervisor.

The Supreme Court may authorize specific alterations of salary grades to reflect labor market conditions, based upon salary survey information. When any such alteration is authorized, all employees subject to that salary grade shall receive an alteration in salary of the amount authorized on the effective date of the alteration.

### **Salary Grade Changes**

#### **Promotions**

Promotions to a higher salary grade may be requested by the employee's supervisor and must be approved by the Administrative Office. Most employees who are promoted from one job classification to another shall start at Step 1 of the new grade or such other step in the new salary grade so that the new salary is at least 5 % greater than the current salary but not more than 7½% greater than the current salary, whichever is greater. However, if the employee being promoted possesses outstanding qualifications in terms of education or related experience, that employee may be started at an increased rate not to exceed Step 6 of the new salary grade. Any such increased rate requires the approval of the State Court Administrator or State Probation Administrator based upon a written recommendation of the supervisor.

If the new salary is below Step 2 of the new salary grade, the employee may be given a salary increase to Step 2 at any time in the following 6 months, but must be paid at least the Step 2 rate at the end of 6 months.

Amended 6-9-04

## **Demotions**

If it is deemed desirable that an individual be demoted from one job classification to another, such action may be taken by the supervisor with the approval of the Administrative Office. The new salary may be set at any level of the new grade, except that it may not be an increase over the previous salary, or above the maximum rate for the new classification.

Employees requesting voluntary transfers (lateral or downward) may, at the discretion of the Administrative Office, have their salaries reduced.

Disciplinary demotions require at least a 5-percent reduction in salary grade or the employee's salary may be reduced to the Hiring Rate (Step 1) at the supervisor's discretion. (See Forms of Discipline under DISCIPLINARY ACTIONS section.)

With any demotion, if the new salary is below Step 2 of the new salary grade, the employee may be given a salary increase to Step 2 at any time in the following 6 months, but must be paid at least the Step 2 rate at the end of 6 months.

## **Part-time Employee Salaries**

All provisions contained within the salary guidelines, except where otherwise stated, shall apply to part-time employees. Rates of pay for part-time employees, excluding clerk magistrates and temporary employees shall be calculated on an hourly rate of the applicable salary grade monthly rate.

Part-time clerk magistrates shall be paid a monthly salary proportionate to that which would be paid under full-time employment. Temporary employees shall be paid at the hiring rate (Step 1) of the applicable salary grade.

Amended 7-16-03

## **SALARY GUIDELINES (B\*\*)**

\*\*Applicable to all Court and probation employees in the Nebraska Supreme Court Administrative Office, and all employees in the Supreme Court Clerk's Office, Reporter of Decisions Office, Career Law Clerks, Administrative Assistants, Staff Attorney Offices of the Supreme Court and Court of Appeals, Office of the Counsel for Discipline, Office of Dispute Resolution and State Library other than the State Court Administrator, the State Probation Administrator, and the Counsel for Discipline.

## **New Employee Salaries**

New employees will usually begin at the Hiring Rate of the salary grade for their job classification. If the individual possesses outstanding qualifications in terms of education, related experience or bilingual skills, the hiring supervisor may request the individual be started at an increased hiring rate. All starting salaries require the approval of the State Court Administrator or State Probation Administration based upon a written recommendation of the supervisor.

Amended 6-27-07

## **Salary Increases Upon Completion of Provisional Period**

Upon completion of the provisional period, employees paid less than Minimum Permanent of their salary grade must be given a salary increase to Minimum Permanent of that grade. Employees hired at a salary equal to or greater than Minimum Permanent of their salary grade will not receive a salary increase upon completion of the provisional period. Employees shall be informed of this information when they are hired.

Amended 6-27-07

## **Salary Changes**

The Supreme Court may authorize a general alteration in the salary schedule based upon appropriations made available. When such an adjustment is authorized, all employees subject to the salary schedule shall receive an alteration in salary in the amount authorized.

The Supreme Court may authorize specific salary increases to employees, subject to the following conditions:

1. Funds are available;
2. Employees at or above the maximum rate, temporary employees, and employees who are serving their provisional period or are on disciplinary probation are not eligible except an employee at or above the maximum rate may be eligible for a longevity increase if during the previous year (prior to the first of January) the employee has experienced an anniversary with the court system of 20 or more total service years that is divisible by 5, as established by his/her service anniversary date. For each of those anniversaries, an additional \$50 a month will be added to the base salary of those eligible employees who are **at** the maximum rate. For eligible employees **over** the maximum rate the longevity increase will be reduced by the amount their salary exceeds the maximum rate and added to the base salary. Eligible part-time employees will receive increases on a prorated basis. In no event will salaries be reduced. No additional amount will be given to those employees with salaries over the maximum rate already receiving the amount equal to or greater than the longevity increase.
3. Such salary increases require the acceptable performance (Satisfactory or better on a performance report) of the employee and approval of the supervisor. Acceptable performance of the employee must be documented in a current annual performance evaluation on file in the Administrative Office at least 30 days prior to the salary increase. If an employee receives an unacceptable performance evaluation, the employee, after 90 days or more, may request another evaluation. If that evaluation indicates acceptable performance, the salary increase may then be given to the employee with the approval of the supervisor.

The Supreme Court may authorize specific alterations of salary grades to reflect labor market conditions, based upon salary survey information. When any such alteration is authorized, all employees subject to that salary grade shall receive an alteration in salary of the amount authorized on the effective date of the alteration.

## **Merit Increases**

With approval of the Supreme Court, merit pay increases may be granted to employees to recognize outstanding job performance, subject to the following conditions:

1. Funds are available;
2. The employee must have outstanding job performance and that performance must be documented in a current annual performance evaluation on file in the Administrative Office;
3. The employee's base salary shall not exceed the maximum rate of his/her salary grade as a result of a merit increase; and
4. Merit pay increases shall not be automatic and may only be retroactive to the beginning of the current pay period.

## **Salary Grade Changes**

### **Promotions**

Promotions to a higher salary grade may be requested by the employee's supervisor and must be approved by the Administrative Office. Most employees who are promoted from one job classification to another shall receive a salary increase between the Hiring Rate and Midpoint of the new salary grade, based on their education and related experience, so that the new salary is at least 5 percent greater than the current salary. However, if the employee being promoted possesses outstanding qualifications in terms of education or related experience, that employee may be started at an increased rate. Any such increased rate requires the approval of the State Court Administrator or State Probation Administrator based upon a written recommendation of the supervisor.

If the new salary is below Minimum Permanent of the new salary grade, the employee may be given a salary increase to Minimum Permanent at any time in the following 6 months, but must be paid at least the Minimum Permanent rate at the end of 6 months.

Amended 6-27-07

### **Demotions**

If it is deemed desirable that an individual be demoted from one job classification to another, such action may be taken by the supervisor with the approval of the Administrative Office. The new salary may be set at any level of the new grade, except that it may not be an increase over the previous salary or above the maximum rate for the new classification.

Employees requesting voluntary transfers (lateral or downward) may, at the discretion of the Administrative Office, have their salaries reduced.

Disciplinary demotions require at least a 5 percent reduction in salary grade or the employee's salary may be reduced to the Hiring Rate at the supervisor's discretion. (See Forms of Discipline under DISCIPLINARY ACTIONS section.)

With any demotion, if the new salary is below Minimum Permanent of the new salary grade, the employee may be given a salary increase to Minimum Permanent at any time in the

following 6 months, but must be paid at least the Minimum Permanent rate at the end of the 6 months.

### **Part-time Employees**

All provisions contained within the salary guidelines, except where otherwise stated, shall apply to part-time employees. Rates of pay for part-time employees and temporary employees shall be calculated on an hourly rate of the applicable salary grade monthly rate.

Temporary employees shall be paid at the hiring rate of the applicable salary grade.

### **PAY PERIODS**

New employees shall receive their paychecks once a month. For those employees hired before 1986 and paid every 2 weeks, there are two pay cycles during the year where there are no deductions except for federal and state withholding taxes, Social Security, credit union, and retirement contributions for those employees participating in a retirement system. During these two pay cycles, employees will receive three paychecks in 1 month, the second of which will have no deductions. Deductions for employees paid monthly are made each month. Deductions for employees paid every two weeks are made in two equal amounts each month.

### **LAYOFFS/REDUCTION IN HOURS**

Layoffs are defined as involuntary employee separations or reduction of employees' hours. Layoffs may be necessary for reasons such as elimination or reduction of funds, reduction in the workload, and/or reorganization. The Nebraska Supreme Court decides when a layoff plan is necessary and directs the Administrative Office to develop such a plan.

Layoff plans shall provide as much notice as possible but at least a 15 workday written notice to employees to be laid off.

### **BUMPING RIGHTS**

The Administrative Office shall determine on what basis bumping rights can be exercised. The basis for bumping shall be one or any combination of the following: quality of service, length of service, or any job-related factor. For the purpose of bumping, length of service shall mean total time employed by the Nebraska Supreme Court and part time service shall be considered on a prorated basis, excluding employment in a temporary status. The plan for bumping rights shall identify the affected classifications and positions, and shall establish bumping rights by office, and/or geographical area, and/or district(s), and or total system in order to provide the most efficient continued operation of the court/probation system.

Adopted 7-16-03

### **REINSTATEMENT**

Employees or former employees are eligible for reinstatement to their previous position for 12 months after layoff or bumping. Employees desiring to be reinstated shall, following notification of the availability of a position, notify the Administrative Office in writing of the

acceptance or refusal of the position within 5 workdays. Hiring supervisors may reinstate employees at or up to their former salary if re-employed within 1 year. Reinstated employees may receive any scheduled salary increases granted during the period of absence. Employees reinstated after being laid off shall not be required to serve an original provisional period.

It is the responsibility of the employee or former employee to inform the Administrative Office of any change in address. Failure to receive notification of a position's availability because of an address change shall not cause the 5 workdays reply period to be lengthened.

Adopted 7-16-03

**EMPLOYEE EARNINGS RECORD**

**State of Nebraska Employee Earnings Record**

Name: \_\_\_\_\_ Employer Number \_\_\_\_\_ Route: \_\_\_\_\_ Advice Number 7 Deposit Date 01/08/03

		Hours	Rate	Amount	Current Amount	YTD	Current Amount	YTD Amount
Sec. 1	Regular Pay	44.00	15.750	693.00	693.00	-----Gross-----	1,441.13	1,441.13
	Vacation	24.00	15.750	378.00	378.00	Federal Income Tax	116.47	116.47
	OT at 1.5x	5.00	23.625	118.13	118.13	Federal FICA Withheld	85.60	85.60
	On Call	50.00	1.260	63.00	63.00	Federal Medicare Withheld	20.02	20.02
	Holiday	12.00	15.750	189.00	189.00	Nebraska State Income Tax	41.81	41.81
Sec. 2	Health Ins			283.69	283.69	Retirement	62.40	62.40
	Basic Life Ins			.95	.95	Def Comp St	22.50	22.50
	Retirement			97.34	97.34	Life - 3XSal	11.39	11.39
Sec. 3	Vacation			7.70	7.70	Life - Dep10K	2.07	2.07
	Sick			9.24	9.24	AD&D	.05	.05
Sec. 4	*Sick Taken/Available*			9.24		Medical Reimbursement	50.00	50.00
	*Vacation Taken/Available*	24.00		16.30-		Long Term Disability	8.60	8.60
						Vision Ins	10.51	10.51
						Assoc. Dues	3.75	3.75
						Sec. 5		
Gross		135.00		1,441.13		Deductions	435.17	
Taxable				1,295.72		Net	1,005.96	

**Section 1** of the check contains gross pay amounts. In the example given, we see the gross pay broken out into regular pay, vacation taken, overtime, on-call, and holiday hours. The pay categories that apply to you on a given pay period are what will show up on your individual stub. The information is also separated by column for hours, rate of pay, current amount, and Year to Date amount.

**Section 2** of the stub contains the State's contributions for a given pay period. On this stub, you see health and life insurance amounts paid by the State, as well as the State's retirement contribution.

**Section 3** shows vacation and sick leave accruals for the pay period. In this example, the individual earned 7.7 hours of vacation and 9.24 hours of sick time. The first column of numbers

here shows the amount earned for the pay period, the second column shows the Year to Date amount for the payroll year.

**Section 4** of the check contains sick leave and vacation deductions for a given pay period. In the example, this employee didn't take any sick leave so you only see the 9.24 amount, which is the total amount of leave available. The employee took 24 hours of vacation leave in this pay period so it shows that 24 hours in the first column and the remaining total in the Current Amount column, which in this case is -16.30 hours as this employee only accrued 7.7 hours for this pay period and had no hours carried over from the previous calendar year. Note: Your leave hours accrued before the new year MAY NOT be reflected on the first paystub. Those hours will appear in a subsequent pay period.

**Section 5** of the checkstub shows all of the deductions made for the pay period to include all state and federal taxes, employee contributions to insurance and retirement, as well as all elective deductions.

**Section 6** of the paystub contains totals for Gross Pay - listed in Hours and Current Amount (in dollars), a total for Deductions, and a total for Net Pay.

Amended 7-16-03

## **PROVISIONAL PERIOD**

The original provisional period is part of the selection process. It is a time for the employee and the employer to determine suitability for the job. The following shall apply to the use of the original provisional employment status:

1. All new employees, including employees who have left employment with the Supreme Court System and have been rehired, shall serve an original provisional period of 6 months from the date of hire, and shall be so notified. Employees who transfer from other state agencies are also required to serve an original provisional period.
2. An employee will be removed from original provisional status on the day following the end of the original provisional period, unless notified of an extension or separation by the supervisor. Notification of an extension must be in writing and prior to the end of the 6-month period.
3. In some instances, for reasons concerning performance, the original provisional period may be extended to a maximum of 12 months from the date of hire. The employee shall be notified in writing of any extension. This notification shall include the specific period of extension and specific performance improvement requirements. Notification of extension must be accomplished before the expiration of the original provisional period and shall not be backdated once the original provisional period has ended.
4. It is the supervisor's responsibility to closely review the job performance of the employee.
5. If during the original provisional period it is determined that the performance of the employee is not acceptable and, in the opinion of the supervisor, is not likely to become acceptable, the employee shall be separated. Employees may be separated at any time during an original provisional period. Two weeks notice of separation does not have to be given to provisional employees; however, the supervisor shall notify the employee in writing of the date the separation is effective. The reason for separation shall be

documented in the employee's personnel file and the employee shall be informed regarding the reasons for separation. Employees who are separated during an original provisional period do not have Nebraska Court System grievance rights. Internal promotions, lateral moves, or moves to a lower position may also be accompanied by an additional provisional period. (Note--This is not another original provisional period.)

This provisional period in no way affects the grievance rights of an employee. The length of the provisional period is at the supervisor's discretion, but shall not exceed 6 months, beginning on the date of the transfer.

In the case of an internal promotion, lateral move, or move to a lower position, if an employee cannot or does not perform satisfactorily in the position to which he/she was transferred, the supervisor may transfer the employee to another position of either the same salary grade or a lower salary grade. If no other position is available for transfer, the supervisor may reassign the duties of the employee, reclassify the employee to a classification of a lower salary grade, or separate the employee.

Amended 7-16-03

### **OFFICE HOURS AND HOURS OF EMPLOYMENT**

Service offices of the county courts, the probation offices, and the offices of the Supreme Court which require public access, e.g., the Library, the Clerk's office, and the Administrative Office, shall be open from 8 a.m. to 5 p.m. daily except Saturdays, Sundays, days on which a specifically designated court is closed by order of the Chief Justice of the Supreme Court, and holidays. Such days shall be designated as non-judicial days. There may be other times when the offices are ordered closed due to special circumstances. Offices of less than three employees may be closed for 1 hour at noon. Local courthouse hours may prevail with approval of the Administrative Office.

All full-time employees shall work 40-hour weeks unless an alternative schedule has been approved or required by the Supreme Court. When such a schedule is approved or required for a county court office:

1. That county court shall post the court hours in a prominent location within the courthouse;
2. A telephone answering machine shall inform callers where a judge or court employee may be reached in case of an emergency; and
3. The county judge shall give written authority to a person or persons within the same courthouse to accept filings during the hours the county court is closed but the courthouse is open.

Requests for alternative schedules shall be sent in writing to the Administrative Office. In the event of a reduced schedule, the salaries of employees of the office will be adjusted on a pro rata basis.

Probation officers are required to have scheduled activities of at least 40 hours each week. Since it is necessary for some officers to work additional hours, some degree of flexibility

is allowed in working schedules. Probation officers are expected to keep their immediate supervisor informed as to their whereabouts and general activities.

Amended 7-16-03

### **REST PERIODS**

Although not required, it is encouraged for supervisors to grant employees mid-morning and mid-afternoon rest periods not to exceed a total of 30 minutes each workday. Rest periods are not cumulative. Rest periods shall not be taken before one hour after the employee arrives at work, or one hour before the employee leaves work. Rest periods are considered work time. Scheduling of these periods is at the discretion of the supervisor, based on working conditions.

Amended 7-16-03

### **OFFICE CLOSING DUE TO WEATHER**

In stormy weather, employees should use their best judgment in trying to get to work. Employees not choosing to work during adverse weather conditions will have to use accrued vacation leave, earned compensatory time, leave without pay, or if possible, may be allowed to make up missed work time within the work week. If the weather is so severe that most businesses remain closed, the absence will be excused.

Amended 7-16-03

### **OVERTIME**

Overtime in the Nebraska Court System shall be held to a minimum. Only in times of emergency or with prior approval of the supervisor and the Administrative Office should overtime be permitted.

Overtime is considered time in excess of the designated 40-hour workweek. Leave time (vacation, sick, etc., with the exception of holiday leave) shall not be considered as hours worked. Before any time can be considered as overtime, an employee must work, not just get paid for, 40 hours during the designated workweek. Time in excess of the 40-hour workweek may then be considered overtime.

### **Workweek and Work Schedule**

The designated workweek shall be from 8 a.m. on Friday to 8 a.m. the following Friday. All employees shall be informed of the designated workweek. Full-time employees shall account for at least 40 hours of work or leave time per week. Management sets each employee's work schedule. The work week and work schedule of each employee shall be documented by each office.

Amended 7-12-06

### **Overtime Compensation Eligibility**

The Administrative Office shall determine, in compliance with Fair Labor Standards Act requirements, the exempt or nonexempt status of all employees for overtime purposes. The status will be indicated on each job description.

Exempt--Employees exempt from overtime include those designated as professional, administrative, supervisory, or executive.

Nonexempt--All nonexempt employees must be compensated at one and one-half times their hourly rate in the form of either pay or compensatory time off, at the administrative office's discretion, for hours worked over 40 in a workweek

### **Non-Exempt Compensatory Time**

Upon proper authorization, employees may accumulate the maximum of 240 hours of compensatory time (160 hours of overtime worked). Accumulated compensatory time shall be used within 6 months. Cash must be paid at a time-and-one-half rate for overtime beyond those limits. A nonexempt employee's schedule may be altered within the workweek so that his or her work hours do not exceed 40. (For example, an employee working 2 extra hours on Monday may be directed to take 2 hours off on Tuesday.) When it is not possible to obtain prior approval for required overtime work and when that time cannot be compensated either through an adjusted workweek or with compensatory time, then a written request from the supervisor to the Administrative Office is required for payment of overtime.

When possible, approved overtime shall be offered on a rotating basis beginning with the employee with the most seniority, although overtime may be assigned to an employee based on immediate availability or special job qualifications, however, the assignment of overtime will not be done in a discriminatory manner. If there are no volunteers, employees will be required to work overtime on a rotating basis beginning with the employee with the least seniority. Also, with the exception of probation officers and official court reporters, whenever possible when overtime is required, the employee shall be notified in advance that overtime work is, or may be, needed. Any employee not given such notice may decline to work the requested overtime hours with no penalty attached.

It is the responsibility of the supervisor to monitor overtime for an employee. A record of all overtime shall be included on time sheets required by the Administrative Office. At times, a supervisor may direct an employee to take some accumulated compensatory time. The employee in such case must be notified at least 24 hours in advance of the compensatory time to be taken.

Payment for accrued compensatory time upon termination of employment shall be calculated at the average regular rate of pay for the final 3 years of employment, or the final regular rate received by the employee, whichever is greater.

Amended 7-16-03

### **Travel Time**

Travel time of non-exempt employees required to attend a meeting, conference, seminar, training course, etc., is considered compensable time. A non-exempt employee traveling for one day (not overnight) shall be paid for all travel time. This travel time is counted when computing hours worked for overtime purposes.

Adopted 7-16-03

## **AUTHORIZED LEAVE**

The following are forms of authorized leave: holiday, vacation, sick, funeral, military, civil, family/medical, and injury leave and leave of absence.

Authorized leave policies also apply to the Clerk of the Supreme Court and Court of Appeals, the Reporter of the Supreme Court and Court of Appeals, the State Court Administrator, the State Probation Administrator, Supreme Court and Court of Appeals Administrative Assistants, Career Law Clerks, and Non-Career Law Clerks with 5 or more years of service with the Supreme Court or Court of Appeals. These leave policies also apply to official court reporters with some exceptions to the vacation leave policy as set out in the Supreme Court Rules Relating to Official Court Reporters. All full-time employees shall account for at least 40 hours of work or leave time per week.

An absence by an employee not authorized by the employee's supervisor shall be considered as unauthorized leave.

Amended 5-23-07

## **Holidays**

The following is a list of court holidays as stated in Neb. Rev. Stat. § 25-2221:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (Third Monday in January)
- President's Day (Third Monday in February)
- Arbor Day (Last Friday in April)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Columbus Day (Second Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day (Fourth Thursday in November)
- Day After Thanksgiving (Friday following Thanksgiving)
- Christmas Day (December 25)

If such holiday falls on a Sunday, the following Monday shall be a holiday. If such holiday falls on a Saturday, the preceding Friday shall be a holiday. Other holidays declared by law or proclamation of the Governor are considered court holidays.

Many courthouses will be closed on occasional local holidays as well as court holidays. When the courthouse is closed for local holidays, the court and probation office must remain open and adequately staffed for emergency services and to meet filing deadlines.

Permanent part-time employees shall be eligible for paid holidays on a pro rata basis, if the holiday falls on a day the employee would normally have been scheduled to work, and the pay the employee receives shall be for the number of hours the employee would have been scheduled to work. Full-time employees shall receive holiday leave equal to one-fifth of their normally scheduled workweek for each paid holiday

Temporary employees, whether full time or part time, shall not be eligible for paid holidays, and, if required to work on a holiday, shall be paid for the time worked at their normal rate of pay.

If a holiday occurs while an employee is on workers' compensation or other disability compensation, no credit for the holiday shall be allowed.

In order to receive pay for an observed holiday, an employee must be in a paid status on the workday immediately preceding and immediately following the holiday.

If an employee combines vacation leave with an observed holiday, no deduction from the vacation leave shall be made for that holiday. Likewise, if a holiday falls within a period of an approved sick leave, no deduction shall be made from the employee's accumulated sick leave.

Amended 5-23-07

**Vacation Leave**

Full-time employees shall earn vacation leave with pay at the following rates:

<b><u>YEARS OF CONTINUOUS EMPLOYMENT</u></b>	<b><u>HOURS PER CALENDAR YEAR</u></b>	<b><u>DAYS PER CALENDAR YEAR</u></b>
1st through 5th year	96 hours	12 days
6th year	120 hours	15 days
7th year	128 hours	16 days
8th year	136 hours	17 days
9th year	144 hours	18 days
10th year	152 hours	19 days
11th year	160 hours	20 days
12th year	168 hours	21 days
13th year	176 hours	22 days
14th year	184 hours	23 days
15th year	192 hours	24 days
16th year and thereafter	200 hours	25 days

Permanent part-time employees shall be entitled to vacation leave proportionate to that which would be granted under full-time employment. Temporary employees shall not be eligible for vacation time.

The amount of leave earned by each employee is based on the employee's years of continuous employment. For example, during the ninth year of continuous employment, vacation leave is earned at the rate of 1.5 days per month and an employee is eligible to use the earned vacation time in addition to any accumulated time based on the previous year's service. Vacation leave is earned during each pay period and credited to the employee at the end of that pay period. For example, leave earned in October is available to use on the first of November.

Leave that is used is deducted from the employee's accumulated leave one pay period December 31 paycheck information. It is the responsibility of each employee to monitor the

amount of vacation leave available for use. If an employee takes vacation leave before it is earned it will result in the reduction of the employee's wages and possible disciplinary action. Vacation leave must be applied for in advance by the employee and may be used only when approved by the supervisor. However, prior approval is not required when the employee is required to use vacation leave as sick leave or chooses to use vacation leave instead of going on unpaid family/medical leave. Supervisors can only approve vacation leave after it has been earned. Vacation leave shall be designated so as not to interfere with the efficient operation of the Nebraska Court System. Vacation leave need not be taken all at one time during the year. All employees must be given the opportunity to take their vacation leave before it expires.

An employee who has terminated employment with the state for any reason other than disciplinary and who returns to state employment with the Nebraska Court System within 5 years from the date of termination shall have service for vacation leave entitlement computed by combining prior continuous service with current continuous service, disregarding the period of absence. An employee who transfers to the Nebraska Court System from another state agency will continue to earn vacation leave at the same rate as the employee did with the former agency. Unless other agreements between the employee and the agencies involved have been made, no accumulated vacation leave may be transferred to the Nebraska Court System. The employee must arrange payment for that accumulated vacation leave with the former agency.

Each employee, upon retirement, dismissal, or voluntary separation from Nebraska Court System employment, shall be paid for unused accumulated vacation leave. Upon the death of the employee, the employee's beneficiary shall be paid for all unused accumulated vacation leave.

Vacation leave shall not be earned during a leave of absence or while the employee is removed from the payroll for any reason.

Each employee's vacation leave account shall be balanced as of the closing date of the last pay period of each calendar year. Vacation leave in excess of 35 days shall be forfeited. In special and meritorious cases, when it would cause hardship for any employee to take earned vacation leave before December 31, excess carryover leave may be approved by the Administrative Office. In these cases, the hours carried over shall be used within the next 6 months. In no case shall carryover vacation continue from year to year.

Some employees of the offices of the Supreme Court (staff of the Clerk and Library who were hired before 1980), some probation employees (who either joined the Nebraska Court System in July 1985 or July 1986), and some county court employees (who joined the Nebraska Court System in July of 1985 as a result of legislation merging the municipal and county courts) shall continue on the same leave schedules they were on prior to their becoming employees of the Nebraska Court System.

### **Sick Leave**

Full-time employees earn sick leave at the following rates:

<b><u>YEARS OF CONTINUOUS EMPLOYMENT</u></b>	<b><u>HOURS PER CALENDAR YEAR</u></b>	<b><u>DAYS PER CALENDAR YEAR</u></b>
1st through 5th year	96 hours	12 days
6th year	136 hours	17 days
7th year	144 hours	18 days
8th year	152 hours	19 days
9th year	160 hours	20 days
10th year	168 hours	21 days
11th year	176 hours	22 days
12th year	184 hours	23 days
13th year	192 hours	24 days
14th year	200 hours	25 days
15th year	208 hours	26 days
16th year	216 hours	27 days
17th year	224 hours	28 days
18th year	232 hours	29 days
19th year and thereafter	240 hours	30 days
Maximum Accrual	1440 hours	180 days

Permanent part-time employees shall earn sick leave in an amount proportionate to that which would have been earned under full-time employment. Temporary employees shall not be eligible for sick leave.

Sick leave is defined to mean a period in which the employee is unable to perform his or her duties because of sickness, disability, or injury not arising from the course of employment; or for medical, psychological, surgical, dental, or optical examination or treatment; or when, by reason of the employee's exposure to a contagious disease, the employee's presence at his or her post would jeopardize the health of others; or when a member of the employee's immediate family demands his or her presence for any of the same purposes. The immediate family shall be considered as spouse, children, and parents. At the supervisor's discretion, the definition of immediate family may be broadened. Employees may use vacation time for care of family members when their presence is helpful, but not essential, if approved by the supervisor.

The amount of leave earned by each employee is based on the employee's years of continuous employment. For example, during the ninth year of continuous employment, sick leave is earned at the rate of 1.67 days per month and an employee is eligible to use the earned sick leave in addition to any accumulated time based on the previous year's service. Sick leave is earned during each pay period and credited to the employee at the end of that pay period. For example, leave earned in October is available to use on the first of November.

Leave that is used is deducted from the employee's accumulated leave one pay period after it is used. For example, any leave used in November will be recorded as leave used on the December 31 paycheck information. It is the responsibility of each employee to monitor the amount of sick leave available for use. Sick leave shall not be used as vacation leave, nor can it be taken in advance.

Sick leave shall be requested in advance from the supervisor whenever possible, i.e., dental appointment or physical examination, etc. In case of sickness, injury, emergencies, or any

other absence not approved in advance, the employee shall advise his or her supervisor of the circumstances as soon as possible. If the sickness, injury, or emergency qualifies as family/medical leave the employee should request a family/medical leave form from his or her supervisor.

Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery there from are, for all job-related purposes, temporary disabilities and will be treated as such under the rules and regulations for sick leave.

Sick leave shall be taken on a working-hour basis. An employee may be required to submit substantiating evidence when the reason for the leave request was a medical or dental appointment or when the supervisor suspects sick leave abuse. Substantiating evidence may also be required by the supervisor if the sick leave absence exceeds 3 workdays but is less than 10 workdays and does not qualify for family/medical leave.

Substantiating evidence shall be required by the supervisor if the sick leave absence is 10 workdays or longer and the employee is not on family/medical leave. Sick leave may be denied when the employee fails to substantiate the legitimate use of sick leave. When an employee is absent for 3 or more days or when a supervisor receives information that indicates the reason for the sick leave may qualify as family/medical leave, the employee shall be given a family/medical leave form. Employees may be required to take family/medical leave concurrently with sick leave if the reason for sick leave qualifies. (See additional information under Family/Medical Leave section.)

Holidays within a period of sick leave shall not be counted as working hours. If an absence because of illness or injury not arising from the course of employment extends beyond the sick leave earned to the credit of an employee, and if the employee is not on family/medical leave, such additional time shall be charged to vacation leave. If all earned sick and vacation leave is used, the employee may be granted continued sick leave without pay whether or not the employee is on family/medical leave.

Sick leave can be used to supplement workers' compensation up to the employee's current salary level extent.

If an employee leaves the service of the Nebraska Court System in good standing and is reemployed within 1 year from the date of separation, sick leave earned during the previous period of continuous employment shall be reinstated to the employee's credit.

An employee who has terminated employment with the state for any reason other than disciplinary, and who returns to state employment with the Nebraska Court System within 5 years of termination, will have sick leave entitlement computed by combining prior continuous service with current continuous service, disregarding the period of absence. Sick leave is not affected by the transfer of an employee from one state agency to another.

Upon retirement under the existing Nebraska State Employees Retirement System, or upon reaching the age of retirement and voluntarily resigning in good standing, an employee shall be paid one-fourth of unused, accumulated sick leave, with the rate of payment based upon the employee's regular pay at the time of retirement. Upon the death of an employee, the

employee's beneficiaries shall be paid one-fourth of the accumulated unused sick leave with the rate of payment based upon the employee's regular pay at the date of death.

An employee who is eligible for retirement and who elects to receive payment for one-fourth of accumulated, unused sick leave upon termination or retirement from Nebraska Court System employment, and subsequently returns to the system's employment, shall be considered a new employee without any prior service when determining entitlement to and accumulation of sick leave.

The payment of one-fourth of the accumulated sick leave to an employee is limited to a one-time payment, and no employee, by virtue of reentering state employment, shall become entitled to additional payments for unused sick leave.

Employees may not be compensated for earned sick leave when they are separated from Nebraska Court System employment unless the separation is due to retirement or death.

The sick leave account of each employee shall be balanced as of the closing date of the last pay period of each calendar year. Sick leave in excess of 1,440 hours will be forfeited.

Amended 5-23-07

### **Funeral Leave**

Up to 5 days of funeral leave may be granted for funerals in the immediate family. For funerals of persons not in the immediate family, up to 1 day of funeral leave may be granted at the discretion of the supervisor. Funeral leave shall not be charged to sick leave or vacation leave. Immediate family, for purposes of this leave policy, shall mean wife, husband, children, parents, children-in-law, grandchildren, grandparents, brothers, sisters, or those bearing the same relationship to the spouse. Step-persons bearing these relationships are included. At the supervisor's discretion, the definition of immediate family may be expanded to include other individuals with a similar personal relationship to the employee as that of an immediate family member.

### **Military Leave**

All employees who are members of the Nebraska National Guard or any other reserve component and who participate for up to 15 workdays in drills, encampments, maneuvers, active duty or training, and other exercises prescribed by competent authority, will receive their full pay in addition to their military pay.

Employees who are ordered to active duty by the Governor under emergency conditions will receive the difference between their full state pay and their military pay, provided the military pay is less than their state pay.

Employees, other than temporary and intermittent, who leave a position to undergo military duty in the active service of the State of Nebraska are entitled to a leave of absence for the period of such training or service not to exceed 4 years, and without loss of pay during the first 15 workdays of the leave of absence. This is not in addition to the 15 days mentioned in the paragraph above. When separated from such training or

service under honorable conditions, employees are entitled to reinstatement to their former positions with seniority, status, pay, and vacation as if they had not been absent, if application is made within 30 days after release from training or service.

### **Civil Leave**

When an employee is called to serve as a juror or is appointed as a clerk or judge on an election or counting board, the employee is entitled to any fees received as a result of this service in addition to receiving paid civil leave. Employees will return to work when not actually serving as a juror on a daily basis.

If any employee does not have sufficient time before or after regular duty hours to vote, up to 2 hours of civil leave will be granted.

Time spent by employees appearing in court as a function of their job shall be considered as hours worked. Any witness fees and reimbursements received as a result of those court appearances shall be returned to the State.

Employees attending court as a plaintiff, defendant, or witness on non work-related matters may use vacation leave or earned compensatory time, or the Administrative Office may grant a leave of absence. Any witness fees paid to the employee for these court appearances shall be kept by the employee.

Employees who provide proof of their disaster relief volunteer certification with the American Red Cross may, with appropriate supervisory authorization, be granted paid civil leave not to exceed 15 working days in each calendar year to participate in specialized disaster relief services in Nebraska for the American Red Cross, upon the request of the American Red Cross.

Amended 7-16-03

### **Family Military Leave Act**

The Family Military Leave Act was passed by the Nebraska Legislature and became effective on April 5, 2007. In accordance with the act, it shall be the policy of the Nebraska Supreme Court to allow an eligible employee who is the spouse or parent of a person called to military service lasting 179 days or longer, with the State or United States pursuant to the orders of the Governor or President of the United States, to take up to 30 days of unpaid leave.

For purposes of the Family Military Leave Act, an eligible employee is an employee who has at least 12 months of service and has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of this leave. An eligible employee is the spouse or parent of a person called to military service lasting 179 calendar days or longer. An eligible employee may request up to 30 days of leave without pay. Employees may choose to use accrued vacation leave for some or all of this requested leave.

The employee shall give at least 14 calendar days of notice of taking leave if the leave will consist of 5 or more consecutive workdays. Whenever possible, the employee shall consult with the supervisor to schedule the leave so as to not unduly disrupt the work operations. An employee taking less than 5 consecutive days shall give the supervisor notice as is practicable.

The supervisor may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

When the leave ends, the employee must be restored to the position previously held or to a position with equivalent seniority status, benefits, pay, et cetera, except when the supervisor proves the employee is not restored due to reasons unrelated to taking leave.

The employee may continue benefits, during leave, at the employee's expense. The employee's service date will be adjusted after 14 calendar days of unpaid leave.

The act provides that the employee may negotiate with the employer for the employer to maintain benefits at the employer's expense during the leave period. Taking family military leave shall not result in the loss of benefits accrued before the leave started.

Adopted 11-15-07

### **CATASTROPHIC ILLNESS DONATION PROGRAM**

Employees may contribute accrued vacation leave and/or accumulated compensatory time to a Sick Leave Bank that will be available to benefit another employee of the Nebraska Supreme Court who is suffering from a catastrophic illness. Employees may also contribute accrued vacation leave to benefit another State employee in a different agency suffering from catastrophic illness with the agreement of both the receiving agency and the donating agency. Time shall be donated in no less than eight hour increments. The contributing employee must identify the specific amount and type of time on forms provided by the Administrative Office of the Courts for this purpose. Time donated by an employee pursuant to this provision shall be irrevocably added to the Sick Leave Bank. The provisions of this program are nongrievable. (Note: The time an employee receives becomes wages for employment tax purposes.)

Employees who have exhausted their own paid leave because of a bona fide serious illness or injury and who have been absent at least thirty workdays during the past six months may apply for the use of leave that is available in the Sick Leave Bank. Employees who donate vacation leave or accumulated compensatory time to the Sick Leave Bank must sign an authorization indicating such donation.

#### **Eligibility of Recipient:**

1. The employee must be suffering a serious illness or injury resulting in a prolonged absence lasting at least thirty work days during the past six months. Note: As a general rule, illnesses which qualify as a "serious health condition" under the Family and Medical Leave Act could be considered eligible for catastrophic illness donation. (This would also include an immediate member of the employee's family who would have a serious health condition that would require the employee's presence.)
2. The employee must produce satisfactory medical verification.
3. The employee must have completed the original provisional period with the Nebraska Supreme Court.

4. The employee must have exhausted all earned paid leave time including compensatory time, sick leave, and vacation leave.
5. The employee must not have offered anything of value in exchange for the donation.
6. No more than 9 months of donated leave may be received by an employee during a 12-month period.

Eligibility of Donor Employee:

1. Only vacation and compensatory time in increments of 8 hours may be donated.
2. The employee must not have solicited nor accepted anything of value in exchange for the donation.
3. The donating employee must have remaining to his/her credit at least 40 hours of accrued vacation leave, if donating vacation leave.

Amended 11-13-03

**FAMILY/MEDICAL LEAVE**

In accordance with The Family and Medical Leave Act of 1993, effective August 5, 1993, it shall be the policy of the Nebraska Supreme Court to allow eligible employees, as defined herein, to take up to 12 weeks of paid or unpaid, job-protected leave (hereinafter family leave) each year for family and medical reasons as specified below. Accumulated sick leave and compensatory time will be required to be used before going on an unpaid leave status. Employees may also choose to use vacation leave after their sick leave is exhausted before going on an unpaid leave status. Total paid and unpaid leave time taken for family leave is limited to 12 weeks within a 12-month period, starting with the date the employee first uses family leave.

Sick leave absences due to a serious health condition of the employee or immediate family member will be counted toward the employee's 12-week-per-year family leave allotment. Employees may use sick leave beyond the 12-week family leave limitation for appropriate sick leave reasons with proper certification from a health care provider.

For purposes of this family leave policy, an "eligible" employee shall mean an employee who has at least 12 months of service and has worked at least 1,250 hours in the 12-month period preceding the start of the leave.

"Job-protected" leave shall mean that upon return from family leave, the employee shall be returned to his or her original position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. However, an employee's "service date" (the date used to determine amounts of vacation and sick leave) shall be adjusted when an unpaid absence due to family leave exceeds 14 consecutive calendar days.

An eligible employee shall be entitled to family leave and will be required to use family leave for one or more of the following reasons:

1. the birth of a child of the employee;

2. the adoption of a child or placement of a foster care child with the employee;
3. in order to care for a member of the employee's immediate family (defined as spouse, child, or parent) who has a serious health condition (at the discretion of the Administrative Office, the definition of immediate family may be broadened);  
or
4. a serious health condition of the employee that makes the employee unable to perform his or her job.

An employee must provide at least 30 days' notice to the Administrative Office before family leave is to begin if the need for such leave is foreseeable. Where the need for such leave is not foreseeable, notice must be given as soon as possible and practical. Employees are also required to inform their supervisor of the need for family/medical leave as soon as possible.

The term "serious health condition" means an illness, injury, impairment, or physical mental condition that involves (a) inpatient care in a hospital, hospice, or residential medical care facility, or (b) continuing treatment by a health care provider.

A request for family leave based on the serious health condition of the employee or his or her spouse, child, or parent must be supported by a medical certificate issued by the health care provider of the employee or the employee's family member. The medical certification must include the following information:

1. The date on which the serious health condition commenced and the probable duration of the condition; and
2. The diagnosis of the serious health condition; and
3. A statement containing specific information explaining either:
  - a. why the employee is needed to care for the child, spouse, or parent; or,
  - b. why the employee is unable to perform the functions of his or her job.
4. If the leave is to be intermittent, a statement containing specific information concerning planned medical treatments, including the expected dates and the duration of such treatments.

In addition, upon the employee's return to work after his or her own serious health condition, the employee shall provide the health care provider's "fitness-for-duty" certification only if the absence was due to a job related injury or illness.

If the Administrative Office questions the adequacy of medical certifications referred to above, a second opinion may be required at the Administrative Office's expense, by a health care provider designated by the Administrative Office. If that second opinion differs from the first, a third opinion may be required, at the Administrative Office's expense. The third health care provider must be mutually agreed upon, and the results of the third opinion shall be final and binding.

Records and documents relating to medical certifications, recertification or medical histories of employees or employees' family members, shall be maintained in separate file/records in the Administrative Office and be treated as confidential medical records. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.

For employees who have accumulated sick leave, the use of family leave will be concurrent with the use of accumulated sick leave. An employee may elect to substitute accrued vacation leave for all or part of the unpaid family leave. Nothing in this family leave policy allows an employee to substitute paid sick leave in any situation where the Nebraska Supreme Court Personnel Rules would not normally allow for such paid leave. Based on information provided by the supervisor and the employee, the Administrative Office shall be responsible for designating paid leave as family leave. Such designation shall be made prior to completion of the use of paid leave.

The Administrative Office may limit the total paid and unpaid leave which has been designated as family leave to 12 weeks in any 12-month period, beginning with the date the employee begins his or her family leave. Family leave is not cumulative.

Where a Nebraska Supreme Court employee has a spouse working for the court system or a state agency, the Administrative Office, at its discretion, may limit family leave to a combined total of 12 weeks of family leave if such leave is taken for the birth or adoption of a child or placement of a foster child with the employee and his or her spouse.

Family leave may be taken intermittently, after proper notice and medical certification, whenever it is medically necessary to care for a spouse, child, or parent, or when an employee, because of his or her own serious medical condition, is unable to perform the functions of the job. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment, subject to the approval of the health care provider, in a manner that does not unduly interrupt the employer's operations. When intermittent leave is requested, the employer may require the employee to transfer temporarily to an alternative job, with equivalent pay and benefits, which will better accommodate recurring periods of leave than does the employee's regular position.

Employer health insurance contributions shall continue during an employee's unpaid family leave whenever such insurance was provided before the leave was taken. Employer contributions shall be computed as if the employee had continued to work his or her regular schedule. If the health insurance plan requires employee co-payments, an employee on unpaid family leave must continue to make insurance premium payments to maintain the insurance coverage.

Amended 7-16-03

## **INJURY LEAVE AND WORKERS' COMPENSATION**

### **Eligibility**

All employees (including temporary) who are disabled as a result of a job-related injury or disease, which is deemed compensable by Worker's Compensation, may be granted injury leave not to exceed five of the employee's normal working shifts for any particular injury. Disabled shall mean unable to perform the tasks usually encountered in one's employment due either to any injury or disease or to treatments for any injury or disease. A working shift is counted even if an employee is absent for any portion of his or her assigned shift.

Any job-related injury or disease shall be reported to the Administrative Office as soon as possible. The employee's supervisor is responsible to complete a *First Report of Alleged Occupational Injury or Illness* form (NWCC form 1). When this form is received from the supervisor, the Administrative Office shall have the responsibility of supplying all of the necessary information to the Office of Risk Management.

No employee shall receive a salary (workers' compensation plus regular pay) in excess of his or her normal wage.

Health insurance with the appropriate employer contribution will be paid during an absence under workers' compensation after all accrued leave and compensatory time has been depleted.

If an employee requests or is placed on family/medical leave due to an injury or illness qualifying for workers' compensation, the Administrative Office will contact the Office of Risk Management for coordination of workers' compensation and family/medical leave benefits.

### **Use of Sick and/or Vacation Leave to Supplement Workers' Compensation Payments**

Employees being paid workers' compensation for job-related injuries or disease may use sick and/or vacation leave to supplement the payment up to, but not to exceed, their regular rate of pay.

Employees on workers' compensation shall earn sick and vacation leave at the same rate being earned prior to the injury or disease except as provided in these rules. Example: An employee earning 8 hours of sick leave prior to injury shall earn 8 hours of sick leave subsequent to injury.

Holidays occurring during this period will be paid at a rate proportionate to the amount of sick and/or vacation leave being used.

After all sick and vacation leave has been exhausted, employees shall not be entitled to any leave or pay benefits except as authorized under workers' compensation, and shall be carried in a leave-without-pay status while on workers' compensation. This type of leave of absence may exceed 1 calendar year. No service date adjustment is necessary for this unpaid leave.

For a period of 1 year after the date of disability and upon termination of workers' compensation, and after the physician has released him/her to return to work, the employee shall be reinstated to his/her former classification with no salary reduction. If his/her former position is not available, the Administrative Office shall place the employee in a similar position and may reduce the employee's salary.

After 1 year from date of disability, if the employee has not or is not able to return to work, the Nebraska Court System is relieved from any reemployment obligation and the employee may be terminated.

Amended 7-16-03

## **LEAVE OF ABSENCE**

The State Court Administrator or State Probation Administrator may grant employees an unpaid leave of absence, not to exceed 1 year (except for military service and some workers' compensation cases), when such absences will not interfere with the best interest of the courts. Under unusual circumstances, this time may be extended by the State Court Administrator or State Probation Administrator. Written requests for leaves of absence will be considered after consultation with the employee's supervisor, for such things as temporary disabilities, educational purposes, or other uses. The leave of absence, when granted, shall be in writing and detail the employment conditions that will be in effect at the end of the absence. Vacation leave shall not be required to be exhausted prior to such requests.

Amended 7-16-03

## **LEAVE FOR PART-TIME EMPLOYEES**

All types of leave are granted in proportionate amounts for part-time employees.

## **ADVANCEMENT OF VACATION AND SICK LEAVE**

The State Court Administrator or State Probation Administrator, after consultation with the employee's supervisor, may advance vacation leave and sick leave to an employee in an amount not to exceed a total of 80 hours (pro-rated for part-time employees). Employees shall reimburse the State for all used unearned vacation and sick leave upon separation or transfer.

Amended 7-16-03

## **RECORD OF LEAVE**

Each local office shall maintain an attendance record for each employee, accounting for time worked and all absences from work.

## **TRAVEL EXPENSES**

Reimbursement will be made only for travel expenses essential to the transaction of official business. Questions regarding allowable expenses should be directed to the Administrative Office. See the Supreme Court Travel Policies for more details.

## **USE AND OPERATION OF STATE MOTOR VEHICLES**

Personal use of any state-owned vehicle is statutorily prohibited. It is the responsibility of the agency and the employee to see that the vehicle is used only for state business.

Any state employee who drives a state-owned vehicle must pass a defensive driving class, and have a valid Nebraska driver's license. The license must be in the employee's possession while operating the state vehicle. All traffic violations are the responsibility of the operator.

Amended 9-17-03

## **OUTSIDE EMPLOYMENT**

No employee of the Nebraska Court System shall undertake any employment outside of his or her regular job which is or can be interpreted to be inconsistent with or detrimental to the employee's duties with the Nebraska Court System. Any outside employment must be approved by the Administrative Office. Temporary employment to be undertaken for no more than 2 weeks may be verbally authorized by the employee's immediate supervisor. The supervisor shall notify the Administrative Office of such authorization.

## **EDUCATIONAL REIMBURSEMENT**

The cost of any courses of instruction related to the job of an individual may be reimbursed at the rate of 50 percent to 100 percent of the tuition costs. Employees are eligible to apply for tuition reimbursement after they have successfully completed their original provisional period. The course(s) may be by correspondence or by attendance of classes at a university, college, or vocational or technical school. Job relatedness and the percent of reimbursement shall be determined by the Administrative Office. However, such reimbursement shall not exceed the tuition rate of the University of Nebraska-Lincoln. Such reimbursement is for tuition only and does not include fees or textbook costs.

Application for tuition reimbursement is to be made prior to the start of the course(s) on a "Request for Tuition Reimbursement" form which is available from the Administrative Office. Approval of the request must be secured by the applicant from the immediate supervisor and the Administrative Office.

Upon successful completion of any approved course of study, the applicant shall submit a copy of a class record, a grade, and a receipt for tuition payment which will serve as the documentation for reimbursement of the approved amount. Eligibility for reimbursement requires a course grade of at least "C" or equivalent, or "pass" for pass/fail courses.

Employees who receive tuition assistance may be asked to reimburse the Nebraska Court System if they leave their employment within 1 year of the course completion date.

Amended 4-23-08

## **DISCIPLINARY ACTIONS**

### **Reasons for Imposing Disciplinary Action**

A supervisor shall take appropriate disciplinary action if an employee commits one or more of the following:

- \*1. Violation of, or failure to comply with, the State's Constitution or statutes; an order of a court; codes of conduct; or published rules, regulations, policies, or procedures of the Nebraska Court System or the State of Nebraska.
2. Failure or refusal to comply with a lawful order or to accept a reasonable or proper assignment from an authorized supervisor.
3. Inefficiency, incompetence, or negligence in the performance of duties.

4. Unlawful manufacture, distribution, dispensation possession or use of a controlled substance or alcoholic beverages in the workplace or reporting for duty under the influence of alcohol and/or unlawful drugs.
5. Negligent or improper use of public property, equipment, or funds, or conversion of same to one's own use.
6. Use of undue influence to gain or attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage.
7. Falsification, fraud, or omission of required information on the employment application/resume.
8. Unauthorized or improper use of any type of leave, or abuse of meal and rest periods.
9. Repeated tardiness or unauthorized leave, including unauthorized departure from the work area.
10. Failure to maintain satisfactory and harmonious working relationships with the public or other employees.
11. Failure to obtain and maintain current license or certification required by law or policy as a condition of employment.
12. Conviction of a felony.
13. Repeated failure to make reasonable provision for payment of personal debts which result in more than one garnishment except in cases of court ordered child support payments.
14. Insubordinate acts or language which seriously hampers the Nebraska Court System's ability to control, manage or function.
15. Acts which bring discredit upon oneself, the Nebraska Court System, and the state.
16. Acts or conduct (on or off the job) which adversely affect the employee's performance and/or the Nebraska Court System's performance or function.
17. Workplace harassment based in whole or in part on race, color, sex, religion, age, disability or national origin which manifests itself in the forms of comments, jokes, printed material, and/or unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature.
18. Possession of materials and/or utterance of comments in the workplace that are derogatory toward a group or individual based on race, gender, color, religion, disability, age or national origin.

\*Note: Although county court clerk magistrates are governed by the Nebraska Revised Code of Judicial Conduct, they are disciplined in accordance with the Nebraska Supreme Court Personnel Policies and Procedures.

Disciplinary actions are those actions taken by management in response to an employee's failure to meet the standards, objectives, or rules of the organization. The actions may affect pay, status, or tenure, and are taken in the best interests of the state, the Nebraska Supreme Court, and/or the employee work force.

The decision to impose a disciplinary action and which type of action to impose shall be governed by the nature, severity, and effect of the offense; the type and frequency of previous offenses; the period of time elapsed since prior offensive acts; and consideration of extenuating circumstances.

## **Authority and Responsibility to Impose Disciplinary Action**

Responsibility to impose disciplinary action shall be vested in the employee's supervisor.

## **Steps for Imposing Disciplinary Actions and Due Process Provisions**

Supervisors are responsible for the administration of discipline which ensures due process provisions for employees being disciplined.

The following procedures shall be observed:

1. The supervisor, upon obtaining information which would indicate the possibility of administering disciplinary action, shall inform the employee of the allegations orally and in writing.
2. The supervisor shall meet with the employee to verify the information and afford the employee an opportunity to refute the information or present mitigating evidence.
3. Based upon the information and evidence presented and the individual circumstances of the case, the supervisor shall determine the appropriate action to be taken.
4. If the supervisor decides to impose a disciplinary action, the employee shall be entitled to written notice of the proposed charges against him or her, citing the rule or policy violated and an explanation, including any written documentation of an agency's evidence against him or her. (Oral notice may be sufficient only when written notice is not expedient.) The explanation should include a description of the incident involved and/or dates of occurrence to the extent the explanation would not impair the function or operation of the agency or expose the agency to legal liability.
5. Prior to imposing discipline the employee shall again be entitled to an opportunity to present mitigating evidence or present reasons why disciplinary action should not be taken. If the opportunity or explanation is in the form of a meeting, the supervisor shall afford the employee adequate notice as to time, place, and purpose of such meeting.
6. When a supervisor meets with the employee to impose the disciplinary action, the employee shall be
  - a. advised in writing of the nature of the violation;
  - b. advised in writing of the disciplinary action being administered; and
  - c. if appropriate, notified in writing of the time allowed for improvement and the consequences (including dismissal) of future violations or failure to improve.

The employee shall acknowledge receipt of the written documentation of disciplinary action by signing the document. The employee's signature does not constitute agreement with the content of the document. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document. A copy of the document shall then be placed in the employee's personnel file and a copy of the document (other than *Written Warnings*) shall be sent to the Administrative Office.

## **Forms of Discipline**

The following types and levels of disciplinary actions are to be prescribed in a progressive manner. However, the type and extent of disciplinary action shall be governed by the nature, severity, and effect of the violation; the type and frequency of previous violations; the

period of time elapsed since a prior offensive act; and consideration of extenuating circumstances. More severe levels of disciplinary action may be imposed when a lesser action is deemed inadequate or has not achieved the desired results. One or a combination of any of the following disciplinary actions may be imposed. All disciplinary actions shall be in writing, and if more than one action is imposed, they shall be on a single document and imposed at the same time.

1. **Written Warning.** This action consists of a written record of a discussion with the employee during which the supervisor explains in detail the reasons for the warning and advises the employee of the action required to correct the unsatisfactory performance or behavior. The written record of the warning shall be dated and shall inform the employee of the reason for the warning, the action required for improvement if appropriate, the time allowed for improvement, and the consequences of future violations or failure to improve. The employee shall be required to acknowledge receipt and understanding of the warning in writing. Such signature does not imply agreement. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document. A copy of this documentation shall be placed in the employee's personnel file. The employee has the right to file a written explanation or denial.

An employee shall not have a written warning imposed more than once for a single transgression. However, written warnings for each additional act of the same or similar nature may be imposed.

2. **Disciplinary Probation.** A disciplinary probation may be imposed for a period of not less than 3 months or more than 12 months.

The imposition of a disciplinary probation shall include a written explanation concerning the employee's violation, weaknesses, shortcomings, etc., that have caused the action to take place; the action required for improvement if appropriate; and the time allowed for improvement. The employee shall also be informed that if positive action is not taken to correct the noted deficiencies, dismissal may be imminent. The employee shall be required to acknowledge receipt and understanding of the document by signing the document. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document. A copy of the document shall then be placed in the employee's personnel file.

Employees placed on disciplinary probation may not be promoted or granted any salary increase authorized by the Supreme Court other than the "across the board" increase. The termination of an employee on disciplinary probation does not preclude recourse in the form of the filing of a grievance by the employee.

An employee may be placed on disciplinary probation upon return to work following a suspension without pay providing the employee was so informed when the suspension was imposed. Employees granted leave while serving disciplinary probation, may have their probation extended by the number of days absent on leave. An employee may be removed from disciplinary probation at any time.

3. **Suspension Without Pay.** This form of discipline may be imposed when it is felt that a verbal or written warning or a disciplinary probation does not provide sufficient discipline for the violation.

Suspension without pay shall not exceed 20 workdays and shall be imposed in writing. The document imposing this form of action shall be dated and shall include the reason for the suspension and the number of days the suspension will last.

Employees placed on suspension without pay shall not be granted vacation, sick, or holiday leave or unused compensatory time off while in a suspended without-pay status, nor shall they earn vacation, sick, or holiday leave credit during the period of suspension. Also, it should be noted that after 10 days in a non-paid status an employee must pay the entire premiums on health and life insurance for continued coverage.

If the same or an additional violation is committed while serving the disciplinary probation period, the employee may be suspended without pay as a result of the new violation. In such instances the period of suspension without pay shall not be credited to the original probation period. Upon completion of the period of suspension without pay, the employee shall complete the probationary period plus any additional period of probation imposed as a result of the violation which caused suspension without pay.

Suspension without pay may be imposed in conjunction with another form of discipline such as a written warning or a disciplinary probation. In all cases the employee shall be informed in writing of the reasons for the suspension and the fact that failure to improve may result in further discipline. The employee shall be required to acknowledge in writing receipt and understanding of such information. If the employee refuses to sign this document, the supervisor and a witness shall sign a notation of the employee's refusal to sign the document. A copy of the document shall then be placed in the employee's personnel file. In cases in which the employee is to be placed on disciplinary probation upon return from suspension without pay, the employee shall be informed of this fact at the time the suspension is imposed.

4. **Reduction in Salary Within Salary Grade.** Supervisors may recommend a reduction in an employee's salary within salary grade as a disciplinary action. Supervisors may recommend restoration of an employee to his/her previous salary when circumstances justify. An employee's salary may be reduced to no lower than the hiring rate (Step 1) of the salary grade. (Note: If the employee's reduced salary is at the hiring rate (Step 1), the employee's salary must be increased to Step 2 within 6 months.)
5. **Demotion.** A supervisor may demote an employee to a class of a lower salary grade as a disciplinary action. The employee's duties shall be changed to reflect the new classification. Upon demotion of an employee for disciplinary reasons, the Administrative Office shall reduce the employee's salary a minimum of 5 percent and the salary may not be above the maximum rate of the new salary grade. However, a demoted employee's salary may be reduced no lower than the hiring rate (Step 1) of the new salary grade. (Note: If the employee's reduced salary is at the hiring rate (Step 1), the employee's salary must be increased to Step 2 of the new salary grade within 6 months.)

6. **Dismissal.** Employees may be dismissed from the service of the Nebraska Court System during the period of disciplinary action unless they take positive steps to correct the conditions which resulted in the imposition of the disciplinary action.

Employees dismissed shall be provided with written notice of their dismissal 2 weeks prior to dismissal, or, at the discretion of the Administrative Office, granted 2 weeks' pay in lieu of the 2-week notice. In any event, a written notice of dismissal shall be furnished to the employee.

Employees granted 2 calendar weeks pay in lieu of notice shall not be eligible to accrue sick or vacation leave for the period for which payment in lieu of notice is made.

An employee who commits a violation or an act which endangers or threatens the safety, health, or well-being of another person or persons, or a violation or act which is of sufficient magnitude that the consequences thereof cause irreparable disruption of work presently performed, or to be performed in the future, may be dismissed forthwith and shall not be entitled to a 2-week notice of dismissal or 2 calendar weeks pay in lieu of notice.

Employees shall not be disciplined more than once for a single specific violation. However, they may be disciplined for each additional violation of the same or similar nature.

Amended 9-17-03; Amended 12-22-10

## **INVESTIGATORY SUSPENSION**

Investigatory suspension is not a disciplinary action. An employee who is under investigation either by the Nebraska Supreme Court or other civil authorities for criminal activity or who is alleged to have committed a violation which threatens the safety or health of another person, or a violation of sufficient magnitude that the consequence causes disruption of work, may be suspended with or without pay based on the nature of the alleged offense pending the outcome of the investigation or trial.

1. If no immediate danger would result, a supervisor, before suspending an employee under this section, should attempt to verify evidence with the employee and may afford the employee an opportunity to refute this information or present mitigating evidence. If a meeting takes place, the supervisor shall notify the employee prior to such meeting and shall inform the employee of the purpose of the meeting. The employee shall be notified of the general nature of the investigation.
2. An employee found guilty shall not be compensated for the suspension and may be dismissed. Based on the relevant facts acquired in the investigation, if an employee is found not guilty or if no judicial action is taken, the employee may or may not be restored to his/her position. If the employee is reinstated, full pay and service credit for the period of his/her suspension shall be granted.
3. If the investigation shows that disciplinary action should be taken, the supervisor shall initiate disciplinary procedures.

4. An investigatory suspension is a grievable action.

Amended 9-17-03

## **EMPLOYEE GRIEVANCE PROCEDURE**

Unless otherwise specified, all employees occupying a permanent position have grievance rights. Applicants, temporary employees, employees serving an original provisional period, private staff of individual judges of the Supreme Court or Court of Appeals, judges, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the State Court Administrator, the State Probation Administrator, and the district court reporters have no grievance rights within the Nebraska Supreme Court Personnel System.

Covered employees in the system who are aggrieved as a result of management actions resulting in an injury, injustice, or wrong involving a misinterpretation or misapplication of personnel rules promulgated by the Nebraska Supreme Court or policies of a particular county court or probation district may formally grieve such actions.

Supervisors shall ensure that every possible effort is made to resolve grievances at the local level. Employees may ultimately appeal grievances not resolved at the local level to the Supreme Court Personnel Board by following the procedures set out in these rules.

### **Nongrievable Issues**

The Supreme Court Personnel Board has final authority to determine whether or not an issue is grievable and may elect to hear any issue at its discretion. Issues determined to be nongrievable are subject to summary dismissal by the board.

The following issues, when done in compliance with established law, rule or policy, are examples of nongrievable matters. The list below is not to be considered all inclusive:

1. performance evaluations;
2. appointments, including promotions to positions;
3. involuntary transfers with no salary reduction or relocation required;
4. leave of absence decisions;
5. position classifications;
6. salary allocations;
7. layoffs or reduction in hours due to elimination or reduction of funds, reduction in the workload, and/or reorganization; and
8. payment of moving expenses.

### **Effects of Grievance on Management Action and Employee Status**

The filing of a grievance does not delay the effective date of any management action. Filing of a grievance shall not jeopardize the grievant's position, opportunities for advancement, or salary increases. No employee may be coerced by a supervisor or another employee into not proceeding with a grievance or not appearing as a witness at a hearing.

## **The Supreme Court Personnel Board**

The members of the Supreme Court Personnel Board shall be appointed by the State Court Administrator and serve 3-year terms. The Board shall be composed of one county or district judge, one chief probation officer, and one clerk magistrate. The judge member of the Board shall be the chairperson and shall preside over hearings.

A listing of the current Board members' names and addresses shall be available in the Administrative Office.

The authority of the Supreme Court Personnel Board is to determine if any decision regarding a grievance made by the State Court Administrator, State Probation Administrator, or an administrative employee delegated to respond to a grievance was made in good faith and for cause and to ensure that the actions were in reasonable compliance with the Nebraska Supreme Court Personnel Policies and Procedures or relevant state statutes. Decisions made by the Board are final and binding on all parties involved.

A Supreme Court Personnel Board member shall excuse himself or herself in decisions where his or her impartiality might reasonably be questioned, including, but not limited to, instances where the Board member has been a participating party in the grieved action. In the event that a member is excused, the State Court Administrator or State Probation Administrator shall appoint a temporary Board member to serve until a decision is made regarding the grievance.

The Supreme Court Personnel Board has final authority to determine whether or not an issue is grievable and may elect to hear any issue at its discretion. Issues determined to be nongrievable are subject to summary dismissal.

## **Grievance Procedure Steps and Time Allowances**

The following are the procedures and time allowances for the official grievance process. If the grievant fails to advance a grievance to any step within these time allowances, the grievance shall be considered discontinued by the grievant and the matter will be considered closed. However, time allowances may be extended by mutual agreement of the parties.

**Step 1. Presentation of Formal Grievance.** Within 15 workdays of the occurrence of the grieved action (or from the day the employee should have known about the action), the employee shall present a formal written grievance (using the official grievance form) to his/her immediate supervisor. The grievance shall contain a statement of the grievance which indicates the issue involved, the relief sought, the date the incident or violation took place, if known, and the specific rule or policy involved.

**Step 2. Decision-maker's Reply.** If the immediate supervisor is the person who made the decision causing the grievance, that supervisor may discuss it with the grievant. The supervisor shall prepare a written reply on the grievance form to the grievance within 5 workdays of receiving the grievance. If the immediate supervisor did not make the grieved decision, he/she shall note that fact on the grievance form, sign it, and forward it to the person who made the decision within 2 workdays, skipping any levels of intermediate supervision.

The supervisor who made the original decision causing the grievance may discuss the grievance with the grievant, shall reply in writing (on the grievance form or an attachment) to the grievant within 5 workdays after receiving the grievance, and shall be responsible for consulting with all necessary levels of supervision in the preparation of the written response to the grievant.

If a supervisor in Step 2 of the Grievance Procedure fails to respond to the grievant within the specified time periods, the grievance shall be considered denied, and the grievant may proceed with his/her grievance to the next step.

**Step 3. Appeal to the Administrative Office.** If dissatisfied with the decision-maker's reply, the grievant has 5 workdays from receipt of the reply to appeal the decision to the Administrative Office. The State Court Administrator, the State Probation Administrator or a delegated person in the Administrative Office shall issue a decision in writing to the grievant as soon as possible.

**Step 4. Appeal to the Supreme Court Personnel Board.** If the grievant wants to appeal the decision from the Administrative Office to the Supreme Court Personnel Board, that appeal using the grievance form must be filed with the chairperson of the Board within 5 workdays of receipt of the administrative decision. Upon receipt of the appeal, the chairperson shall provide written notification to the involved parties that an appeal has been filed. The written appeal to the Supreme Court Personnel Board must set forth alleged facts in sufficient detail for the Board to decide if a misinterpretation or misapplication of the Nebraska Supreme Court Personnel Policies and Procedures has possibly occurred and whether an evidentiary hearing is necessary. If the Board decides that the appeal does not meet these criteria, an evidentiary hearing may not be granted and the appeal will be dismissed without prejudice. If the appeal is dismissed without prejudice and the grievant wishes to amend the appeal, the amendment must be filed within 10 workdays of receiving notice of dismissal. Amended appeals not filed with the Board within the 10-workday limit will be dismissed.

When a grievance appeal is properly submitted and the Supreme Court Personnel Board determines that the issue includes a possible misinterpretation or misapplication of the Nebraska Supreme Court Personnel Policies and Procedures, an appeal hearing will be scheduled. The chairperson of the Board shall notify all parties of the time and place of any appeal hearing. A copy of the appeal shall be provided to the affected staff member in the Administrative Office.

The Supreme Court Personnel Board shall hold a hearing on as early a date as is possible or inform all parties that the issue is not grievable.

The Supreme Court Personnel Board may order a pre-hearing conference prior to the grievance hearing to clarify the issues to be heard, the number of witnesses, the evidence to be presented, and other procedural details determined by the Board; or the Board may issue a pre-hearing order requiring the parties to mutually resolve such matters prior to the hearing. Failure by either party to appear at a pre-hearing conference or to respond timely to a pre-hearing order may bind that party to the issues, witnesses, and evidence submitted by the opposing party, or to those established by the Board, which shall control the presentation of issues, witnesses, exhibits, etc., during the hearing. The Board shall designate which party shall go first in the presentation of evidence.

The Supreme Court Personnel Board shall conduct the grievance hearing and rules of evidence shall not apply unless requested by either party. Such request shall be made in writing at least 3 workdays prior to the holding of the hearing. The hearing shall be recorded on four-track audio recording equipment.

Either party may present witnesses and/or written data. If either party wishes to use any employee of the Nebraska Court System as a witness in the presentation of his/her case, he/she shall request the Board, through the State Court Administrator or the State Probation Administrator, to require the attendance of the witness. The request for an employee's appearance must be submitted to the chairperson of the Board at least 8 workdays prior to the hearing. Notice of less than 8 workdays shall not guarantee employee attendance. A written requirement of attendance of an employee shall be prepared by the Administrative Office and sent to the employee whose attendance is required at least 4 workdays before the scheduled hearing. The Board may limit the number of witnesses either party may call to testify by considering relevancy of proposed testimony and whether or not it would be repetitious.

Employees of the Nebraska Supreme Court who are required to attend an appeal hearing shall be granted time off from their assigned duties to appear. All hours of attendance, including travel time, shall be considered work time. Reimbursement will be made for allowable expenses.

The Supreme Court Personnel Board may request opening and/or closing statements from both parties in the grievance hearing. The parties may be requested to submit summary briefs at a mutually agreed upon date subsequent to the hearing.

All parties involved with a grievance appeal hearing may present their cases either personally or through their authorized representative. Each party is responsible for any attorney costs incurred in presenting his/her case.

In the event that one party fails to appear at the grievance hearing scheduled by the Supreme Court Personnel Board, a default judgment shall be entered unless the party who failed to appear shows good cause for having failed to appear within 5 workdays after the hearing date. The chairperson of the Board will provide written notification of a default judgment to all parties.

At any time during the grievance procedure, the parties may reach a settlement and thereby terminate the process. The settlement must be in writing and is binding on both parties. The settlement must be signed by both parties and shall include a statement that neither party will pursue the matter further as long as settlement agreements are followed. At this point the grievance will be considered to be resolved. If either party fails to abide by the settlement, the violation may be grieved beginning at the local level.

### **Discovery Procedures**

At any time after a formal grievance has been properly filed, the employee and/or the Administrative Office may obtain discovery regarding any matter not privileged that is relevant to the subject matter involved in the pending appeal by utilization of one or more of the following methods: requests for depositions, requests for interrogatories, requests for production

of documents or things, requests for permission to enter appropriate offices for the purpose of inspection and/or requests for admissions. Unless the Supreme Court Personnel Board rules otherwise, the frequency of use of these methods is not limited. All discovery requests are subject to the following provisions:

1. Requests for discovery shall be addressed to the party from whom the discovery is sought, with a copy addressed to the Supreme Court Personnel Board through the Administrative Office. Such requests shall be sufficiently in advance of the scheduled hearing to allow for the accommodation of the time lines established below.
2. Responses to discovery requests must be provided within 10 workdays of receipt of request, unless objections are entered. Objections to such requests may be made only to the chairperson of the Supreme Court Personnel Board and must be made within 5 workdays of receipt of the request. The chairperson shall affirm or deny such objections within 10 workdays of receipt of the objections and shall establish time limits for response when objections are denied.
3. Within 5 workdays of the receipt of the discovery requested, the requesting party shall notify the answering party of any failure on the part of the answering party to properly respond to the request.
4. Except where objections to discovery requests are sustained, the failure to respond to any discovery requests may result in the answering party being denied the right to introduce the requested evidence or such other remedy as is deemed appropriate by the chairperson.

A copy of the Supreme Court Personnel Board's decision shall be forwarded to the parties involved. The original decision and all documents relating to the grievance shall be filed in the Administrative Office.

Amended 9-17-03

### **RESIGNATIONS**

To resign in good standing, an employee must give written notice to his/her supervisor or the Administrative Office at least 10 workdays before separation, unless otherwise agreed.

Amended 9-17-03

### **EMPLOYEE ABSENT WITHOUT APPROVED LEAVE**

When an employee is absent from work for longer than 1 workday without being on approved leave, it may be considered that such employee has abandoned his/her job and has resigned not in good standing.

### **BONDING**

Employees are bonded under the state blanket bond for all state employees. Individual bonds are not required. The state is protected up to one million dollars.

## **PUBLIC SAFETY OFFICER'S BENEFITS ACT**

On September 29, 1976, the federal Public Safety Officer's Benefit Act was signed into law, providing payment of a \$50,000 death benefit to survivors of state and local public safety officers who have died as a direct and proximate result of a personal injury sustained in the line of duty. The benefit was increased from \$50,000 to \$100,000 for deaths occurring on or after June 1, 1988. Beginning on October 1, 1988, and on each October 1st thereafter, the benefit will be adjusted by the percentage of change in the Consumer Price Index. Eligible public safety officers includes probation officers.

## **RELOCATIONS**

When an employee is requested to change locations for the benefit of the Nebraska Court System, moving expenses may be paid. Three estimates will be required by the Administrative Office and approval must be received prior to the move. Such moving allowances are subject to withholding and an IRS Form 4782 will be furnished to the employee by the Administrative Office.

## **FIREARMS**

Employees including probation officers and constables are not allowed to carry firearms in the performance of their duties, and no firearms will be kept in court or probation offices or in state cars.

## **EMPLOYEE DRESS**

### **Purpose**

The purpose of this policy is to establish basic guidelines for appropriate work dress for employees of the Nebraska Supreme Court. In an effort to maintain a professional appearance as an employee of the Nebraska Supreme Court, staff shall be well groomed and shall present an appropriate image commensurate with the status and dignity of the office. Attire shall be in good taste and reflect the requirements of the job and the working conditions. Employees often have frequent public contact, and their appearance and demeanor convey an impression of the court system. The purpose of this policy is to promote a positive image of the Nebraska Supreme Court, but also to allow for flexibility and considerations of safety, job requirements, and the work environment. Personal neatness, cleanliness, and appropriate attire provide an atmosphere of professionalism and inspire confidence in an employee's ability to deliver services.

### **Applicability**

This policy applies to all employees of the Nebraska Supreme Court operating in court and probation offices and includes interns, volunteers, contract employees, temporary employees, and grant-funded positions. The various offices may have unique operating needs such as public contact and court appearances, and thus, local offices may establish more stringent requirements based on those needs. At no time may an office establish lower standards than those set forth herein, except as needed in individual cases of safety or work needs such as remodeling or

moving of offices or equipment. However, employees working in offices that are not accessible to the public shall follow their supervisor's requirements for appearance.

## **Policy**

### **Courtroom and Community Activities**

Professional attire is required in court and when participating in or attending community activities in which an employee is representing the Nebraska Supreme Court. Professional attire means that employees shall dress in a conventional businesslike manner; for women, appropriate professional attire includes dresses, skirts, dress slacks, and pantsuits, and for men, appropriate professional attire includes collared shirts, ties, suits, or sport coats. Dress shoes are required.

### **Office Staff Not Required to Attend Court**

Professional business casual is acceptable when not required to attend court. Professional business casual shall mean the following: casual pants, shirt, and dress shoes. Shirts should have a collar or finished edge. Capri or "Gaucho" pants may be worn if they are no shorter than mid-calf length and are worn in the same manner as dress slacks, i.e., with a jacket or dress shirt. Sandals or open-toed shoes may be worn without nylons or pantyhose and only if feet/toenails are properly groomed. No jeans or denim of any color, shorts, or hats are permitted unless specifically authorized by the Administrative Office. In addition, males shall maintain facial hair in a groomed fashion. Professional business casual is required while conducting business during the course of the day and for visits to employers, schools, and service providers.

### **Field Work (For Probation Employees Only)**

Field Work is defined as visitations to clients' homes or similar locations for the purpose of verifying clients' residence address; conducting a home, vehicle, or personal search; collection of a breath or urine sample; inspection of electronic monitoring equipment; or any other similar activity.

Field Attire shall consist of business casual clothing unless the residence or purpose of the visit warrants a less casual attire. Such less casual attire shall be approved by the Chief Probation Officer or his/her designee prior to the visitation. An attire of less than business casual shall consist of jeans, a collared shirt with a probation logo or similar polo shirt, and casual shoes. No sandals or open-toed shoes may be worn for field work.

### **Unacceptable attire**

The following is a list of unacceptable attire, not to be considered inclusive, although it is subject to modification by a supervisor or management and the limited exceptions detailed elsewhere in this policy.

- Tank tops, spaghetti-strap tops, strapless tops, or any top that does not completely cover the midriff area.
- Shirts with logos other than a manufacturer, probation, or court logo.

- Clothing with noticeable wear, including ripped, frayed, dirty, or wrinkled clothing.
- Stretch pants or leggings worn without skirts.
- Fleece wear or warm-up clothing.
- Flip-flop sandals, slippers, or Crocs.
- Clothing which, in the judgment of a supervisor or management, is excessively tight, short, low-cut, revealing, or sheer.

#### Other Considerations

- Battle dress uniforms (BDUs), cargo pants, “raid-type” jackets, or similar clothing with law enforcement identifiers should not be worn unless in conjunction with conducting a search or home visits in conjunction with law enforcement.
- Tattoos may distract from the normal course of business, and therefore, all visible tattoos shall be concealed during working hours.
- Jewelry and other accessories shall not present a safety hazard nor be offensive to clients and co-workers.
  1. Jewelry shall not be functionally restrictive or excessive.
  2. Jewelry which, by its slogan, color, and/or design, implies a negative connotation is prohibited.
- Body Piercings: Excessive body piercing in nontraditional areas of the body may distract from the normal course of business, and therefore, such piercings shall not be visible.
  1. Although an employee may have parts of his or her body pierced, it is unacceptable for an employee to wear body piercing jewelry or ornaments that are readily visible to others. Examples of unacceptable areas for piercing include, but are not limited to, the following: nose, eyebrows, eyelids, tongue, lips, chin, cheeks, hands, neck, etc.
  2. The normal wearing of earrings in the earlobe is acceptable as long as the number that are worn in each ear is limited to a maximum of three per ear. The wearing of ear gauges is not permitted.
  3. All staff is advised to consider safety precautions in their choice of clothing, jewelry, and shoes.
  4. An employee may request an exemption to parts of these standards based on legitimate medical, religious, or cultural practice.

### Special Occasion Exceptions

Costumes, holiday specific outfits, or other special event outfits are acceptable for predetermined special occasions/holidays upon preapproval from the Administrative Office.

### Action to be Taken or Sanctions for Inappropriate Dress

A supervisor may require an individual employee to change clothes in the event that employee's attire does not fit the above criteria. The time required to change such clothes may be considered leave without pay for the employee. Personal neatness, cleanliness, and appropriate attire provide an atmosphere of professionalism and inspire confidence in an employee's ability to deliver services. Subsequent violations may be cause for other disciplinary action.

Amended 11- 23-11

### **POLITICAL ACTIVITY**

An employee shall not participate in political activities while performing official state duties.

An employee shall not use their state job to distribute or receive political favors.

If an employee's position is partially or entirely funded with federal money, the employee is covered by the federal Hatch Act and is barred from being a candidate for a partisan office (offices with candidates identified as being from specific political parties).

For employees covered by these rules and also covered by the Hatch Act, the federal agency responsible for administering the Hatch Act should be consulted for specific restrictions on these employees. The agency responsible for administering and investigating violations of the Hatch Act is the Office of Special Counsel of the U.S. Merit Systems Protection Board, 1120 Vermont Ave., N.W., Washington, DC 20419.

If an employee wishes to take part in political activities during normally scheduled work hours, the employee must arrange for leave (vacation, leave without pay, etc.) to cover the period of absence.

If an employee is elected to office, and such office presents a conflict of interest with the employee's job, or interferes with the employee's scheduled work hours, the employing agency has authority to change the terms and conditions of employment, up to and including termination of employment.

Amended 9-17-03

### **EMPLOYEE PERFORMANCE REPORT**

Employee performance reports shall be prepared for all employees on forms developed and/or approved by the Administrative Office. An evaluation conference with the employee shall be conducted by the employee's immediate supervisor.

## **Frequency**

Reports shall be prepared (1) upon completion of the original provisional period, (2) at least on an annual basis with the date to be determined by the local office, (3) as a subsequent report after the issuance of a report of performance less than satisfactory (such subsequent report may not be done less than 90 days after the previous report), and (4) on occasions when the supervisor desires to record performance worthy of recognition, either favorable or unfavorable. Reasons for submission of this type of report shall be explained in the report.

## **Administration**

After completion of the written report, it is recommended that the report be reviewed by the evaluator's supervisor(s) prior to discussion with the employee.

Performance reports shall then be discussed with the employee, who shall have the right to add his/her comments. These comments shall be submitted within 30 calendar days of the date of the report. The signing of the performance report form of the employee does not signify the employee's agreement with the content, but only that he/she has seen the performance report, that it has been discussed with the employee, and that the employee has been given an opportunity to comment. The evaluator should sign and date the performance report. If the employee refuses to sign, the supervisor and a witness shall document the employee's refusal on the employee's performance report.

Each employee shall receive a copy of his/her performance report. A copy of each performance report shall be included in the employee's personnel file and a copy sent to the Administrative Office.

Amended 9-17-03

## **PERSONNEL RECORDS**

### **Accessibility of Records**

Information concerning an employee's or former employee's name, position, gross salary, date of hire, date of separation, and location where employed shall be considered public information. Any other information contained in an employee's personnel file shall not be released to any requesting party unless the employee has signed a release authorization, or if a legal warrant has been served requesting such information.

### **Records to be Maintained**

Each supervisor shall maintain the following personnel records:

1. Individual employees' monthly records of vacation, sick, and other leave taken and overtime hours earned on a time sheet for all full-time employees or a time card for part-time and temporary employees;
2. Job description/classification for each employee;

3. Record of salary;
4. Copies of all personnel transactions pertaining to individual employee; and
5. Employee performance report(s).

Former employees' personnel files may be destroyed five years after the employees' separation date. A brief file or information card shall be retained containing former employees' dates of employment and rate of pay.

Employees shall have the right to review their personnel file maintained at the employees' place of employment during regular office hours. Review may be done in the presence of a supervisor.

Documentation (including performance reports) which reflects unfavorably on an employee or former employee shall not be placed in their personnel file without their knowledge.

Employees or former employees have the right to file a written rebuttal within 30 calendar days from date of notice to any item placed in their personnel file with the exception of grievances settled in accordance with Supreme Court Grievance Procedures. This written rebuttal shall be placed in their personnel file.

No negative documentation shall be placed in an employee's file after the dismissal, resignation or retirement of the employee unless the former employee is notified. Exceptions are reports, letters or documents originated and signed by the employee.

Amended 9-17-03

### **CONFIDENTIALITY**

The employees of the Nebraska Court System must be concerned with the area of confidentiality because of the nature of some of the information handled by the judicial system. Some of the information in the courts is public information and it is the duty of many employees to help provide this kind of information to those requesting it. Employees are also exposed to some information that must be held in the strictest of confidence and must never be released unless it is absolutely certain that it is appropriate. There are several sections of the state and federal law which refer to various types of confidentiality and penalties involved for not adhering to those policies. With the supervisor's guidance, all confidential information should be kept in a secure place not readily accessible by other persons.

If employees have questions pertaining to confidentiality and do not know whether a certain piece of information can be released, the employee should ask his/her immediate supervisor.

## **OTHER RELATED POLICIES**

### **Furlough Policy**

The furlough policy is separate from the Nebraska Supreme Court Personnel Policies & Procedures and applies equally to all employees of the Nebraska Supreme Court. These include all employees in the county court system, the probation system, the Reporter's Office of the Supreme Court and Court of Appeals, the Clerk's Office of the Supreme Court and the Court of Appeals, the Administrative Office of the Court/Probation, the Office of the Counsel for Discipline and the State Law Library. This policy also applies to the State Court Administrator; the State Probation Administrator; the Clerk of the Supreme Court and Court of Appeals; the Reporter of the Supreme Court and Court of Appeals; all private staff of the Supreme Court and Court of Appeals, including administrative assistants, career law clerks, and law clerks; the staff attorneys of the Supreme Court and Court of Appeals; all official court reporters; and any other employee of the Nebraska Supreme Court.

Adopted 9-17-03

Furlough is involuntary leave without pay for a preset number of hours during one or more pay periods. No paid leave times shall be taken by an employee during a furlough.

If the Supreme Court deems it necessary to deviate from the standard workday or standard workweek due to shortage of funds, the Administrative Office shall submit a proposed furlough plan to the Supreme Court.

The furlough plan to be submitted to the Supreme Court shall specify:

1. The purpose of the furlough.
2. The job classifications, specific offices, funding sources, or any combination thereof affected by the proposed plan.
3. The criteria used to select the classification, specific offices, funding sources, or any combination thereof included in the furlough.
4. The approximate duration of the proposed furlough.
5. The preset number of hours during one or more pay periods that will be reduced.
6. The estimated cost savings generated by the proposed furlough.
7. Any other information requested by the Supreme Court.

After approval by the Supreme Court of a furlough plan, the Administrative Office shall notify appropriate supervisors of the affected offices. The supervisor shall notify employees affected by the furlough plan.

An employee's accrual of vacation and sick leave will continue during furlough periods at otherwise authorized rates notwithstanding other rules to the contrary. Social Security and retirement contributions shall be reduced in proportion to the reduction in the employee's gross pay. Such furloughs shall not affect an employee's health insurance, continuous service, length of service, or eligibility for authorized holiday compensation or longevity increases.

A furlough shall not be used as a disciplinary action against an employee.

Adopted 3-12-03

The Workplace Harassment Policy, Drug-Free Workplace Policy, and Travel Policies are separate from the Nebraska Supreme Court Personnel Policies & Procedures and apply equally to all officers and employees of the Nebraska Supreme Court. These include all officers and employees in (1) the county court system, (2) the probation system, (3) the Reporter's Office of the Supreme Court and Court of Appeals, (4) the Clerk's Office of the Supreme Court and the Court of Appeals, (5) the Administrative Office of the Supreme Court, (6) the Office of the Counsel for Discipline, and (7) the State Law Library. These policies also apply to (1) the State Court Administrator; (2) the State Probation Administrator; (3) the Clerk of the Supreme Court and Court of Appeals; (4) the Reporter of the Supreme Court and Court of Appeals; (5) the Counsel for Discipline; (6) the justices of the Supreme Court, judges of the Court of Appeals, and all private staff of the Supreme Court and Court of Appeals, including administrative assistants, career law clerks, and law clerks; (7) the staff attorneys of the Supreme Court and Court of Appeals; (8) all district court judges and their official court reporters; (9) all juvenile court judges and their official court reporters; (10) all county court judges; (11) all Workers' Compensation Court judges; and (12) any other court officer or employee subject to the Nebraska Revised Code of Judicial Conduct.

Amended 9-17-03; Amended 12-22-10, effective 1-1-11

### **Workplace Harassment Policy**

It is the policy of the Nebraska Court System that all its officers, employees, and the recipients of its services be treated fairly and equally, with dignity and respect.

Accordingly, any court system officer or employee who, while on court system or related premises, engages in sexual harassment or in any manner utters, circulates, or publishes any inflammatory comment, joke, or innuendo based in whole or in part on race, color, religion, age, disability, or national origin, when such

- (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment, or
- (2) interferes unreasonably with one's work or employment opportunities or with the receipt of services, shall be deemed to have engaged in workplace harassment and shall be subject to appropriate discipline.

Any officer or supervisor who knowingly permits an employee to engage in such harassment shall also be subject to appropriate discipline.

For the purpose of this policy, "sexual harassment" shall be defined as any unwelcome sexual advance, request for sexual favors, and either verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment or a condition of an individual's receipt of court services, or

- (2) submission to or rejection of such conduct by an individual is used as the basis for employment or court system decisions affecting an employee or recipient of the court system services; or
- (3) such conduct, whether welcome or unwelcome, has the purpose or effect of unreasonably interfering with an employee's work performance or with an individual's receipt of court services, or of creating an intimidating, hostile or offensive environment.

Any officer or employee who believes that he or she has been the subject of workplace harassment is encouraged to report the alleged incident immediately to the Administrative Office which shall process complaints in a timely and confidential manner. Supervisors should contact the Administrative Office whenever they have information regarding a possible violation of this policy. Complainants and other persons involved in an investigation of an allegation of workplace harassment shall not be subjected to retaliation, coercion, intimidation or reprisal.

Amended 9-27-05

### **Drug-Free Workplace Policy**

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the use of drugs may impair the well-being of officers, employees, and the public at large, and may result in damage to court property. Therefore, it is the policy of the Nebraska Court System that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Any officer or employee violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. The Nebraska Court System does not differentiate between drug users and drug pushers or sellers. Any officer or employee who gives or in any way transfers a controlled substance to another person, sells or manufactures a controlled substance, or violates any drug law while on the job or on court premises will be reported to the appropriate prosecuting authority and, whether convicted or not, will be subject to discipline up to and including termination.
2. The term "controlled substance" refers to any drug listed in 21 U.S.C. § 812 or a drug, substance, or immediate precursor listed in Schedules I to V of § 28-405 of the Nebraska Revised Statutes. Also included in the term are unauthorized prescription drugs.
3. Each officer and employee is required by law to inform the State Court Administrator or State Probation Administrator within 5 days after he or she is convicted of violating any federal or state criminal drug statute, where such violation occurred on the court system's premises. A conviction means a finding of guilt by a judge or jury in any federal or state court.
4. The Administrative Office will notify the U.S. government agency with which a contract has been made within 10 days after receiving notice from an employee or a judge or otherwise receiving actual notice of such a conviction.
5. If an officer or employee is convicted of violating any criminal drug statute while at the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the Nebraska Court System may require the officer or

employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.

As a condition of further employment on any federal government contract, the law requires all officers and employees to abide by this policy.

## **Travel Policies**

### **Travel Reimbursements**

Reimbursements will be made only for travel expenses essential to the transaction of official business and all expenses claimed should reflect only those amounts actually expended. Expense vouchers should be fully itemized, including when, where, and why the travel expenses were incurred with expenditures listed by the day the expenses were incurred. Expense vouchers must be submitted at least on a monthly basis to the Administrative Office of the Courts/ Probation. Expense voucher forms are available online at: <http://www.supremecourt.ne.gov/forms/supreme-court-travel-report.shtml>. If the reimbursement is for an expense related to education, the voucher should be submitted directly to the Judicial Branch Education Director.

### **Approval for Travel**

Before an officer or employee attends a function, conference, or meeting requiring travel, approval should be obtained from the State Court Administrator, State Probation Administrator, or Judicial Branch Education Director. This does not include normal day-to-day travel required for regular job responsibilities or activities required or sponsored by the Administrative Office of the Courts/Probation including Judicial Branch Education. However, a judge exercising his or her authority to request assistance from another judge to cover cases on a temporary basis, shall request approval from the Administrative Office of the Courts only if the replacement judge must travel more than 60 miles (one way) to perform those duties. In all cases, prior approval must be obtained if the travel method chosen is not the most economical method of transportation.

Every effort shall be made to submit requests for approval for travel not later than 30 days prior to the event.

### **Mode of Travel**

#### **Air Travel**

Air travel shall only be authorized by the State Court Administrator, State Probation Administrator, or Judicial Branch Education Director when it is more economical than surface transportation or will result in a substantial savings of expense or productive time. Reimbursement for commercial air travel will be limited to "coach" fare if such seating is available at the time of ticket purchase. Travel by privately-owned, state-owned, or personally rented airplanes must have the prior approval of the State Court Administrator, State Probation Administrator, or Judicial Branch Education Director. Employees and officers should coordinate with the State Court Administrator, State Probation Administrator, or Judicial Branch Education

Director in booking air travel. The submission of a receipt showing booking terms is required for reimbursement.

### **Personal Automobiles**

An employee will be reimbursed for use of a personal vehicle while on work-related business (this does not include commuting miles). When reimbursement is claimed for mileage by personal automobile, the points between which said mileage occurred, the times of arrival and departure, and the necessity and purpose of such travel should be shown on such claim. The license number, the employee's NIS number (the NIS number is shown on paycheck stub information available online), the owner of the automobile used, and the rate per mile being claimed should also be shown. Total mileage will be reimbursed at the current mileage rate per mile per vehicle as determined by the Nebraska Supreme Court regardless of the fact that one or more persons may have been transported in the same vehicle. Funds expended for parking may be claimed in addition to mileage.

If an officer or employee chooses to use his or her personal automobile in lieu of air travel even though air travel is a more economical method of transportation, the officer or employee will be reimbursed only the amount equal to the cost of the airfare. Other expenses such as lodging and meals that may be incurred because of traveling by personal automobile will not be reimbursed.

It is recommended that if a state vehicle is available, it be used in lieu of a personal vehicle when traveling in excess of 50 miles.

### **State Vehicles**

No reimbursement for mileage will be allowed when such mileage accrues while using an automobile owned by the State of Nebraska.

Permanent state vehicle assignment will be considered when a vehicle is required for a period of 30 days or longer, will travel a minimum of 1,000 miles, and will be utilized 17 working days monthly.

Requests for permanently assigned vehicles should be submitted to the Administrative Office of the Courts/Probation at least 20 working days in advance of the required date. Requests should include the date the vehicle is desired; the type of vehicle desired, i.e., compact, intermediate, or regular sedan, et cetera; the estimated monthly mileage; the name of the principal driver; and the office location.

Personal use of any state-owned vehicle is prohibited by statute and is a Class V misdemeanor. See Neb. Rev. Stat. §81-1024 (Reissue 1999).

Whenever a state vehicle is permanently assigned to an officer or employee of the court, additional policies regarding the use of a state vehicle should be requested from the Administrative Office of the Courts/Probation.

Officers and employees are encouraged to carpool for travel to events, and the Administrative Office of the Courts/Probation reserves the right to require carpooling with state vehicles for specified functions.

## **Commuting**

Commuting expenses are defined by the Internal Revenue Service as those expenses incurred in traveling from one's residence to one's place of work and return to residence no matter how often this occurs during a day. These expenses are considered personal expenses and are not considered reimbursable expenses. When using a state car for commuting, IRS rules require that \$1.50 each way be added to the employee's income reported on a W-2.

## **Conference/Meeting Expenses**

The approval to attend a conference, workshop, or meeting that is not considered a normal job responsibility, or that is not sponsored by the Administrative Office of the Courts/Probation including Judicial Branch Education, shall be obtained from the State Court Administrator, State Probation Administrator or Judicial Branch Education Director prior to the individual's attendance at such function. If funding is being requested for an education event that is not sponsored by Judicial Branch Education, prior approval shall be requested by using the forms prescribed by the Judicial Branch Education Director. The forms are available at: <http://www.supremecourt.ne.gov/jbe/pdf/jbe-request-commitment-of-funds.pdf>.

Only conference/meeting expenses incurred on the days necessary to travel to and from the conference/meeting and those incurred on the actual days of the conference/meeting may be reimbursed. Prior approval from the State Court Administrator, State Probation Administrator, or Judicial Branch Education Director must be obtained for reimbursement of expenses that result from arriving early or result from extending departure. The following includes additional specific limitations in expense reimbursements.

## **Meals**

Only actual amounts paid for meals may be claimed. The Internal Revenue Service requires employees to substantiate the cost of meals under an accountable plan. The Administrative Office of the Courts/Probation requires all officers and employees to keep itemized receipts (not credit card receipts) for meal expenses. Transfer the receipt information to the expense voucher and attach the receipts to the expense voucher to satisfy the IRS requirement for an accountable plan. Unsubstantiated meal expenses will not be reimbursed. Again, the amounts claimed should be actual meal costs. Tips are a reimbursable expense. No reimbursement may be made for alcoholic beverages.

There are time limitations on reimbursements for meals. The time limitations do not include the time taken for the meal. If departure is before 6:30 a.m. or 1½ hours before the officer or employee begins work, whichever is earlier, breakfast may be reimbursed. Noon meals may be reimbursed if departure is at or before 11 a.m. (for overnight travel) or the return time is at or after 2 p.m. (from overnight travel). Noon meals for 1-day travel are not reimbursable. If the return time is after 7 p.m. or 2 hours after the officer's or employee's workday ends, whichever is later, the evening meal may be reimbursed. Meal expenses incurred

in the city or town in which the residence or primary work location of such employee or officer is located are not reimbursable. Reimbursement for meal expenses incurred on 1-day travel is taxable income to the officer or employee if the expenses are \$200 or more in any one year-- December 1 through November 30. The total amount is taxable income.

Reimbursements for meals will not exceed the U.S. General Services Administration (GSA) limit on meals. Meal allowances include tips. For travel in the State of Nebraska all cities but Omaha have a maximum allowed of \$36, however the reimbursement rate is computed on a per meal basis: breakfast, \$7; lunch, \$11; and dinner, \$18. Omaha's maximum allowed is \$46 per day (breakfast, \$9; lunch, \$13; and dinner, \$24). Guidelines for meal allowances outside the State of Nebraska can be found on the following Web site: [www.gsa.gov](http://www.gsa.gov). Employees or officers will not be reimbursed for any meal that was provided as part of an event or function should they choose to eat elsewhere absent good cause shown.

## **Lodging**

Lodging may be reimbursed if the attendance of a meeting or conference requires an officer or employee to be away from the general area of his or her normal work location for a period substantially longer than an ordinary day's work. The absence must be of such duration that the officer or employee cannot reasonably leave and return to that location before and after each day's work.

Generally, a person must be 50 miles or more from his or her workplace in order to be eligible for lodging reimbursement. Under special circumstances and with prior approval, lodging may be approved for distances less than 50 miles. A written request for such approval should be directed to either the State Court Administrator, State Probation Administrator or if the event is a Judicial Branch Education event, the Judicial Branch Education Director.

Receipts for lodging on motel/hotel letterhead are required for reimbursement (not the charge card receipt). Only actual expenses for lodging are reimbursable, and prior approval is generally required. No movie charges or alcohol charges are allowed. At the time a request is made to attend the conference/meeting, individuals should request that the State Court Administrator, State Probation Administrator, or the Judicial Branch Education Director try to arrange for direct billing.

The state rate for lodging should always be requested. In no event should the federal GSA per person per night rate be exceeded without advance approval. Any deviation from the federal per diem rates (GSA per diem rates: [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem)) must be accompanied by documentation justifying the need for such deviation. If an officer or employee shares a room with an individual other than an officer or employee, only the single rate will be reimbursed. The difference must be paid when checking out. The motel/hotel should note the single rate on the bill. If a room is shared by two or more officers or employees, the name(s) should be noted on the bill.

It is the responsibility of an employee or officer to honor hotel/motel checkout times. If a late checkout results in a charge for that day, payment of that charge will be the responsibility of the officer or employee.

Often for meetings and conferences sponsored by the Supreme Court, lodging expenses will be direct billed. Billing should always be checked before leaving the hotel/motel. If lodging is direct billed, individuals must pay additional costs, i.e., telephone calls, which may be indicated on the billing. Personal phone calls are not reimbursable.

If lodging is with friends or relatives, there are no reimbursable lodging expenses.

### **Other Expenses**

Registration fees for programs not funded by the Supreme Court are reimbursable if prior approval has been granted. The original receipt or canceled check should be included with the claim.

Parking expenses, tips, tolls, and baggage handling expenses are reimbursable. No receipts are necessary unless the expenses are unusually high.

Other ground travel expense (cab, shuttle bus, intra-city bus, et cetera) is reimbursable. No receipts are necessary unless the expense is unusually high.

Note: If an officer or employee of the Court registers for a conference or workshop and then fails to attend without canceling in adequate time, all expenses (i.e. registration fee, lodging, prescheduled meals, et cetera) will be the responsibility of the officer or employee of the court except under extraordinary circumstances.

### **Expense Reimbursement Document (Expense Voucher)**

Expense vouchers should be submitted at least once a month but may be submitted more often if desired. Expense voucher forms are available online at: <http://www.supremecourt.ne.gov/forms/supreme-court-travel-report.shtml>. All expenses should be listed for conferences separately from other monthly travel expenses. Employees and officers must include their NIS number on the expense voucher. The NIS number is shown on paycheck stub information available online.

Expenses should be itemized so that the nature, purpose, and necessity of each item are apparent. Expense vouchers should include the time and place of departure and the time of return to the headquarter city in each instance. All items claimed for reimbursement for any one trip should be included on the same expense voucher.

One officer or employee may be reimbursed for actual expenses incurred on behalf of another officer or employee, such as when two employees sharing a motel room are billed jointly and one officer or employee pays the bill. The officer or employee to be reimbursed should provide the same detailed information on the expense voucher that would have been required if each officer or employee had been billed individually. In all cases, when one officer or employee is requesting reimbursement for expenses of more than one officer or employee, original receipts should be provided, and the officers or employees' names listed and documents cross-referenced, when applicable. If two officers or employees are billed jointly, but each pays half and each requests reimbursement separately, the documents should be cross-referenced, since one officer or employee usually will not have an original receipt.

Expenses will be paid for officers and employees of the courts and probation only. In cases in which a spouse or other individual accompanies the officer or employee on official business, only the expenses of the officer or employee will be paid. In such cases, lodging and other receipts should indicate the appropriate single person charge.

Original signatures on all expense vouchers are required from both the officer or employee and appropriate supervisor (Division Approval). No stamped signatures will be accepted.

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