

State of Nebraska

**Department of
Administrative Services**

**DAS
HUMAN
RESOURCE
POLICIES AND
PROCEDURES
MANUAL**

DAS HUMAN RESOURCE POLICIES AND PROCEDURES MANUAL

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Alternative Work Schedule Agreement

Catastrophic Illness Donation Form go to:

http://www.das.state.ne.us/emprel/catastrophic_illness.htm.

Drug Free Workplace Policy Statement of Understanding

Family and Medical Leave Forms – go to: <http://www.das.state.ne.us/emprel/FMLact.htm>.

Informal Complaint Form

Minor Injury Report Form

Notification of Outside Employment Form

Release to Return to Work Form

Request for Unpaid Leave of Absence Form

Termination of Employment Form

Tuition Assistance Request Form

Voluntary Disability Self-Disclosure Statement

Workers' Compensation First Report Form – go to: <http://www.nol.org/workcomp/pubs/form1.pdf>

Workplace Harassment Policy Statement of Understanding

Workplace Violence Incident Report

IMPORTANT

Please sign below and return to the DAS Human Resource Office so that this document may be placed in your personnel file.

I understand that my signature on this document indicates my receipt of a copy of the Department of Administrative Services Human Resource Policies and Procedures Manual either in hard copy paper form or through Internet access to the DAS Web Page, and I understand that it is my responsibility as an employee to read it. I understand that this is not a legal contract.

SIGNATURE

DATE

Return to: Nebraska Department of Administrative Services
Attn: Human Resource Office
State Capitol Building – Suite 1315
Lincoln, NE 68509

Part I – About the Department of Administrative Services

WELCOME TO THE STATE OF NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES

The Department of Administrative Services (DAS) has a workforce of approximately 670 employees. Every DAS employee performs an important job in providing essential services to other State agencies and to the citizens of Nebraska. Thank you for choosing DAS as your employer.

The purpose of the Department of Administrative Services (DAS) Human Resource Policies and Procedures Manual is to identify responsibilities, policies and procedures of the Department; to provide for uniform application of the Classified System Personnel Rules and Regulations and NAPE/AFSCME Labor Contract; and to establish uniform and consistent policies and procedures where agency discretion is allowed. The authority to implement the DAS Human Resource Policy and Procedure Manual is granted through the Rules and Regulations and Labor Contract.

The DAS Director has the final responsibility for determination and revision of these policies and procedures. The development of the Human Resource Policies and Procedures has been done in accordance with the DAS Affirmative Action Policy and with the review and consultation of the Department's managerial staff.

A copy of the DAS Human Resource Policies and Procedures Manual is available for review at Division locations and at offices outside of Lincoln. It is the responsibility of each Division Administrator to assure Division manuals are kept current. All personnel of the Department have access to these policies either electronically through the DAS Home Page on the Internet, or a paper hard copy located in each division office. Division Administrators are responsible for distributing policies to all employees.

You are responsible for acquainting yourself with the guidelines in this manual, rules, regulations, and internal processes that apply specifically to your work. If you have any questions or concerns about the information in this manual, please contact your supervisor or the DAS Human Resource Office.

This manual does not create a contract, expressed or implied, and does not guarantee employment for any definite period of time. This manual is not all-inclusive. This manual supersedes any previous manual or unwritten policy.

Lori McClurg, Director
Department of Administrative Services

About DAS, continued:

**DEPARTMENT OF ADMINISTRATIVE SERVICES
VISION STATEMENT**

The Department of Administrative Service's (DAS) vision is to be a value-adding partner with our customers, providing services and strategies that improve the quality and cost effectiveness of public services.

**DEPARTMENT OF ADMINISTRATIVE SERVICES
MISSION STATEMENT**

To provide expertly managed services to our customers that maximize the efficiency of state government.



CODE OF CONDUCT FOR DAS EMPLOYEES

Service/Professional Conduct

DAS employees will implement all roles, relationships, and responsibilities of employment in a professional manner. All persons are entitled to expect DAS employees to be honest, trustworthy and respectful, and to take responsibility for upholding these standards of behavior. DAS employees measure their actions using these standards:

- DAS employees work to achieve and maintain proficiency at assigned duties.
- DAS employees ensure that personal relationships do not influence professional decisions, and avoid even the appearance of impropriety, bias, or conflict of interest.
- DAS employees immediately report to supervisors any situation where a conflict of interest could be perceived.
- DAS employees abide by state and federal laws and by the rules and regulations that cover their employment. Employees convicted of a felony offense, shall report the conviction to their immediate supervisor during their next work shift.

DAS employees understand that all work products developed on work time belong to the State of Nebraska, and will not accept any outside financial gain or benefit.

CODE OF ETHICS

No employee shall accept any gift of value (\$25.00 or more) from anyone having business or potential business with the State which are intended to, or which appear to, influence the official relationship between the donor and recipient. DAS Divisions may have specific statutes that address acceptance of gifts. Information related to these statutes will be shared with employees of these Divisions.

About DAS, continued:

EXPECTATIONS OF EMPLOYEE ATTENDANCE

Absenteeism and lateness detract from our ability to carry out the mission and cause an undue burden, as well as morale issues, for those employees who must fill in for absent or tardy employees. Regular, predictable attendance is an essential function of each job in DAS. It is your responsibility to report to work promptly, as scheduled. Tardiness and unexcused absences may impact on your transfer or promotion opportunities and may result in loss of pay or disciplinary action.

CHANGES IN POLICY

The Director reserves the right to change policies covered in this Manual at any time. Work rules will not become effective until the appropriate union notice is given for work rules that apply to bargaining unit employees. The Division Administrator shall be responsible for disseminating and coordinating changes. All changes will be distributed electronically or by other appropriate means.

If there is uncertainty about any policy or procedure, please check with your supervisor, if the supervisor is unavailable then check with the Division Administrator, and if the Division Administrator is unavailable, check with the DAS Human Resource Office. The most current policy is posted on the DAS website.

Part II – The Work Place

AFFIRMATIVE ACTION PLAN

The Department of Administrative Services (DAS) has taken steps through the development of an agency Affirmative Action Plan to ensure that historic and any present patterns of racial and sex discrimination are eliminated; and to ensure that all employees and persons assisted by DAS are provided with fair and equal opportunities for employment and advancement regardless of race, color, religion, national origin, age, sex, marital status or physical or mental disabilities.

A copy of the plan is maintained in each of the divisions of DAS and the Director's Office for review by all employees, or can be obtained by contacting the Agency's Affirmative Action Officer at 471-4461. A summary of the plan is also on the DAS website.

AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Department of Administrative Services (DAS), in compliance with the Civil Rights Act of 1964 and related federal and state statutes and guidelines, will continue its policy to provide equal employment opportunity in all personnel actions.

It is the policy of this agency to support, assure and promote equal employment opportunities to all persons without regard to race, sex, color, national origin, religion, age, marital status, political affiliation or beliefs, or any physical or mental disabilities. This policy and the commitment to provide equal employment opportunity includes but is not limited to hiring, placement, upgrading, transfers, discipline, training, recruitment, terminations, benefits and educational opportunities.

Any employee whose actions cause DAS to be in noncompliance with this policy shall be subject to disciplinary action. DAS will exercise zero tolerance for any acts of unlawful discrimination, racism or prejudice in the workplace.

DEPARTMENT OF ADMINISTRATIVE SERVICES POLICY ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

DAS firmly supports efforts to recruit, hire and provide reasonable accommodations to increase opportunities for people with disabilities. DAS prohibits discrimination against individuals with disabilities in equal employment opportunity, public accommodations, participation in DAS programs or activities, and receipt of the Department's services. Prohibitions against discrimination in employment actions include recruitment/selection, hiring, job related reasonable accommodations and any other terms, conditions and privileges of employment.

DAS through its administrative entities, will:

- (1) Post this policy and incorporate this policy into agency operating policies and procedures.
- (2) Designate an agency coordinator who will direct and oversee activities related to employment of people with disabilities. A member of the DAS Human Resource Team will serve in this capacity.

The Workplace, continued:

- (3) Develop a procedure for addressing complaints from people with disabilities. The DAS Human Resource staff will assist in investigating complaints from affected groups or individuals and report the findings to the Agency Director for resolution.
- (4) Division Administrators will be responsible for compliance to this policy within their respective divisions. The DAS Human Resource staff will be responsible for the ongoing, overall compliance for the Department.
- (5) Ensure that tests given by the Department to applicants for employment provide accurate results and evidence of the skill tested.
- (6) Provide a general orientation to the provisions of the policy and conduct on-site training for management and supervisory employees to eliminate fears, biases, myths and stereotypes regarding individuals with disabilities.
- (7) Provide reasonable accommodation and access to individuals with disabilities in:
 - a) services, activities and programs provided, sponsored or conducted by DAS and b) hiring and all other aspects of employment.
- (8) Identify essential and non-essential functions as vacancies occur and are filled in conjunction with established recruitment and selection procedures.
- (9) Ensure that individuals (and those advocating for individuals who are seeking services or employment) are protected against retaliation when they have asserted their rights under the policy.
- (10) Ensure that when requested all publications and announcements regarding training, meetings, hearings, and conferences convey the message of DAS' willingness to provide reasonable accommodation for individuals with disabilities.
- (11) Incorporate policy guidelines as new or existing DAS policies or regulations, governing DAS programs, services, and activities are developed or revised.
- (12) Review contract language to determine policy compliance.
- (13) Ensure that the Department's Telecommunication Device for the Deaf (TDD) number is listed on new and revised publications, telephone directories, and letterhead.
- (14) Represent individuals with disabilities in pictures and/or drawings as new publications are developed or revised.
- (15) Include a statement in all publications indicating their availability in alternate formats when requested.
- (16) Include the Equal Opportunity/Affirmative Action Employer statement on all DAS publications and letterhead correspondence.

Each division in DAS shall make and demonstrate their good faith efforts to follow and promote the principles and provisions of this policy in the services they provide and through the employment of individuals with disabilities.

Each Division Administrator shall strive to accomplish the on-going administration and compliance with the policy which will afford people with disabilities access to the benefits and services in DAS.

A realization of the benefits of the policy will ultimately benefit all citizens of the State of Nebraska. All divisions in DAS will comply with this policy.

The Workplace, continued:

DRUG FREE WORKPLACE POLICY

Drug abuse and illegal use of drugs at the workplace are subjects of immediate concern in today's society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the illegal use of drugs may impair the well-being of all employees and the public at large, including a high risk of damage to State property.

The State of Nebraska is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive workforce. To this end, the State unequivocally endorses the philosophy that the workplace should be free from the detrimental effects of illicit drugs. To ensure worker safety and workplace integrity, the State of Nebraska prohibits the manufacture, possession, distribution or use of controlled substances in the workplace by its employees or those who engage or seek to engage in business with the State.

Therefore, it is the policy of DAS that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Any employee found violating this policy will be subject to discipline up to and including termination or, as an alternative, may be required to successfully complete an approved drug abuse program sponsored by a private or governmental institution.

There will be no differentiation between someone who illegally uses drugs and someone who sells or distributes drugs. Any employee who gives, or in any way transfers, a controlled substance to another person or sells or manufactures a controlled substance while on the job, while representing DAS in an official capacity or while on work premises, will be subject to the consequences listed above.

The term "controlled substance" means any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to: Heroin, Marijuana, Cocaine, PCP and Crack. They also include "prescription drugs" which have not been prescribed by a licensed physician. The Nebraska Revised Statutes 28-402 and 28-419 also contain a list of controlled substances.

DAS supports the Drug Free Workplace Act of 1988 and commits to making a "good faith" effort maintaining a drug free environment.

A copy of the agency policy is distributed during new employment orientation. A signed receipt for this policy is maintained in the employee's personnel file.

EQUAL RATE OF PAY POLICY

It is the expressed policy of DAS that wage discrimination on the basis of race, color, religion, sex, age, national origin, mental or physical disability will not be condoned. Wages will, however, vary according to classification, merit, and length of service. Individual job descriptions will be reviewed periodically between employee and supervisor during job performance evaluations for validity and accuracy.

The Workplace, continued:

DAS WORK PLACE HARASSMENT POLICY

It is hereby declared to be the policy of DAS that all women and men are to be treated fairly and equally, with dignity and respect. Any form of work place harassment is contrary to this Policy and shall be regarded as possible discrimination on the basis of race, color, religion, age, sex, disability or national origin and may be treated as a violation of Title 273, Chapter 13, 001.01, 001.10, of the State Classified System Personnel Rules and Regulations; Title 277, Chapter 2, 003, of the State Affirmative Action Program Rules and Regulations; Title VII, Section 703, of the Civil Rights Act of 1964, as amended. It shall be considered a violation of this Policy for any employee of DAS to engage in work place harassment or for any supervisory personnel within DAS to knowingly permit work place harassment of any DAS employee. For the purpose of this Policy, "work place harassment" shall be defined as sexual harassment or any inflammatory comments, jokes, printed material and/or innuendo based in whole or in part on gender, race, color, religion, age, disability or national origin, when:

1. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment; or
2. Such conduct interferes unreasonably with a person's work or employment opportunities.

For the purpose of this Policy, "sexual harassment" shall be defined as any unwelcome sexual advances, requests 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 to receipt of services by a recipient of the agency's services; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or agency decisions affecting an employee or a recipient of the agency's services; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or the receipt of services by a recipient of the agency's services, or of creating an intimidating, hostile or offensive environment.

Examples of Sexual Harassment

Sexual harassment may include, but is not limited to such actions as any form of inflammatory comments, jokes, kidding, printed material and/or innuendo; subtle pressure for sexual activity; physical contact such as patting, pinching, or brushing against another's body; and demands for sexual favors. Requests for sexual activity accompanied by implied or overt promises or preferential treatment or threats concerning an individual's employment status may also be considered sexual harassment.

All employees shall be notified of the DAS policy regarding work place harassment and any person making a complaint of work place harassment shall be given a copy of this policy and explanation of the rights of individuals making such complaints.

The Workplace, continued:

Any individual who believes that he/she has been the subject of work place harassment is encouraged to report the alleged incident as soon as possible to a supervisor/manager, the DAS Affirmative Action Officer (402)471-4461 or DAS HR Special Projects Manager (402)471-4605. All complaints shall be handled in a timely and confidential manner.

All complainants are advised that they may also contact the State Affirmative Action Office (471-3678), the Commission on the Status of Women (471-2039), Nebraska Equal Opportunity Commission (471-2024) or State Ombudsman (471-2035) for assistance in reporting complaints of work place harassment.

Supervisors and managers are required to immediately report all cases of alleged work place harassment to the DAS Affirmative Action Officer at 471-4461, before taking any steps to conduct an investigation.

Information concerning a complaint shall not be released to anyone who is not a party to or involved in the investigation. Complainants and other persons involved in the investigation of an allegation of work place harassment shall not be subjected to retaliation, coercion or intimidation, or fear of reprisal.

Directives to Supervisors:

Work place harassment can and does create a negative work environment that will affect productivity, efficiency, work attendance and turnover of staff. In addition, allegations of work place harassment which are not appropriately responded to by DAS may place the State of Nebraska in a position of potential liability to the victim of such harassment. Under the circumstances, it is essential that supervisory personnel take all work place harassment complaints seriously and that the agency act immediately to investigate and resolve all such complaints in accordance with the following procedures:

Reporting of Complaint:

1. Any supervisor who receives a complaint alleging work place harassment or who is otherwise aware of a situation involving work place harassment shall be required to **immediately** report that complaint or situation, in writing, to the Affirmative Action Officer.
2. Any failure by a supervisor to report such work place harassment complaints or situations shall be considered to be in violation of this Policy and shall subject the supervisor to appropriate corrective or disciplinary action.
3. Any supervisor receiving a complaint alleging work place harassment shall also be obligated to immediately notify the complainant of the DAS Policy concerning work place harassment and of the complainant's rights concerning the pursuit of such allegations, as set forth in this Policy. This notification shall be achieved by giving the complainant a copy of this Policy, including the section on "Complainant's Rights" as set forth in this Policy.
4. Except as otherwise provided by this Policy or as required by law, any supervisor receiving a complaint or report of work place harassment shall take proper care to protect the identity of the complainant(s) and of the accused party or parties, and shall endeavor to hold the allegations of work place harassment in confidence pending appropriate action by DAS.

The Workplace, continued:

Investigative Procedures:

1. In the event that the Affirmative Action Officer receives a report of alleged work place harassment, the Affirmative Action Officer shall immediately take all necessary steps to ensure that the report is promptly and thoroughly investigated by DAS.
2. At the complainant's request, the Affirmative Action Officer may seek informal resolution of the complaint by bringing the offensive behavior to the attention of the accused party or parties and by securing agreement that the behavior will not be repeated. If such informal resolution is accomplished and no further investigation is required, then the Affirmative Action Officer shall submit a report to the agency head. If the offending party, or parties, denies the allegation or if an informal resolution of the matter cannot be achieved, then the Affirmative Action Officer shall complete the steps outlined below.
3. The Affirmative Action Officer shall be obligated to make certain that the complainant has been advised of the DAS Policy concerning work place harassment and of the complainant's rights concerning pursuit of such allegations as set forth in this Policy. Should the Affirmative Action Officer determine that the investigation would take longer than 20 workdays to complete, the Affirmative Action Officer shall confer with the complainant to update them regarding the status of the complaint and provide an estimated completion date.
4. Except as otherwise provided by this Policy, and except as may be reasonably necessary to successfully complete an investigation of work place harassment allegations, the Affirmative Action Officer shall take proper care to protect the identity of the complainant(s) and of the accused party or parties, and shall endeavor to hold the allegations or work place harassment in confidence.
5. Prior to the completion of the investigation, the Affirmative Action Officer shall consult with the DAS Director concerning the progress of the investigation.
6. Upon completion of the investigation, the Affirmative Action Officer shall prepare a report, in writing, stating the findings of the investigation and, where appropriate, recommendations regarding corrective action to be taken against the accused party or parties.
7. The Affirmative Action Officer shall submit to the DAS Director the written report and also notify the complainant of his/her findings.
8. Upon completion of any follow-up as considered necessary, the DAS Director shall render a final decision regarding the complaint and specify disciplinary action(s), if any, that is to be taken.
9. Documentation pertaining to the complaint and investigation, including the report of the Affirmative Action Officer, shall be maintained by DAS in a separate investigative file.

Corrective Action:

If, upon investigation, an allegation of work place harassment is found to be substantiated, the DAS Director shall take appropriate corrective action against the employee(s) found responsible for such work place harassment.

This corrective action may consist of verbal counseling of the employee(s) responsible for the work place harassment or may consist of disciplinary action imposed pursuant to Title 273, Chapter 13, of the State Classified System Personnel Rules and Regulations and in accordance with applicable labor contracts. Upon completion of the investigation, the complainant will receive a written report of whether corrective action was taken .

The Workplace, continued:

Rights of Complainants:

1. In the event that any employee of DAS or recipient of services provided by DAS believes that he/she has been or is being subjected to work place harassment, that party shall have the right to report such alleged work place harassment to the agency for purposes of prompt investigation and appropriate action.
2. Any employee or recipient of services who believes that he/she is being subjected to work place harassment is encouraged to directly inform the offending person(s) that such conduct is offensive and must stop.
3. If the aggrieved person does not wish to communicate directly with the offending person(s), or if direct communication has been ineffective, then the aggrieved person is encouraged to immediately report the alleged work place harassment to his/her supervisor, to the DAS Director or to the DAS Affirmative Action Officer.
4. In reporting allegations of work place harassment, complainants should take care to state specific facts including, wherever practical, the identity of the person(s) who committed such work place harassment; the date, time and place of the alleged harassment; what was done or said; and the identity of any witnesses who were present.
5. **Any aggrieved person who is uncertain how to report complaints of alleged work place harassment may contact the State Affirmative Action Office (471-3678), Commission on the Status of Women (471-3039), Nebraska Equal Opportunity Commission (471-2024), or State Ombudsman (471-2035) for assistance in reporting such complaints.**
6. Upon completion of that report, the Affirmative Action Officer shall consult with the complainant regarding the investigative findings. If the complainant so requests, a statement of whether corrective action was taken shall be provided to the complainant. If the complainant is dissatisfied with the agency's action in response to a complaint of work place harassment, the complainant may contact the State Affirmative Action Office for the purpose of requesting that office to conduct an independent investigation of the allegation of work place harassment. The Affirmative Action Office can be reached by telephone at (402) 471-3678 or by letter addressed to:

Administrator for Affirmative Action
Affirmative Action Office
P. O. Box 94905
Lincoln, Nebraska 68509-4905

7. Persons who wish to report allegations of work place harassment also have the right, at any time, to file a complaint of work place harassment with the Nebraska Equal Opportunity Commission (NEOC) and/or the Federal Equal Employment Opportunity Commission (EEOC).
8. It is neither necessary nor required that an employee of DAS file a charge or workplace harassment with the Department before filing a formal complaint with the Nebraska Equal Opportunity Commission or with the Federal Equal Opportunity Commission. There is, of course, nothing to prevent an employee from filing formal charges with the Nebraska Equal Opportunity Commission and/or the Federal Equal Opportunity Commission while, at the same time, reporting the allegation of work place harassment to DAS.

The Workplace, continued:

9. Because of the legally mandated filing period restrictions imposed for filing formal charges of work place harassment with the Nebraska Equal Opportunity Commission and the Federal Equal Employment Opportunity Commission, it is recommended that any employee who feels that he/she has been harassed and who wishes to file such charges with the Nebraska Equal Opportunity Commission and/or Federal Equal Opportunity Commission take the necessary steps to file such charges as soon as possible.

If an employee or supervisor/manager would like to discuss a possible workplace harassment issue, they may contact:

Sherri Wimes, DAS Special Projects Manager: 471-4605 (work) 420-1938 (home) or
Susie Voecks, DAS Affirmative Action Officer: 471-4461 (work)

CONFIDENTIALITY

Employees of DAS will, on occasion, have the opportunity to access confidential information specific to their work area. As a matter of policy and professional integrity, it is essential that confidential information not be disclosed to other individuals or organizations in or outside of state government unless they have a right to know in accordance with state or federal laws.

CONFLICT OF INTEREST

Employees may not have any interest, financial or otherwise, direct or indirect or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of the employee's duties in the public interest.

Employees are prohibited from using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others. Employees shall not give the impression that any person can improperly influence them in the performance of their official duties, or that they are improperly affected by the kinship, rank, position or influence of any party or person. Employees shall not accept gifts of value or loans from persons doing business with the state which are intended to or which appear to influence the official relationship between the donor and recipient; and failure to resolve a conflict of interest is subject to disciplinary action.

If an employee believes that they are involved with a conflict of interest, if there is an appearance of conflict of interest or if there is the potential for conflict of interest, the employee shall give their supervisor a written statement describing the possible conflict of interest. The employee's written statement may be reviewed by other officials in DAS as well as the Nebraska Accountability and Disclosure Commission. The employee may be removed from some or all of their duties until the conflict of interest is resolved.

USE OF STATE RESOURCES POLICY

DAS employees are hereby informed that State Resources shall not be used for personal business, non state sponsored charity or volunteer work, schoolwork, clubs or other matters that are not related to or a benefit to an employee's work for the agency or programs or services of other state agencies. State Resources include any items purchased with state or federal funds, and include the paid time of employees of the State of Nebraska. State Resources are to be used for state business only.

The Workplace, continued:

Computers

Reference – State of Nebraska Acceptable Use Policy – State Data Communications Network (SDCN) – Revised September, 1997

1. Computer equipment shall not be used for personal activities such as: personal correspondence, resumes, club or professional association business, charity work, homework, or any other business or personal enterprise. The DAS Director may approve the use of state computers for State Association and professional affiliation work related to the Division's mission.
2. Staff shall operate within the limits of the authority given when accessing any computer documents, data, electronic mail or files of any kind.
3. Supervisors shall give clear directions to employees regarding limits on accessing records and data. Staff shall operate within that authority and shall not intentionally go beyond the authority given to access files or information, or let or cause someone else to do so.
4. Use of state equipment other than as permitted by law, accessing computer data without authority, or causing or allowing someone else to do so may result in discipline or other penalties as provided by Nebr. Rev. Statute 49-14,101(4) and (5), and 28-1343 to 28-1348 and applicable agency policies and procedures.
5. All communications, sent or received via computer functions, are the property of DAS and are subject to being retrieved and viewed by authorized administrators at any time. The information is generally retrievable even after the sender or receiver has erased it from the file. User computer identification numbers and passwords shall not be "loaned" to anyone in the agency or outside of the agency without supervisory approval. It is illegal to use state facilities and equipment for unauthorized personal use.
6. All authorized users shall be accountable for their actions relating to information assets, including hardware, software and electronic information. Information resources shall be used only for intended purposes as defined by DAS and consistent with applicable laws. (Reference NITC – Information Security Management Policy.)
7. Employees must become knowledgeable about their Division's computer security policies and procedures. Employees must exercise due diligence in following those procedures and incorporating sound security practices in the discharge of their normal duties. (Reference NITC – Information Security Management Policy.)
8. All DAS Computer usage will be guided by the State of Nebraska Acceptable Use Policy which can be found on the Internet at: http://www.nitc.state.ne.us/tp/workgroups/security/security_policies.htm. Specifically it is not acceptable to transmit or knowingly receive threatening, obscene or harassing material.

The Workplace, continued:

Telephones

1. Nebr. Rev. Stat. 81-1120.27 declares that the State's telecommunications systems are provided for the conducting of State business. In addition, the telecommunications systems may be used by state employees and officials for essential personal business. "Essential personal business" includes local calls and long distance calls to children at home, teachers, doctors, day care centers, baby-sitters, and to family members to inform them of unexpected schedule changes.
2. Staff needs to be aware that phone use for essential personal business is expected to be kept to a minimum and to not interfere with the conduct of State business.
3. Essential personal long distance calls shall be either collect, charged to a third party non-state number, or charged to a personal credit card. All calls must be placed in a manner that does not result in the State being billed.

Cellular Telephone Policy

The State provides cellular telephones to agency personnel to utilize in the performance of their official state duties when deemed necessary. Under the state's cellular rate plans, there are no "free" minutes. There is a cost per minute for each cellular call made or received including any "800" call. Employees are not permitted to make or receive personal calls on state cellular phones or "800" numbers unless it is of an emergency nature. Each emergency situation will be evaluated on a case by case basis by your supervisor. An example of an emergency situation would be to notify someone that your trip has been extended and you will not be returning at the time previously scheduled.

Equipment and Supplies

1. Other than telephone use, there is no law that allows state employees to use state time, employees, or equipment for personal matters (non-business related duties) and, accordingly, it is prohibited.
2. Employees shall **not** use DAS/State of Nebraska resources for personal use (non-business related activities). The use of maintenance equipment, postage, photocopies, computers, sending and receiving Fax's and obtaining assorted office supplies is prohibited.

Miscellaneous

1. Personal business shall be conducted on the employee's own time.
2. Staff shall not ask other employees to use State Resources or state time to do work of a personal nature (not related to the employee's duties or the Division's mission).
3. Persons from outside DAS are prohibited from using this agency's Resources without prior approval of a Division Administrator or the DAS Director.
4. Any questions regarding what constitutes legitimate use of State Resources shall be addressed to the employee's supervisor and/or the Division Administrator.

The Workplace, continued:

USE AND OPERATION OF STATE MOTOR VEHICLES

This policy shall affect those motor vehicles under the control and responsibility of DAS as well as those vehicles rented/leased to DAS through TSB.

In order to maintain a safer and more comfortable working environment and ensure compliance with the Nebraska Clean Indoor Air Act, smoking shall be prohibited in all motor vehicles owned by the State of Nebraska, Department of Administrative Services, Transportation Services Bureau and other DAS motor vehicles.

Driving Policy for State Business

DAS has a responsibility to the public to allow only employees with driving records indicating a pattern of safe driving practices to operate a motor vehicle on state business. It is the policy of DAS to ensure that when DAS employees drive a motor vehicle on state business, they do so legally, safely and defensively. (Refer to the DAS Transportation Services Bureau (DAS TSB) Rules and Regulations for additional information on driving vehicles for state business.)

Employees Driving on State Business on a Regular or Occasional Basis

The DAS Human Resource Officer or immediate supervisor will verify that the employee has a valid driver's license from his/her domicile state. If the employee will be driving a personal vehicle on state business, proof of required liability insurance or bond will also be verified. Employees who drive on state business are required to successfully complete an approved defensive driving course within six months of their employment or notification of this policy. State Rules and Regulations require that every state employee shall also have a State of Nebraska identification card authorized by the Department of Transportation Services Bureau.

DAS periodically reviews the license status and driving record of employees assigned an ID card. The assessment of six or more points in the proceeding 24 months will result in an in-depth review of the driving record. Employees shall comply with applicable driver's licensing laws and shall also notify the agency if they are experiencing a medical condition or are using medication that would interfere with the safe operation of a motor vehicle. If there is evidence indicating that a medical condition is interfering with an employee's safe operation of a motor vehicle, the agency shall request a medical release from the employee's physician indicating whether the employee is medically capable of driving as part of their job duties.

Responsibilities of Employees who Drive on State Business

Any employee failing to meet the responsibilities described within this policy and the DAS TSB Rules and Regulations shall be subject to supervisory counseling and may be subject to disciplinary action up to and including dismissal.

Reporting of Citations

All employees shall report all citations for moving violations received while on state business within one working day to their supervisor. State Rules and Regulations require that DAS TSB be notified if a ticketed violation is being contested.

The Workplace, continued:

Employees who drive state vehicles or drive their personal vehicles on a regular basis (once a week or more) on state business, shall notify their supervisor by the beginning of the next shift any time a citation for either of the following serious moving violations is issued, whether on state or personal time or whether in a state or personal motor vehicle: 1) motor vehicle homicide or 2) driving under the influence. Employees shall notify their supervisor immediately if their driver's license is suspended, is revoked or becomes invalid.

DAS employee may not operate a state vehicle or a personal vehicle being used for state business when under the influence of drugs or alcohol.

Travel Records

Employees shall complete in detail the state vehicle official travel logs (TSB-4) and personal vehicle usage records with date, locations traveled from and to, purpose of the trip, start and stop times of the trip, actual miles traveled and signature.

State Vehicle Condition

At the end of the trip, employees shall fill a state vehicle with gasohol if the tank is less than half full. State vehicles checked out from motor pools outside of Lincoln, should be washed as needed and charged to Transportation Services Bureau on the Voyager card along with gasohol, oil or other fluids. Employees shall report any vehicle defects or accidents to the individual who assigned the vehicle.

Seat Belt Policy

Neb. Rev. Stat. 60-6,270 states, in pertinent part: "No driver shall operate a motor vehicle upon a highway or street in this state unless the driver and each front occupant in the vehicle are wearing occupant protection systems and all occupant protection systems worn are properly adjusted and fastened." Accordingly, all employees must use seat belts when driving or riding in a state car or personal care while on state business. Failure to use seat belts is considered a misuse of the vehicle and may result in 1) revocation of the State of Nebraska identification card authorized by the DAS Transportation Service Bureau; 2) repeating the Defensive Driving course; and 3) employee counseling. Repeated misuse of a vehicle may result in disciplinary action.

Use of Radio Headphones or Radar Detector in State Vehicles

State employees are not allowed to 1) use portable radar detectors while operating state owned motor vehicles; and 2) wear portable radio headphones while operating state owned motor vehicles.

Other Rules

These policies are in addition to and do not replace responsibilities for vehicle operation issued by Department of Motor Vehicles, Nebraska State Patrol, the Department of Roads, the DAS Office of Risk Management and DAS Transportation Services Bureau.

The Workplace, continued:

VEHICLE USAGE FOR TRAVEL

All requests for State vehicles will be for the most economical car available that meets the driver's travel requirements (i.e. number of passengers, room for equipment/luggage). Such requests will be made to the appropriate supervisor/manager on a TSB Transportation Request form. An employee will be reimbursed at the rate determined by DAS Accounting for employer approved travel in the employee's personal vehicle. The use of a personal vehicle for travel is most economical when traveling 50 miles or less. Employees are encouraged to use state vehicles for trips over 50 miles.

SMOKING POLICY

Studies over the past several years have continued to verify the risks involved in working in areas where smoking is allowed. More recent studies have shown that secondary smoke provides an increased risk for non-smokers as well.

In order to maintain a safer and more comfortable working environment and to ensure compliance with the Nebraska Clean Indoor Air Act and the Federal Americans with Disabilities Act, smoking shall be prohibited in all areas occupied by DAS employees to include all work and break areas and State motor vehicles, as well as, all public spaces including, but not limited to hallways, stairs, break areas and restrooms in areas under the control, care and responsibility of the **DAS State Building Division**. Violation of the Policy shall be cause for disciplinary action.

Part III– Selection and Performance

SELECTION

Vacancy Announcements will be posted for a minimum of seven calendar days. The Division Administrator may choose to advertise the vacant position internally and externally at the same time; however, external posting is not required.

INTERVIEWS

DAS employees (excludes temporaries) who are selected to interview for a DAS vacancy, may be granted work time, not to exceed two hours, to participate in the interview process. This time will be granted only if the time involved cuts across the employee's normal work hours. Employees may request vacation leave for time beyond two hours that may be required for travel or a longer interview process. Travel to and from the interview site is the responsibility of the employee and no travel expenses will be reimbursed.

ORIGINAL PROBATIONARY PERIOD

All new employees shall be required to serve an original probationary period of six months from date of hire and shall be so notified. Bargaining Unit employees who transfer from another agency to the DAS shall not be required to serve an original probationary period unless the employee has not completed their original probationary period. At the discretion of the Division Administrator, employees transferring from another agency into a rules covered position may be required to serve an original probationary period. An employee shall be removed from original probation status on the day following the end of the original probationary period, unless notified in writing of extension or separation.

The original probationary period may be extended for reasons of performance, transfer, promotion, extended illness and leave of absence for a period not to exceed a total of one calendar year from the date of hire, rehire, transfer, or return from a leave of absence.

The notification of extension shall be in writing and shall include a specific period of extension. In cases of extension for performance reasons, the employee shall be provided specific performance improvement requirements.

Employees may be separated at any time during the original probationary period. Two weeks' notice of separation does not have to be given to original probationary employees; however, the employee shall be notified 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 on original probation do not have grievance rights.

Employees covered by the Classified System Personnel Rules and Regulations may be eligible for an end of original probationary increase. Please refer to the Rules, Chapter 7-002 for more information.

Selection and Performance, continued:

PROMOTIONAL PROBATION

Employees who are promoted within the agency or from another agency to DAS, may be placed on a promotional probation for a period of up to six months. This is not another original probationary period if the employee is a bargaining unit member who has already served an original probationary period. (See NAPE/AFSCME Labor Contract or the Classified System Personnel Rules for more information on promotional probation.)

PERFORMANCE EVALUATIONS

Employees will receive a performance evaluation upon completion of their original probationary period. Thereafter, evaluations will be held annually with the employee on their annual service date with the State or another date designated by the immediate supervisor, manager, or Division Administrator. Performance evaluations for rules covered employees shall be conducted annually in conjunction with the DAS pay for performance program. Performance evaluations may be conducted more frequently than once a year.

The original completed evaluation shall be submitted to the DAS Human Resource Office so that the document can be maintained in the employee's permanent personnel file. If the performance evaluation has been completed in conjunction with a pay for performance increase, the performance evaluation must be submitted in accordance with the DAS Director's timelines.

FACT FILES

All supervisors/managers/administrators are encouraged to maintain a fact file on each subordinate. Entries made in the fact file should reflect an employee's performance. Information and notes reflecting good performance as well as the need for performance improvement should be placed in this file. Employees may request time with their supervisor to review their file at a time mutually agreed to by both parties.

NEPOTISM

To minimize allegations of impropriety, personnel actions involving immediate family will be reviewed with the DAS Human Resource Office. No permanent or temporary employee shall directly supervise a member of an employee's immediate family. Nor shall any employee participate in any action regarding employment, promotion, transfer or discipline of an employee's immediate family member.

Immediate family is defined as child, grandchild, brother, sister, or the spouse of any of these: spouse, parent, grandparent or persons who bear a similar relationship to the spouse. Ideally, immediate family employees will be assigned to different divisions, facilities or work units. When two employees in the same work section marry, one of them may be laterally transferred to another work unit, if feasible.

Personnel actions involving the immediate family of supervisory personnel, or any exceptions to any of the above requirements, must be referred to the DAS Human Resource Office for approval.

It is the employee's responsibility to report their family relationships to the agency to ensure avoiding appearances of conflicts of interest.

Selection and Performance, continued:

NEW EMPLOYEE ORIENTATION

All new permanent employees of the agency will receive a benefit orientation as close to the date of hire as possible. A representative from the DAS Human Resource Office will explain the benefits package offered by the State. A representative from the DAS Human Resource Office will hold an orientation on the DAS Human Resource Policies and Procedures Handbook on a quarterly basis for all new hires.

Division orientations will be provided at the discretion of the Division Administrator.

IMMIGRATION REFORM AND CONTROL ACT OF 1986

It is unlawful for employers to recruit, hire, or continue to employ illegal immigrants to the United States under the terms of the Immigration Reform and Control Act of 1986; therefore, all private and public sector employers, regardless of size, must verify the legal employment status of every new hire. During new employee orientation, each new employee must complete and sign the employee information and verification section of INS Form I-9: "Employment Eligibility Verification Form" and, within three business days of hiring, provide proof of his or her identity and employment eligibility.

Nondiscrimination rules: No employer of more than three workers may discriminate in hiring or firing on the basis of national origin or citizenship status. An employer may, however, "prefer" a U.S citizen over a foreign-born worker if both individuals are equally qualified for an existing position.

VETERANS PREFERENCE

When there are two equally qualified applicants seeking employment for the same position with the Department of Administrative Services (DAS), preference in hiring shall be given to the veteran who is eligible.

State Statute 48-226 states: "A preference shall be given to preference eligibles seeking employment with the State of Nebraska or its governmental subdivisions in those agencies where there is no merit system in effect."

Eligibility dates of Veterans Preference: If an individual has served one day during the following times of war and is eligible for "military burial benefits", that individual qualifies for veterans' preference.

World War II

December 7, 1941 to December 31, 1946

Vietnam Era

February 28, 1961 to May 7, 1975

Korean Conflict

June 25, 1950 to January 31, 1955

Persian Gulf War

August 2, 1990 – End date not established

Part IV – General Employee Information

ALTERNATIVE WORK SCHEDULES

Alternative work schedules may include such options as job sharing, telecommuting, part-time employment, reduced work schedules, compressed work weeks and flex time. Division Administrators will notify the DAS Director prior to implementing telecommuting arrangements or compressed work weeks such as nine or ten hour days in their Division

1. **Job Sharing:**

Division Administrators may consider the possibility of "job sharing." Job sharing is defined as: allowing two employees of the same classification to job share one position – meaning each employee would have their FTE reduced so that both employees would work hours equating to one 1.00 FTE and be assigned to one position.

Requests for a job sharing arrangement must be made in writing to the Division Administrator and must include the expected duration of the arrangement. When the duration of job sharing agreement is expected to last longer than 12 months, the FTE will be permanently reduced to the appropriate level. The DAS Human Resource Officer must be notified prior to the commencement of a job sharing arrangement so that appropriate paper work can be completed to implement the change. Requests will only be granted when they do not unduly disrupt the operations of the division or agency.

2. **Telecommuting:**

There are currently no statewide guidelines for telecommuting by state employees. Until such time that statewide guidelines are developed and adopted, requests for this type of arrangement will be evaluated by the Division Administrator and Director's Office Human Resource staff on a case-by-case basis.

3. **Reduced work schedules/part-time employment:**

Employees may also request to work a reduced work schedule, such as $\frac{3}{4}$'s time, to accommodate family or other personal needs. Requests for a reduced work schedule must be submitted in writing and approved by the Division Administrator and must include the expected duration of the reduced schedule. When the duration of a reduced work schedule is expected to last longer than 12 months, the FTE will be permanently reduced to the appropriate level. The DAS Human Resource Officer must be notified prior to the commencement of a reduced work schedule so that the appropriate adjustments to benefits and salary are implemented. Voluntary requests for a reduced work schedule shall not be considered a reduction in force. Requests will only be granted when they do not unduly disrupt the operations of the division or agency.

4. **Compressed work week:**

Employees may request to work a compressed work week, such as four 10-hour days, as an alternative work schedule, provided it does not affect the operation of the Division. Requests for a compressed work schedule must be made in writing and approved by the Division Administrator and must include the expected duration of the schedule. Employees working a compressed workweek are required to take at least 30 minutes per day for a meal period.

General Employee Information, continued:

Employees working more than 8-hour days will need to adjust their work schedules when state holidays occur so that they will receive full payment for 40 hours of work. For full-time employees, holidays are eight hours. Requests will only be granted when they do not unduly disrupt the operations of the division and the agency and customer service needs can be met.

All permanent schedule changes for hourly employees must be submitted to the DAS Human Resource Office prior to implementation. Documentation of the changes is required to correctly apply overtime provisions and monitor the number of hours worked in a work week.

5. Flex Time:

The following rules governing flextime apply only to those employees working the standard 8:00 a.m. to 5:00 p.m., Monday through Friday, schedule. Flex time does not apply to shift work.

Flextime consists of:

1. "Core-Time" – time during which all employees must be at work and
2. Hours which may be used by the employee as work time or time off (leave time).

The following flextime definitions will apply:

1. Core time – Each division administrator will establish core hours when all employees (not shift workers) are expected to be at work. Core hours shall be implemented consistently within each Division.
2. Flex hours – those hours during which an employee may use their discretion as to arrival and departure, except for lunch. Flex time requests shall be reviewed for approval by the appropriate supervisor.

The following rules will apply to flextime:

1. Flextime will not unduly disrupt the operations of the division or the ability of the division to provide customer service between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.
2. A regular work schedule shall be established and adhered to. However, an employee may request approval from their supervisor to flex a working day or days within their normal 40-hour workweek.
3. Lunch periods shall last 30 minutes at a minimum and shall be taken between 11:30 a.m. and 1:30 p.m., or at a designated time in the middle of a shift. Requests to adjust the schedule for a single day and allow an employee to work through a meal period may be approved in advance with the mutual agreement of the supervisor and employee.
4. Each Division Administrator may make changes to individual employee's flextime schedules to meet the needs of their Division.

Should an employee abuse their Flextime schedule, the supervisor or Division Administrator may revert them back to the standard hours.

General Employee Information, continued:

REST PERIODS

All employees shall be granted a 15-minute rest period during each one-half shift (for full-time employees, a one-half shift shall not be less than four hours). The rest period shall be scheduled at approximately the middle of each one-half shift. DAS retains the right to respond to emergency situations by not allowing a rest period. Rest periods shall not be cumulative. Unless prior supervisory approval is given, rest periods shall not be taken within one hour of: coming to work; the lunch period; nor one hour before the employee leaves work. Rest periods are considered work time.

DRESS AND PERSONAL APPEARANCE

Employees are expected to maintain an appropriate appearance in accordance with their own particular work area. Appropriate can be defined as casual, business casual, professional, uniforms required by a specific work unit or other style appropriate for the type of work performed and extent of customer contact. Division Administrators will be responsible for defining what is appropriate for their particular work area including the necessity for protective clothing related to safety sensitive jobs.

POLITICAL ACTIVITIES POLICY

If an employee's position is partially or entirely funded with federal money, they are covered by the Federal Hatch Act and are barred from being a candidate for a partisan office (offices with candidates identified as being from specific political parties). Employees may engage in political activities when they are not performing official state duties. Employees shall not, however, use their position with the state to distribute or receive political favors.

- Employees may not display a political poster in their office, nor wear clothing with political slogans/symbols or political buttons while on duty.
- If an employee wishes to take part in political activities during their normally scheduled work hours, they must arrange for leave (vacation, leave without pay, etc.) to cover the period of authorized absence.
- If an employee is elected to an office, and such office presents a conflict of interest with the employee's job or interferes with the employees scheduled work hours, the agency has the authority to change the employee's terms and conditions of employment, up to and including termination of employment.
- Rest periods are considered work time.

Part V – Security and Safety

EMERGENCY EVACUATION POLICY

Each division is required to post an emergency evacuation plan for each area/section and to designate a safety person responsible for evacuation plans and related safety activity.

FACILITY SECURITY AND SAFETY

Each facility in DAS has policies that address safety and security on the job, the security of state property and the safety and security of the people we serve. DAS employees are expected to keep in their possession and to not loan any keys or access cards that have been issued to them, unless written authorization has been given by a supervisor.

EMERGENCY WEATHER POLICY

DAS fully endorses and adopts the State of Nebraska Emergency Weather Policy as follows:

1. The State of Nebraska has statutory responsibility to have State offices open from 8:00 a.m. to 5:00 p.m.; therefore, all State facilities will remain open and available to the public during those hours.
2. Prior to the onset of inclement weather, agencies are expected to develop plans and alternatives on how best to serve the public should a weather emergency arise. All employees should be made aware of the procedures developed for their agency.
3. With the safety and welfare of our employees as a concern, employees will determine for themselves their ability to drive, their vehicle condition, and the immediate road conditions. If they make a personal decision not to travel, employees may use accrued vacation or earned compensatory time to cover absences from work.
4. If an employee determines they cannot report to work, they should follow their Division's policy for reporting their absence.
5. If an employee's normal work site is not available and an alternate work location is not an option, the employee may be placed on a ready-to-work status as approved by the DAS Director. This means that they are ready and available to be called back to a work location at any time. Employees in a ready-to-work status will be compensated at their normal straight time rate. Employees shall perform any State work possible during this status.
6. Employees not choosing to work during adverse weather conditions will have to use vacation leave, comp time, leave without pay or may be allowed to make up missed work time within the work week at the Division Administrator's discretion.
7. Division Administrators are directed to be as lenient as possible in the approval of the use of vacation or compensatory time. Also, if possible or necessary, Division Administrators are encouraged to allow the employees to make up any lost work time due to weather-related conditions. The DAS Director may authorize employees to work from other locations.

Security and Safety, continued:

DAS WORKPLACE VIOLENCE POLICY

Purpose

This policy is being established as an anti-violence and violence-prevention policy for the Nebraska Department of Administrative Services (DAS). DAS believes that all employees have a right to a workplace that is free of the threat of violence.

Prohibited Conduct

DAS does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

The list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on state property or while on state business.

Employee Reporting Requirements:

While employees are not expected to be skilled in identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the DAS Human Resource Office if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:

- Discussing weapons or bringing them to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

A threat is defined as any statement that indicates intent to do bodily harm to oneself or others, (examples: "I'm going to knock your block off." "I'm going to kill myself."). In the case of a verbal threat, immediately notify the supervisor/manager in charge.

When threats are made where an individual is in a posture to harm oneself or others at that moment (examples: has a weapon or other harmful device, incites an altercation, exhibits violent behavior), dial 911 immediately to notify local law enforcement officials. Also notify the supervisor/manager in charge. The immediate focus is to allow law enforcement officials to remove the threatening individual from the workplace and to insure the safety of employees and the public.

If the supervisor/manager is making the threat, it shall be reported to the next level of management.

Such threats may be a crime under Nebraska law and should be promptly reported to the supervisor/manager.

Security and Safety, continued:

Supervisor/Manager Reporting Requirements:

It is the responsibility of the supervisor/manager to investigate alleged threats. An incident report (form located at the back of the manual) shall be completed and forwarded to the DAS Human Resource Officer or DAS Special Projects Manager (DAS Director's Office) for further action if appropriate. The Director of Security will be notified by the DAS Human Resource Officer of the alleged threat.

Divisions shall post in each work area, the number to dial in an emergency and the name and extension of a designated individual to contact within the facility/division in a violent or potentially violent situation.

Intimidating behavior is behavior that creates a hostile work environment. It may fall short of an actual threat ("you'll get yours") or involve name calling, screaming or yelling. It is the supervisor/manager's responsibility to let employees know that intimidating behavior is unacceptable. The supervisor/manager shall confer with the Division Administrator or his/her designee and the DAS Special Projects Manager to determine if it is appropriate to initiate discipline. Violent or potentially violent behavior by DAS employees may result in discipline up to and including termination.

The Director of Security (471-0976 or cell: 430-2893) is available to provide consultation to employees, supervisors and managers when dealing with threatening and intimidating employees or clients.

Dangerous/Emergency Situations

Employees who encounter an armed or dangerous person, should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on DAS premises will be reported to the proper authorities and fully prosecuted.

The role of the supervisor/manager is to deal with inappropriate behavior early on in order to decrease the chances of violence in the future. An EAP recommendation or referral is appropriate if an employee has a persistent problem in expressing anger in inappropriate ways or in acting in an intimidating way.

The Agency Head and/or his/her designee may notify customers who continue to display violent or potentially violent behavior that such continued conduct will result in banning them from any DAS facility and services will only be provided to them by telephone or mail.

Security and Safety, continued:

Domestic Violence

Definition: Domestic violence is any act of physical or emotional aggression that causes physical or psychological harm or any action that could be perceived as intent to cause physical or emotional harm between people who live together, have lived together or share a child in common. Examples include, but are not limited to: homicide, assault, sexual assault, stalking, threats or emotional abuse. It is recognized that domestic violence is a workplace issue that affects the safety, health and productivity of DAS employees.

This policy shall provide the needed direction to create a safe and fair workplace for victims of domestic violence.

DAS will strive to create a workplace environment that is safe from all forms of violence including domestic violence and which supports the victims of domestic violence to understand and access services, information and protections that are available to them within the community.

DAS will, to the fullest extent possible, take active measures to increase the workplace safety of employees who request assistance because they are victims of domestic violence. DAS pledges to keep all requests for assistance in confidence, making information available only on a “need-to-know” basis. DAS will respect the authority and autonomy of the adult employee/victim to direct her/his own life.

1. DAS acknowledges that employees who are victims of domestic violence should have the same rights, opportunities and benefits as all other employees.
2. Employees should not be disciplined or terminated simply because they have been victims of domestic violence or because of any management fears of potential domestic violence in the workplace. Nor should any person be denied opportunities for employment, benefits or promotion because they have been victims of domestic violence.
3. **Employees are encouraged to share protection orders or other no-contact orders with their manager, the DAS Human Resource Office and/or Director of Security so the organization can work cooperatively with the employee to ensure a safe workplace.**
4. DAS is committed to nondiscrimination against domestic violence victims in all aspects of its operation.
5. DAS believes that employees who commit acts of domestic violence at or away from the workplace must be treated in the same manner as employees who commit other acts of violence or harassment at or away from the workplace. When and where appropriate, DAS will attempt to provide employees with referrals through appropriate counseling or treatment centers.

Part VI – Pay Information

CLASSIFICATION AND PAY

Each employee is assigned to a classification and a corresponding salary grade established by DAS, State Personnel Division. The basic principle of the classification and pay plan is that employees should receive an equitable wage based on a comparison with jobs of similar duties and/or market conditions.

DAS management may request a review of an employee's classification at any time. Employees may request an audit of their functions and responsibilities if they believe they are classified incorrectly. The supervisor/manager should be contacted by the employee if they wish to initiate this option. The supervisor/manager will notify the DAS Human Resource Office when either an employee or management request is initiated for the DAS State Personnel Division.

PAYDAYS

Bi-weekly – The pay period for DAS employees runs from Thursday through Wednesday for a two-week period with payday being the Wednesday following the end of the pay period. New employees will be placed on a bi-weekly pay cycle.

Monthly – Monthly employees are paid the last working day of each month.

TIME SHEET/LEAVE SLIP INSTRUCTIONS

1. Time sheets shall be completed by all employees except those Fair Labor Standards Act (FLSA) exempt employees reporting directly to the DAS Director or DAS Deputy Director. All employees shall complete leave requests when requesting leave. Leave slips shall be completed and submitted for approval to the immediate supervisor for each occurrence within the pay period and attached to the back of the time sheet for processing.
2. **Bi-Weekly** – Pay periods are two weeks long, beginning on Thursday at 12:01 a.m., and ending on Wednesday at 12:00 a.m. midnight. Bi-weekly time sheets will be collected on the last day of the pay period and submitted to the DAS Human Resource Office by 9:00 a. m. of that day.
3. **Monthly** – Pay periods begin at 12:01 a.m. the first day of the month and end at 12:00 a.m. midnight the last day of the month. Monthly time sheets will be collected the first working day after month end and submitted to the DAS Human Resource Officer.

When an employee is away from the worksite on the day that time sheets and leave slips are due, a supervisor shall complete the timesheet for the employee (including a supervisory signature) and submit the timesheet for processing. The employee will complete the appropriate leave slips upon their return to work, sign the appropriate time sheet noting any adjustments to the recorded hours that may be necessary. The supervisor will verify the adjustments and submit them to the division time-keeper. Any adjustments will be reflected in the next pay cycle.

Each employee is responsible for recording the number of hours worked (regular and overtime if non-exempt) and leave time used on a daily basis.

Pay Information, continued:

OVERTIME POLICY

The purpose of this policy is to establish standards for the compensation of earned overtime for eligible employees of the Department of Administrative Services (DAS). This policy will be administered in accordance with the Fair Labor Standards Act (FLSA), labor contracts and Nebraska Classified System Personnel Rules and Regulations.

All employees are categorized as either exempt or non-exempt for overtime compensation.

1. Exempt – This category consists of: a) Division Heads, their deputies and assistant chiefs of divisions, bureaus or comparable organizational elements; and, b) Employees who are determined to be exempt from the FLSA through their status as a professional, executive, managerial or administrative employee. These employees are salaried and not paid for hours worked in excess of 40 in any work week. It is the policy of the Department that these groups of employees shall not receive hour-for-hour compensation (either in the form of pay or compensatory time off) for hours worked in excess of 40 hours in any workweek. Work schedules of exempt employees may be adjusted occasionally at the Division Administrator's discretion when these employees are required to work extended workdays for long periods of time.
2. Non-exempt – This category includes all hourly employees and excludes those mentioned in number one above. Hours actually worked in excess of 40 in any work week are required to be compensated at a time and one half rate, (monthly regular rate prorated on an hourly basis).

The workweek for employees paid on a bi-weekly basis begins on Thursday at 12:01 a.m. through Wednesday at 12:00 a.m. midnight. For employees paid on a monthly basis, the workweek for overtime purposes begins on Monday at 12:01 a.m. and ends on Sunday at 12:00 a.m. midnight.

Non-exempt employees may accumulate up to 20 hours of compensatory time (13.34 hours of actual overtime worked). Any hours of overtime earned in excess of 20 shall be compensated in pay. The DAS Director may extend the 20-hour limit with prior permission on a case by case basis. The use of compensatory time hours do not count toward the calculation of hours worked for overtime purposes.

The NAPE/AFSCME and State Of Nebraska Labor Contract, Article 12, provides clarification on overtime eligibility for employees covered by the labor contract. Generally, employees working in classifications at salary grades equivalent to a salary grade 14 and below are eligible for overtime.

Eligible Employee Overtime Procedure:

1. A written request from the supervisor/manager shall be submitted to the Division Administrator or designee and responded to before a DAS employee works overtime.

Pay Information, continued:

2. The request shall include the employee's name, reason for the overtime, number of hours to be worked, the date overtime hours are to be worked, and the area of work.
3. Compensatory time shall be indicated on the DAS employee time record during the pay period in which it is earned or used. A leave request form for the use of compensatory time will be submitted with the time sheet. If the employee fails to designate the time as compensatory time, the overtime will be paid.
4. Employees may request to use compensatory hours at times of their own choosing, subject to workload and coverage needs as approved by their immediate supervisor. Employees must complete a leave request slip prior to using earned compensatory time.
5. Between December 25 and December 31 of each year, an employee may elect to receive payment for unused compensatory time by notifying the DAS Human Resource Officer and their supervisor in writing. Compensatory time hours not paid shall be continued in the employee's compensatory time balance.
6. Division Administrators are responsible for ensuring that supervisors monitor overtime and the use of earned compensatory time off.

Part VII – Benefits Information

INSURANCE

Consult the DAS Human Resource Office for more details on insurance coverage, options and cost. You can also access the DAS – State Personnel Division – Health and Life Benefits Home Page Web (www.das.state.ne.us/personnel) for more specific information on insurance benefits.

RETIREMENT

The State of Nebraska offers a retirement plan for the purpose of providing lifetime benefits in recognition of service to the state. Employees, other than temporaries, of any age within 12 months of continuous service must participate in the plan. The benefits under the plan are in addition to any supplemental benefits received from Social Security. To learn more about retirement benefits, contact the Nebraska Public Employees Retirement System (402) 471-2053, or access their web site at www.nol.org/home/pers.

Deferred Compensation

A deferred compensation plan is available to permanent state employees. Under the provision of this voluntary supplemental retirement plan, employees may request the state to defer payment of a portion of their income to a later date. The taxes normally due now on the money are deferred until retirement when most participants would be in a lower tax bracket. The deferred income is invested at the direction of the participant in a fixed stock, bond, money market or several other available investment options. Any investment gains remain in the annuity account and are not reportable for federal or state income tax purposes until contributions and earnings are returned to you at the time of retirement or withdrawal.

EMPLOYEE ASSISTANCE PROGRAM

At times, employees may have personal problems that may impact their lives and thus affect their ability to perform their jobs.

In order to assist employees in these areas, DAS contracts with Methodist Employee Assistance Program (EAP) to provide **confidential counseling** and referral services for employees and their family members. Whether it's a substance abuse problem, financial or marital troubles, etc., the EAP counselors can help. Employees should use the toll-free number to get in contact with an EAP counselor: **The number is 800-666-8606.**

This policy provides general information on the services, coverage, costs, and implementation guidelines for the employee assistance benefit.

(1) Services and Coverage

- (a) The services provided by EAP include diagnosis, counseling and related treatment, and referral to other community services. EAP can provide services for alcoholism, drug abuse, financial problems, emotional difficulties (examples: stress, anxiety), family/marital disputes and employment/job-related issues (examples: performance problems, poor attendance, work stress). The EAP provides training on a variety of subjects upon request for a minimum of 12 participants.

Benefits Information, continued:

Fulltime and part-time permanent DAS employees are eligible to use the services of the EAP free of charge. This eligibility extends to the immediate family of these employees as defined by the State Personnel Rules and Regulations and applicable labor contract.

- (b) Supervisory staff may contact the EAP to seek advice and assistance in dealing with employees who are having job performance difficulties or other behavioral problems. Supervisors will not be provided specific information about individual employees without the written permission of the employee.
- (2) Referral Process
- (a) Any eligible DAS employee may make a self-referral for themselves or their immediate family. Any agency supervisor may suggest to employees that they may wish to seek the services of the EAP. However, referral to the EAP must be agreed upon by the employee. In some cases a mandatory referral to a counselor may be made by agency management via the disciplinary action process. All appointments that utilize EAP are made through the EAP central office at (800) 666-8606. Although initial consultation is provided free of charge to the employee or immediate family member, employees will incur personal costs if referred to an agency outside of the EAP.
 - (b) Leave Time: An employee who voluntarily seeks counseling/referral services for the EAP should be allowed to use their sick leave for the appointment. The EAP appointment should be treated the same as an appointment with a physician or dentist, which are considered appropriate usage of sick time. Because the office hours of the EAP are flexible (weekends, evenings, days), employees should be encouraged to make their appointments during non-work time; however, they should not be required to do so.

If a supervisory referral is made and the employee chooses to attend an EAP counseling session, DAS will grant the employee an appropriate amount of time to attend the initial counseling session without charging it to sick leave, vacation leave or compensatory time. After the initial visit, if the employee elects to continue counseling, they may be given the opportunity to use sick leave for further counseling sessions depending on the type of counseling received. (Employees may not use sick leave for marital counseling.)

If the supervisor refers an employee to the EAP and they want to make sure the employee did attend the session that information can be provided by the EAP. However, no additional information concerning the type of services being provided will be given to the supervisor without the employee's written permission.

- (c) DAS will not pay the travel costs (example: mileage, meals or lodging) incurred by an employee or their immediate family using the services of EAP.

Benefits Information, continued:

(3) Employee–Employer Rights and Expectations:

- (a) DAS recognizes the final decision to seek treatment for a problem lies with the employee. Employees receiving assistance from EAP will not jeopardize their job security or promotional opportunities because they chose to attend counseling through EAP. Employees who accept a supervisory referral will not be given special privileges at work. Participating employees are expected to continue to make progress toward meeting existing job performance standards and adhere to work rules and DAS or State policies. DAS will not establish any new, special, or arbitrary standards solely for those employees using the Employee Assistance Program.
- (b) An employment related problem may not always be addressed or resolved by making referrals to the Employee Assistance Program. This employee benefit in no way limits or constitutes a waiver of management’s responsibility to maintain discipline or take disciplinary action. If an employee refuses to accept a referral to EAP, DAS will handle each individual employee’s behavior like any other employee whose job performance is declining or inadequate.
- (c) The Employee Assistance Program will not serve as a means of normal communication between the employee and the supervisor. The program will not be expected to serve as a mediator for employer-employee relations or handle any formal employee grievance or complaint.
- (d) Any referral to the EAP will have complete anonymity. The program will furnish only summary data to the DAS Human Resource Officer on a quarterly basis. This summary will list the total number of employees requesting services, a breakdown by referral source (supervisory or self-referral), and a listing of any additional services provided during the quarter.

The EAP office will not inform DAS of any individual self-referral. Information obtained by the Employee Assistance Program professional staff will be held in strict confidence. EAP records for individual employees or their immediate family will not be disclosed to anyone without the written release of the individual receiving treatment. The written release for disclosure to DAS will be limited to information concerning job-related problems. Information concerning personal problems or those of family members will not be released to DAS.

WORKER’S COMPENSATION

In cases of work-incurred injuries, illness, disabilities or death, the state of Nebraska provides protection for all employees (and their families in case of death), under the Workers’ Compensation Law. Employees who are injured on the job must report all injuries to their immediate supervisor within twenty-four hours of the injury. Do not seek medical care on your own unless it is an emergency. You must notify your supervisor prior to seeking non-emergency medical services from a doctor, hospital, or pharmacy for a work-related injury. The Workers’ Compensation First Report of Injury Form can be found on the State’s website at: <http://www.nol.org/home/wc/pubs/pubs.htm>.

Benefits Information, continued:

When you go to a doctor, hospital, or pharmacy for a work-related injury or illness, you must tell the individual(s) providing the service that the bill must be sent to Sedgwick Claims Management Services the State's third party administrator. Upon notification, your supervisor should provide you with Sedgwick's mailing address to give to the service provider.

Injury Leave

All employees 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. A working shift is counted even if an employee is absent for any portion of their assigned shift. Disabled shall mean unable to perform the essential functions usually encountered in one's employment due either to an injury/disease or to treatment for an injury/disease.

- a. Any job related injury or disease shall be reported to the division personnel contact and the DAS Human Resource Officer as soon as possible and DAS shall have the responsibility to supply all the necessary information to the claims management service provider.
- b. No employee shall receive a salary (workers' compensation plus regular pay) in excess of his or her normal wage.
- c. Health insurance with the appropriate employer contribution will be paid during an absence under worker's compensation after all accrued leave and compensatory time has been depleted, provided the employee makes his/her required contribution.

TUITION ASSISTANCE POLICY

The purpose of this policy statement is to establish a standard by which tuition assistance may be utilized by full-time employees of DAS.

Prior to the class starting date, employees must complete a "Request for Tuition Assistance" form. (The Request for Tuition Assistance Form can be found in the "Form Section" of this manual.) Tuition – shall mean the expenses required for tuition costs only. Expenses paid for fees, books and other expenses are not considered a part of tuition. If approved, the request form should then be signed by the immediate supervisor and the Division Administrator prior to the class starting date.

The credit hour reimbursement maximum for undergraduate studies will be set at 100% of the current University of Nebraska – Lincoln undergraduate/resident credit hour rate. The credit hour reimbursement maximum for graduate studies will be set at 100% of the current University of Nebraska – Lincoln graduate/resident credit hour rate.

Courses may be approved for up to 75% reimbursement at the authorized rate when the course is degree required and not directly related to an employee's current job. Courses may be approved for up to 100% reimbursement at the authorized rate when the course is directly related to the employee's current responsibilities.

Benefits Information, continued:

Criteria used in the determination of approval or disapproval are: course selection, job-related career possibilities, the close relationship of the course to the Division/Agency's work goals, and the available budget and labor contract requirements. The DAS Director will serve as final source of approval should a disagreement arise.

When tuition assistance is approved, employees successfully completing the approved course or courses with a "C" or above shall be reimbursed for whatever rate is indicated on the form.

Employees eligible for reimbursement of tuition costs through other sources shall use these programs first. If the cost of an approved course is more than the amount available from other sources, the employee may make application (on the Tuition Assistance Form) for reimbursement of the difference.

Employees who receive tuition assistance may be required to reimburse the State if they voluntarily leave their employment within one year of the course completion date. State dollars paid for tuition may be considered taxable income to the employee.

Part VIII – Expense Reimbursement

In-State Meals

Reimbursement shall be made for actual expenses. Employees are asked to keep meals within reasonable amounts as suggested in the DAS Nebraska Accounting System Manual (NAS) guidelines. Receipts are not required for reimbursement if under the guidelines, however employees must maintain documentation regarding their meal costs. The IRS requires some form of documentation or logbook that lists the date, place, the meal and related cost. Taxes and tips are included in the guidelines listed below. Actual cost should be claimed. Tips and tax for meals is included in the cost and reimbursement of meals. If amounts are over guidelines as stated in DAS NAS Manual, the employee must submit copies of their substantiation. No reimbursement may be made for alcoholic beverages. Refer to the DAS NAS Manual for guidelines.

Out-of-State Meals

When on out-of-state travel, reimbursement will be made for actual meal costs. As a guideline, reasonable meal expenses will be considered to be those established by the IRS Standard Meal Allowances outlined in the Nebraska Accounting System (NAS) Manual. See Table 15 in the NAS Manual for GSA website which lists the federal per diem rates. Taxes and tips are included in the rates. Receipts are not required if under the guidelines for reimbursement however employees are required to maintain some sort of documentation or logbook that lists the date, place, the meal and related cost. No reimbursement may be made for alcoholic beverages.

Overnight Travel Meals

Overnight travel meals may be reimbursed as follows:

Breakfast – When an employee leaves for overnight travel at or before 6:30 a.m., the morning meal may be reimbursed.

Lunch – When an employee leaves for overnight travel at or before 11:00 a.m., or returns from overnight travel at or after 2:00 p.m., the noon meal may be reimbursed.

Dinner – When an employee returns from overnight travel at or after 7:00 p.m., the evening meal may be reimbursed. When an employee leaves for overnight travel before 6:00 p.m., their evening meal may be reimbursed.

One Day Travel Meals

One-day travel meals may be reimbursed to the employee incurring the expenses as follows:

Breakfast – When an employee leaves for one day travel at or before 6:30 a.m. or 1-1/2 hours before the employee's shift begins, whichever is earlier, the morning meal may be reimbursed.

Expense Reimbursement Policies, continued:

Lunch – Noon meals for one-day travel are not reimbursable.

Dinner – When an employee returns from one-day travel at or after 7:00 p.m. or 2 hours after the employee's shift ends, whichever is later, the evening meal may be reimbursed.

Note: The time limitations set forth in this policy do not include the time taken for the meal.

Long Distance Phone Calls While Traveling on Overnight Business

Phone cards issued by the DAS Division of Communications should be utilized for business related purposes by employees traveling on overnight business. Employees may call family members at State expense while in travel status. One phone call to family members of no more than five minutes is authorized each day. All other personal phone calls are made at employee expense.

Lap-top Computer Usage While Traveling on Overnight Business

Employees shall ensure that laptops used while traveling for business purposes utilize the most cost efficient method of phone line connection for service.

Mileage for Approved Travel

An employee will be reimbursed at the rate determined by DAS Accounting for employer approved travel in the employee's personal vehicle. The use of a personal vehicle for travel is most economical when traveling 50 miles or less. Employees are encouraged to use state vehicles for trips over 50 miles.

Lodging

A DAS employee will be reimbursed for the reasonable and necessary lodging expense incurred when the employee is required to stay away from home overnight. The absence must be of such a duration that the employee cannot reasonably leave and return to that location before and after each day's work. Government rates shall be requested.

The Nebraska Accounting System (NAS) Manual's current guideline is \$48 per night for in-state travel, and the lowest reasonable rate when traveling out-of-state. Only the actual expense is reimbursable and receipts must be provided.

Direct billing to DAS by in-state or out-of-state lodging is preferred.

Expense Reimbursement Policies, continued:

Moving and Relocation Expenses

With the approval of the DAS Director, employees who are relocated to another geographical location for the benefit of DAS shall be reimbursed for moving expenses in accordance policies issued by DAS Accounting Division and applicable labor agreements. Employees relocating to another geographical area at their own request, for their personal benefit, need not be reimbursed for expenses incurred.

Whether or not a relocation is for the benefit of DAS shall be determined on an individual basis by the Division Administrator and DAS Director. Promotions may be considered as a benefit to the employing agency.

Payment of moving expenses shall be made only with prior written approval of the Division Administrator and DAS Director. The written agreement shall include a listing of the type of items that will be reimbursed and shall note any conditions under which the employee will be required to reimburse DAS for relocation upon resignation. The agreement shall be signed by the employee and a copy provided to the DAS Human Resource Office.

Eligibility for Reimbursement

The employee's new job location must be at least 50 miles farther from the employee's current residence than the current job location in order to be reimbursed for any expenses under this policy. The employee must incur the expenses within one year from the date the employee is officially transferred to the new duty station.

Resignation

If an employee whose moving expenses (all or part) have been paid resigns within one year of the move, the DAS Director may require the employee to reimburse the agency for a portion of the moving expenses, based on the length of time the employee worked for DAS after the move.

Personnel Record

Payment of moving expenses shall be recorded in the NEIS payroll system by the DAS Human Resource Office on an Income Adjustment Form and made a part of the employee's permanent personnel file.

Receipts

Original receipts are required in order to be reimbursed, including closing statement and invoices from vendors (except for meals).

Part IX – Types of Leave

Holidays

The following holidays are compensated holidays for permanent employees in DAS and are scheduled on the dates indicated below:

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

When a holiday falls on the first day of an employee's weekend, it shall be observed on the preceding day. When a holiday falls on the second day of an employee's weekend, it shall be observed on the following day. A weekend is two consecutive days off, whether they be Saturday/Sunday, Tuesday/Wednesday, Friday/Saturday, etc.

Employees shall not receive holiday pay or time off if the holiday occurs during a period of non-paid leave, however, if the holiday occurs during a paid leave, the employee is considered to be on holiday leave for the day of the holiday rather than any other type of leave.

Vacation Leave

Vacation leave shall be requested as far in advance as possible and may only be used when approved by the DAS Director, immediate supervisor or appropriate manager. A DAS leave request form is required to be submitted to the immediate supervisor prior to taking vacation leave.

All employee's accumulated vacation time in excess of 35 days shall be forfeited as of December 31 of each calendar year, except for "Rules" covered employees in special and meritorious cases as allowed in the State Personnel Rules Chapter 9 004.02. (273 NAC 9-004.02).

Vacation leave will be not be advanced under any circumstances.

Sick Leave

For the purposes of sick leave usage when an immediate family member requires the employee's presence due to illness, disability, injury, or major surgery, immediate family shall be defined as: spouse, children, parents, and others bearing the same relationship to the employee's spouse. At the DAS Director's discretion, the definition of immediate family may be broadened.

Types of Leave, continued:

Sick leave shall be requested as far in advance as possible. A DAS leave request form is required to be submitted to the immediate supervisor prior to taking leave, when possible. Such requests shall be answered within 48 hours. In cases of emergency or illness, the employee has the responsibility of contacting their immediate supervisor at the beginning of the workday or prior to the start of their shift. (Leave request forms shall be submitted upon return). It shall be the supervisor's responsibility to inform the appropriate staff members of the employee's absence.

An employee may be required to submit sufficient substantiating evidence when the reason for the leave was a medical or dental appointment. In DAS, if the sick leave absence is greater than **three** work days (an absence of 24 consecutive work hours), substantiating documentation **will be** required. Sufficient substantiating evidence may be required when an employee shows a pattern of using excessive leave that is not related to a serious health condition. Substantiating evidence is generally considered a note from the attending physician. Other forms of substantiation may be approved by the Director when appropriate.

Sick leave shall be denied when the supervisor has facts showing that the employee is abusing sick leave. Sick leave shall not be used as vacation leave. DAS will consider sick leave abuse as a possibility when:

1. An employee does not remain at home when sick. Exceptions would be trips out of the home for medical purposes or a pre-arrangement with your supervisor to go to an area other than your home for purposes of convalescence.
2. Use of sick leave, in small increments, on a routine basis, leaving the employee with no significant balances.
3. Use of sick leave routinely in conjunction with a weekend or holiday. A noticeable pattern in this case will be significant.

Check with your immediate supervisor for specific call in requirements when you are unable to report to work because of medical reasons.

Permanent employees may be advanced up to a maximum of 40 hours of sick leave. Vacation leave balances must be depleted prior to the advancement of sick leave. Requests for advancement of sick leave shall be submitted in writing to the DAS Director specifying the medical reason for the advancement and the number of hours requested. Substantiating medical documentation is required.

Employees covered by the NAPE/AFSCME labor agreement shall have no maximum limit on the accumulation of sick days except as provided in the labor agreement.

Employees covered by the Nebraska Classified System Personnel Rules and Regulations shall have accumulated sick leave in excess of 1440 hours forfeited as of December 31 of each calendar year.

Funeral/Bereavement Leave

Funeral leave requests must be made to the employee's immediate supervisor. Up to five days' funeral leave may be granted to employees for death in the immediate family. For purposes of this section, "immediate family" shall mean spouse, father, mother, grandfather, grandmother, sister, brother, child, grandchild, spouse of any of these, or someone who bears a similar relationship to the spouse of the employee. Step-persons bearing these relationships are included. The DAS Director may broaden this definition on a case-by-case basis. (For further clarification on the appropriate use of Funeral/Bereavement Leave, please contact the DAS Human Resource Office.)

Types of Leave, continued:

Military Leave

State employees, including temporary employees, who are members of the Nebraska National Guard or any other reserve component are entitled to 15 workdays per calendar year of military leave in accordance with Section 55-160 RRS, Nebraska 1943, or federal regulation. Employees shall be required to submit a copy of his/her orders to their immediate supervisor with their leave slip prior to military leave being approved. Additional leave may be granted in accordance with applicable federal and state laws.

Civil Leave

All employees shall be eligible for paid civil leave (jury duty, election board duty, voting time, court appearances, appointments to Governor's committees and disaster relief leave) in accordance with applicable statutes, the Classified System Personnel Rules and Regulations, Chapter 9 – 010, and the NAPE/AFSCME Labor Contract (Article 14 – 14.20). Managers will make every effort to approve requests for flex time related to jury duty for employees working second and third shifts when business requirements can still be met.

Family and Medical Leave

Responsibility. It is the responsibility of the employee to coordinate requests for Family and Medical Leave (FMLA) with DAS through the DAS Human Resource Officer. When FMLA requests are received by a supervisor, they will be immediately forwarded the request to the DAS Human Resource Officer. The DAS Human Resource Officer will determine eligibility for FMLA and respond directly to the employee and manager. Family and Medical Leave forms can be found on the DAS Employee Relations Division website at: <http://www.das.state.ne.us/emprel/FMLact.htm>.

Eligibility. Family Leave is unpaid time off from work. An employee must have at least 12 total months of service and at least 1250 hours of service in the previous 12-month-period to be eligible for Family Leave. Temporary employment with the State counts toward an employee's eligibility.

Conditions for Using Family Leave: Unpaid Family Leave may be used for the following reasons:

- a. Because of the birth of a child of the employee.
- b. Because of the adoption or placement of a foster care child with the employee.
- c. In order to care for the serious health condition of the employee's spouse, child, or parent.
- d. Because of the serious health condition of the employee.

NOTE: "Spouse" does not include unmarried domestic partners. "Child" may include step-children, foster children, or certain other children having more than a short-term residence in the employee's home such as legal wards of the employee. Care for mother-in-law or father-in-law is not included. However, "parent" may include individuals other than natural or adoptive parents who served in a long-term parental role for the employee.

Serious health conditions are defined as illness, injury, impairment, or physical or mental conditions that involve: (1) in-patient care; (2) absence from work, school or other regular daily activities for more than three calendar days and continuing treatment by a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, or prenatal care.

Types of Leave, continued:

Examples of serious health conditions include: heart attack, heart by-pass or valve operations, most cancers, back conditions requiring extensive therapy or surgery, strokes, severe respiratory conditions, spinal conditions, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, need for prenatal care, severe morning sickness, childbirth, and recovery from childbirth. This does not include voluntary or cosmetic treatments, unless in-patient hospitalization is required.

Certification of Serious Health Conditions. When requesting Family Leave for serious health conditions, an employee must provide certification from a health care provider on a Health Care Provider's/Practitioner's Certification Form which includes:

- (1) the date on which the serious health condition commenced;
- (2) the probable duration of the condition;
- (3) any appropriate medical facts;
- (4) a statement containing specific information why the employee is needed to care for the child, spouse, or parent; **or** a statement containing specific information why the employee is unable to perform the functions of the job;
- (5) if the leave is to be intermittent, a statement containing specific information concerning planned medical treatments, the expected dates and duration of treatment.

The employee must provide a copy of the certification to the DAS Human Resource Officer no later than 15 calendar days from the date of the FMLA request. The employee must provide requested recertifications to the DAS Human Resource Officer no later than 15 calendar days from the date of the request by the DAS Human Resource Officer unless it is not practical under the particular circumstances to do so in spite of the employee's diligent, good faith efforts.

Medical Second Opinions. DAS may require a second opinion (the agency's choice of health care provider) and must pay for the cost of the second opinion. If the second opinion differs from the first, a third opinion may be sought (from a mutually agreed upon health care provider; again, at the agency's expense). The results of the third opinion are final. Requests for second opinions must be coordinated through the DAS Human Resource Office.

Recertification of Serious Health Conditions. DAS may request recertification of medical conditions, at the employee's expense (and employee's choice of Health Care Provider), to support the employee's FMLA request under the following circumstances:

- (1) For pregnancy, chronic, or permanent/long-term conditions under continuing supervision of a health care provider the agency may request recertification no more often than every 30 days and only in connection with an absence by the employee unless:
 - (a) Circumstances described by the previous certification have changed significantly (for example, the severity of the condition, complications, etc.); or
 - (b) DAS receives information that casts doubt upon the employee's stated reason for the absence.
- (2) If the minimum duration of the period of incapacity specified on a certification furnished by the health care provider is more than 30 days, DAS may not request recertification until that minimum duration has passed unless one of the conditions set forth in paragraph (3) of this section is met.

Types of Leave, continued:

- (a) For FMLA leave taken intermittently or on a reduced leave schedule basis, DAS may not request recertification in less than the minimum period specified on the certification as necessary for such leave (including treatment) unless one of the conditions set forth in paragraph (3)(a), (3)(b), or (3)(c) of this section is met.
- (3) For circumstances not covered by (1) or (2) of this section, DAS may request recertification at any reasonable interval, but not more often than every 30 days, unless the employee requests an extension of leave;
 - (a) Circumstances described by the previous certification have changed significantly (for example, the duration of the illness, the nature of the illness); or
 - (b) DAS receives information that casts doubt upon the continuing validity of the certification.
- (4) The employee must provide the requested recertification to the DAS Human Resource Officer no later than 15 calendar days from the agency request by the DAS Human Resource Office, unless it is not practical under the particular circumstances to do so in spite of the employee's diligent, good faith efforts.
- (5) Any recertification requested by DAS shall be at the employee's expense. No second or third opinion on recertification may be required.

DAS Cannot Directly Contact the Employee's Doctor. If an employee submits a complete certification signed by the health care provider, DAS may not directly request additional information from the employee's health care provider.

However, with the employee's permission, a health care provider representing DAS may contact the employee's health care provider for purposes of clarification and authenticity of the medical certification.

Notice of Intent to Use Family Leave. A minimum of 30 days' notice to the employee's immediate supervisor or the DAS Human Resource Officer must be provided by the employee before he or she may use Family Leave when the need for the leave is foreseeable. Where 30 days' notice is not foreseeable, notice must be given as early as possible. The employee shall provide notice of the intent to use FMLA to the DAS Human Resource Officer and the employee's supervisor.

Unpaid Family Leave. Family Leave is unpaid time off from work. Vacation and sick leave may be retained or used at the employee's discretion. Vacation leave and sick leave shall not be counted toward the 12-week Family Leave allotment.

Family Leave Duration. Unpaid Family Leave is limited to a total of 12 weeks within a 12-month period, starting with the date the employee first uses unpaid Family Leave.

Family Leave Not Cumulative. Family Leave cannot be carried forward beyond the 12-month period and banked for future use.

Incremental Use of Family Leave. With the approval of the DAS Human Resource Officer, Family Leave may be taken in increments with proper medical certification. (Federal law allows employees not eligible for overtime "exempt employees" to make incremental use of unpaid Family Leave without affecting their "salaried" status.)

Types of Leave, continued:

Health Insurance while on Family Leave. Employer health insurance contributions shall continue during an employee's unpaid Family Leave absence, provided the employee makes his/her required contribution. Employee contributions shall be based as if the employee had continued to work his/her normal schedule.

If an employee fails to return to work after the employee's FMLA leave period has been exhausted or expires, DAS may recover the premium or premiums DAS paid to maintain health insurance coverage while the employee was on leave. If an employee fails to return from leave because of the continuation, recurrence or onset of a serious health condition that would entitle the employee to leave under FMLA, the agency may not recover the group health plan premium or premiums.

DAS may require the employee to submit certification from a health care provider to support a claim of being unable to return to work, and will be considered to have returned to work after 30 calendar days from their first day back on the job.

Medical Certification for Return to Work. If the employee was on FMLA leave because of the employee's own serious health condition, prior to returning to work, the employee must provide their immediate supervisor with a medical certification issued by a health care provider which states that the employee is able to resume work on a certain date. The supervisor shall submit the completed return to work form to the DAS Human Resource Officer.

Service Date Adjustments. The employee's Service Date shall be adjusted when an unpaid absence due to Family Leave exceeds 14 consecutive calendar days.

Family Medical Leave Forms:

Family and Medical Leave Request Form – to be completed by the employee requesting the family medical leave.

Family and Medical Leave Certification of Health Care Provider – to be completed by the health care provider when an employee requests family medical leave due to the serious health condition of the employee or a family member.

Insurance Coverage Continuation Form – to be completed by the employee requesting the family medical leave.

Family Leave Denials. The DAS Human Resource Officer shall be notified immediately of any DAS Division level requests for Family Leave. Division personnel do not have the authority to approve or deny requests for Family and Medical Leave. The DAS Human Resource Officer will make determinations regarding eligibility/ineligibility in accordance with the Federal FMLA guidelines.

Adoption Leave

Upon request, an employee shall be granted adoption leave in accordance with applicable statutes, Nebraska Classified System Personnel Rules and Regulations, Chapter 9, (Chapter 9 – 011 & 015) and NAPE/AFSCME Labor Contract (Article 14 – 14.16 & 14.22). Mothers of newly adopted children shall receive the same sick leave allowed to State employees who are new mothers by natural birth (generally six weeks). Fathers of newly adopted children should receive leave on the same terms as fathers by natural birth. It has been past practice to allow natural birth fathers to be absent (on sick leave) at the time of the birth and the day the mother and child return to the home from the hospital.

Types of Leave, continued:

Catastrophic Illness Donation Program

The catastrophic illness donation program is available to DAS employees who meet eligibility requirements. Generally, when employees are suffering from a catastrophic illness and have exhausted their paid leave, they may apply for leave donations from other employees. State employees may donate their accrued vacation leave to benefit another State employee suffering from a catastrophic illness. For more information on this type of leave, please reference the NAPE/AFSCME Labor Contract or contact the DAS Human Resource Officer. Employees covered by the Classified System Personnel Rules and Regulations, including discretionary employees should contact DAS State Personnel or the DAS Human Resource Officer for information on this type of leave.

Leave of Absence

Employees may request an unpaid leave of absence not to exceed one year (except for military service and some worker's compensation cases), when such absences will not interfere with the best interest of the State. All requests for leave of absence are subject to review and approval by the appropriate DAS Division Administrator. Requests that will require a period of absence of greater than one year must be reviewed and approved by the DAS Division Administrator and DAS Director.

Written requests for leaves of absence will be considered for such things as temporary disabilities, educational purposes, or other uses. Medical leaves of absence shall not exceed six weeks unless approved by a physician.

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.

When an employee has an illness or temporary disability that prohibits the employee from performing their job duties and the employee has no paid sick leave available, the employee must notify their supervisor immediately of their need for **unpaid** leave. In all cases where unpaid leave is approved, the employee should contact the DAS Human Resource Officer prior to beginning an unpaid leave to coordinate the continuation of benefits and discuss other leave options such as family and medical leave or catastrophic illness donation.

At the conclusion of an extended medical leave, a doctor's release returning the employee to work must be completed by the attending physician. This release must be submitted prior to an employee's return to work. Any questions regarding this process can be directed to the immediate supervisor, Division Administrator or the DAS Human Resource Officer. This policy will comply with all provisions of the Family and Medical Leave Act of 1993.

(See the NAPE/AFSCME Labor Contract or Classified System Personnel Rules and Regulations for specific information on a leave of absence.)

Part X – Disciplinary Actions

Employees covered by the provisions of the NAPE/AFSCME and State of Nebraska Labor Contract: may be disciplined, subject to just cause as defined in Article 10. Discipline may be taken for violating reasonable agency work rules including those contained in this manual, legally promulgated rules and regulations, state and federal statutes and for any of the reasons for discipline listed in Article 10 of the labor contract.

Employees covered by the provisions of the Nebraska Classified System Personnel Rules and Regulations may be disciplined, subject to just cause as defined Chapter 13 – Disciplinary Action. Discipline may be taken for violating reasonable agency work rules including those contained in this manual, legally promulgated rules and regulations, state and federal statutes and for any of the reasons for discipline listed in Chapter 13 of the Rules.

Part XI – Informal Complaint & Grievance Procedure

INFORMAL COMPLAINT PROCEDURES

DAS has established an informal complaint procedure to deal with issues that are not grievable and are not covered by the DAS Workplace Harassment Policy. The complaint procedure is not intended to address any topic that may be the legitimate subject of a grievance. DAS will not process both a grievance and an informal complaint on the same issue at the same time nor can an employee go through the formal grievance process and then utilize the informal complaint process or vice versa.

1. Complaints regarding non-grievable issues:

Complaints should be submitted in writing on the DAS Informal Complaint Form and resolved at the lowest level possible. The DAS Informal Complaint Form can be found in the form section of this manual. Employees are encouraged to bring concerns directly to their immediate supervisor for discussion and resolution. The supervisor responds in writing to the employee within seven workdays of receiving the complaint. Supervisors are encouraged to meet with the employee to discuss the complaint prior to responding in writing.

If the employee is not satisfied with their supervisor's response, the issue may be presented in writing to the division administrator within two work days of receiving the supervisor's written response. The administrator shall respond in writing to the employee within ten workdays of receiving the complaint. Administrators are encouraged to meet with the employee to discuss the complaint prior to responding in writing.

If the employee is not satisfied with the administrator's response, the issue may be presented in writing to the DAS Director within two workdays of receiving the administrator's written response. The DAS Director or his/her designee, will respond in writing within 15 workdays. On non-grievable issues not involving alleged discriminatory practices, the DAS Director's decision is final.

Time frames may be extended by mutual agreement of the parties. Failure to meet the timelines by any member of management automatically allows the employee to go on to the next step. If the employee does not forward his/her concern within the specified time frame, the issue is considered resolved.

Complaints involving alleged discriminatory **practices** shall be processed in compliance with the DAS Work Place Harassment Policy. Employees of (DAS) are urged to discuss complaints alleging discriminatory practices, with the DAS – Affirmative Action Officer (402/471-4461).

EMPLOYEE GRIEVANCE PROCEDURES

Eligibility

All employees, other than those on original probation who occupy a permanent position have grievance rights. Applicants, temporary employees, employees on original probation, and discretionary non-classified employees have no grievance rights.

Informal Complaint & Grievance Procedure, continued:

Grievance Definition

A grievance is a formal written complaint alleging violation involving the interpretation or application of rules promulgated by the DAS State Personnel Division, the DAS policies or applicable labor contracts. Division Administrators and the DAS Director shall ensure that every possible effort is made to resolve grievances at the agency level.

Effect of Grievance on Management Action and Employee Status

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 the agency head or by other employees into not proceeding with a grievance or not appearing as a witness at a hearing.

Obtaining Forms

For contract covered employees, grievance forms may be obtained from a union steward or representative. For non-contract covered employees, a grievance form can be obtained by contacting the DAS Employee Relations Division or accessing the DAS Employee Relations website.

Grievance Procedure Steps and Time Allowances

A grievance must be filed within 15 workdays of the occurrence of the grieved action (or from the day the employee could reasonably have known about the action). Refer to the State Personnel Rules or a current labor contract for further information.

Part XII – Miscellaneous

MEDIA CONTACT

The DAS Director is the Agency's primary spokesperson and will normally speak for the Agency in matters of crisis and issues concerning the Agency. All Divisions have the authority to respond to the press in matters that pertain to their respective division. It is the policy of DAS to immediately inform the DAS Director, the DAS Deputy Director, and the Governor's Press Secretary of all contact with the media. The Press Secretary will then notify other appropriate Governor's staff.

The DAS Deputy Director is the primary media contact for DAS and serves as a member of the Governor's public information office media relations work group.

OUTSIDE EMPLOYMENT POLICY

With the prior notification of the Division Administrator, DAS employees may engage in additional employment or acquire a private interest in business, provided such employment or interest does not interfere or cause a conflict with the interest of the State, DAS or State Statutes. Upon implementation of this policy, all current employees participating in outside employment or who have acquired a private interest in a business, shall ensure that their immediate supervisor is notified of the additional employment/business and that employment/business is noted in the employee's personnel file.

If outside employment/business, in the opinion of the employee's supervisor, is adversely impacting the employee's ability to perform their DAS job, the employee's supervisor will notify the individual of the performance related deficiencies and required corrective action.

PERSONNEL RECORDS

An employee's personnel file is available for inspection in the DAS Director's Office. Employees should contact their supervisor and the Human Resource Officer to make an appointment to view their file.

SOLICITATION POLICY

The Department of Administrative Services does not endorse any company product or services. Realizing, however, that individual employees may have issues and concerns or products they wish to promote (i.e., Girl Scout cookies, Boy Scout popcorn, etc.) this agency will allow very limited activities in this area.

Employees will not actively solicit for a product during their work time (or that of other employees). However, they may make known that during breaks and lunch time information regarding their solicitation may be obtained.

Miscellaneous Policies, continued:

Employees are cautioned to use extreme discretion when promoting a product or soliciting for an organization. Any complaints about an employee abusing this policy should be brought to the attention of the Division Administrator or DAS Director immediately.

VENDOR SOLICITATION POLICY

The intent of the Vendor Solicitation Policy is to make sure the State of Nebraska is not endorsing or appearing to endorse or assist a vendor in selling or promoting their product or service. The following State policy has been adopted for employees of the Department of Administrative Services:

For the purposes of this Policy, a “vendor” is a person, group of people or organization (whether profit or non-profit) selling or promoting a product or service for personal use. These persons who are selling or promoting this product or service shall not contact state employees during work hours. Vendors may not send by U.S. mail, interoffice mail or deliver any materials to state employees at their work address.

No information concerning a vendor (such as advertisements) shall be displayed on any state bulletin board. However, employees may post individual notices of their sale or purchase of individual items on state bulleting boards located in cafeteria areas that comply with the State’s requirements, including the State’s Work Place Harassment Policy. The State Capitol provides office space for the operation of State Government and also serves as a tourist attraction for visitors. Because of this, the State Capitol may make information available of a tourist nature, such as eating establishments in the area, other tourist attractions, etc. This is permissible in the Capitol, Historical Society, Game and Parks locations, and Department of Roads' rest stops through the State.

However, this does not pertain to vendors who are soliciting or promoting a product or service not considered to be of tourist value. Only “State sponsored” vendors that have been selected by the State to provide a product or service to employee will be allowed to use State time and State property to distribute information. This type of solicitation will be coordinated through DAS-State Personnel Division. The securing of payroll deduction through Department of Administrative Services-Accounting Division does NOT mean a vendor is state-sponsored.

Vendors who are not State sponsored are not allowed to sell, promote or distribute information concerning a product or service within State buildings. However, any vendor may make a written request to the Director of State Personnel-Department of Administrative Services to distribute information within State buildings. This request must be approved, in writing, by State Personnel-Department of Administrative Services prior to any distribution of material.

Lists of employees' names and/or home addresses and telephone numbers are not public information and shall not be released to any vendor, except as previously authorized by the State Personnel Division of DAS. Requests for employee information from a labor organization shall be governed by the provisions set out in the Labor-Management Relations Guidelines memo dated 4-28-87. Vendors may purchase a State telephone directory from the DAS-Division of Communications. Upon individual requests, verification of an employee’s gross salary, job title and dates of employment shall be released.

If you would like more information on the State approved vendors and charities, please contact the Director of DAS-State Personnel (471-2833).

XIII. Separation and Layoff

EXIT INTERVIEWS

Exit interviews are encouraged and conducted on a voluntary basis in order to examine constructive retention patterns and evaluate employee concerns. Exit interview data will be reported to the DAS Director. Division Administrators may have access to exit interview information with the DAS Director's approval. When an employee terminates employment with the agency, they have an opportunity to have an exit interview with the DAS Human Resource Officer on or before the last day of employment. The DAS Human Resource Officer will contact the employee once notified of the termination. If the employee is not available to meet with the DAS Human Resource Officer prior to their last day of employment, a confidential exit interview questionnaire will be mailed to their home address for voluntary completion.

DEPARTMENT OF ADMINISTRATIVE SERVICES LAYOFF POLICY FOR NAPE/AFSCME COVERED EMPLOYEES

Layoff is the involuntary separation of an employee or the reduction of an employee's work schedule because of economic reasons, elimination of funds, reduction in workload or reorganization of the agency.

The DAS Director has the final authority to determine the need and scope of a layoff and when to implement it. When it is determined that a reduction in force is necessary which will affect NAPE/AFSCME labor contract covered positions, the provisions of Article 5 (Layoffs and Resignations) of the NAPE/AFSCME Labor Contract will apply. The preliminary layoff plan will be developed by the affected DAS Division and will recommend to the DAS Director when the layoff should occur and what restrictions, if any, are applicable. The final layoff plan will be prepared by the DAS Director's Office. The layoff plan will be approved by the DAS – Employee Relations Division prior to the implementation of the layoff action.

The scope of the layoff will be identified in the layoff plan by the specific classes and positions affected. The layoff plan will also contain, among other items, the information to be provided in the general layoff announcement. Bumping and transfer rights shall be identified and designated by the Director in the layoff plan.

Employees affected by lay-off may be eligible to participate in the State re-employment program. Contact the DAS State Personnel Division at 471-2075 for more information regarding this program.

LAYOFF POLICY FOR EMPLOYEES COVERED BY THE CLASSIFIED SYSTEM PERSONNEL RULES AND REGULATIONS

Layoff is the involuntary separation of an employee or the reduction of an employee's work schedule because of economic reasons, elimination of funds, reduction in workload or reorganization of the agency.

Separation and Layoff, continued:

The Director of the Department of Administrative Services (DAS), has the final authority to determine the need and the scope of a layoff and when to implement it. These and other components will be prescribed in the layoff plan published prior to the layoff action. All layoffs are to be coordinated through the Department's Human Resource Officer and the DAS State Personnel Director prior to notification and implementation.

All layoff plans affecting employees covered by the State Classified System Personnel Rules and Regulations must conform to the provisions of 273 NAC 12-001 through 12-005.05 of the Personnel Rules.

Employees to be laid off shall be given a 15 workday written notice of the impending layoff either by certified mail with return receipt requested or by delivery at work with the employee signing for receipt, except that when emergency funding situations exist, this notice period can be shortened by the Director or his/her designee.

Written notification shall include:

1. Statement explaining the reason for layoff.
2. Effective date for the layoff.
3. Rights and privileges afforded to laid off employees.
4. An employment application to be completed by the employee.
5. Affected employee's retention points.
6. A copy of this policy.

Layoff will be by position type within the class in the affected program area in the following order:

- part-time temporary positions in the same class
- fulltime temporary positions in the same class
- permanent positions in the same class

Retention Points will be determined using a combination of performance and length of service in the following categories:

Performance

Overall rating scores for Performance Evaluations with the point rating scale are broken down as follows according to points received on the DAS Non-Contract Pay for Performance Evaluation Form:

Unacceptable (30-49)	0 pts.
Needs Improvement (50-74)	0 pts.
Satisfactory (75-109)	10 pts.
Above Satisfactory (110-139)	15 pts.
Outstanding (140-150)	20 pts.

Separation and Layoff, continued:

Calculation of Performance and Length of Service Points

Performance ratings from each of the last three years within the agency will be used to determine retention points for performance. For an employee with an agency service date of less than 12 months, the six-month performance evaluation will be given one-half credit of the retention points allowed. (The State's formal performance evaluation form rating or the DAS pay for performance evaluation form may be used for determining the points to be awarded, however only one evaluation may be counted for each year.) Once an employee receives an annual pay for performance evaluation, the six-month evaluation will not be included in figuring retention points. If an employee does not receive an evaluation during a whole calendar year, the employee is considered to have "met" their performance standards for the period not yet evaluated and their performance will be considered satisfactory.

Length of Service

1.0 point will be given for each year of service with the Agency
(.0833 per month)

When calculating seniority retention points, an employee with more than fourteen (14) calendar days of service in a month will be counted as a whole month; fourteen (14) calendar days or less of service in a month will not be counted.

Employees who left State service for other than disciplinary reasons and return within three (3) years shall be given credit for previous State service by having their service date reinstated minus the amount of time absent.

Service dates are adjusted for any period of unpaid leave exceeding fourteen (14) calendar days.

Employees' seniority retention points shall be calculated based on current and previous F.T.E. worked with the agency. If at any time an employee has worked less than fulltime with the agency, their seniority retention points shall be prorated according to F.T.E. worked for that period of employment (i.e. 25%, 50%, 75%).

Bumping

The basis for bumping shall be number of retention points gained through State employment. Exceptions may be made when situations exist where specific job-related factors are involved. The DAS Director shall establish bumping privileges by facility, geographical areas, division or by total agency. Bumping limitations will be defined in the DAS layoff plan.

Bumping will be as follows but is not required in any particular order:

1. Positions of the same class where the incumbent has lower retention points than the laid-off employee;
2. To positions within the same class series of a lower salary grade where the incumbent has lower retention points than the laid-off employee;
3. Classes the employee previously occupied of an equal or lower salary grade and held within the previous 48 months.

Separation and Layoff, continued:

Notification of intention to exercise "bumping" rights shall be made in writing to the Director or his/her designee within five (5) days of receipt of the layoff notice and must be accompanied by a completed employment application. Failure to respond within the time limit shall constitute the employee's acceptance of the layoff.

The pay rate of an employee who occupies a position in a lower salary grade to avoid layoff, shall be determined in compliance with current Classified System Personnel Rules. Consideration must be given to length of service, internal equity and meritorious service adjustments when setting the employee's new rate of pay. Salary may be reduced.

Recall

Laid-off employees and employees who elected to bump are eligible for reinstatement to their previous class for 24 months after layoff. Notification of the availability of a position shall be by certified mail. Those desiring to be reinstated shall notify the DAS – Human Resource Office in writing of the acceptance or refusal of the position within five (5) workdays of receipt of the notice. Employees who are recalled into the same classification may start at their former pay rate or at the Minimum Permanent Rate, at the DAS Director's discretion.

Reinstated employees may receive, at the DAS Director's discretion, any legislative increases granted during the period of absence. Employees reinstated after being laid-off shall not be required to serve an original probationary period.

It is the responsibility of the employee or laid-off employee to inform the DAS Human Resource Office of any change in address. Failure to receive notification of a position's availability because of an address change shall not cause the five (5) workday reply period to be extended. Employees who were laid-off or employees who transferred to another position in lieu of layoff shall be reinstated in the reverse order from which they were laid-off or transferred.

Laid-off employees shall be given the opportunity to be reinstated to a vacant position in a lower class within the same series or to a position of a previous class if positions become available within the original 24-month period. Employees who elected to bump, or laid-off employees refusing a position or not acting to notify the DAS Human Resource Officer of acceptance or refusal, forfeit any reinstatement rights.

Within a 24-month period following layoff, no new employees will be hired into the classification that was affected by the layoff, until all qualified employees on layoff status desiring to return to work have had the opportunity to be recalled.

Employees affected by lay-off may be eligible to participate in the State re-employment program. Contact the DAS State Personnel Division at 471-2075 for more information regarding this program.

NEUTRAL REFERENCE POLICY

It is the policy of the Department of Administrative Services (DAS) to utilize a Neutral Reference Policy for current and/or former employees applying for positions outside of Nebraska State Government.

Separation and Layoff, continued:

Written authorization and/or a release form must be signed by the employee/former employee and provided to the DAS Human Resource Officer prior to the release of any employment information. All requests for references and/or verification of employment shall be directed to the DAS Human Resource Officer. Only neutral information will be released to employers outside of Nebraska State Government, such as position held, dates of employment and current/last wage.

When a current/former employee applies for a position with another Nebraska State Government agency and provides written authorization or a signed release requesting the release of information from their DAS personnel file, the requested information, as documented in the personnel file, will be released. Only a representative from the DAS Human Resource Office is authorized to provide this information on behalf of the employee to another State agency.

VOLUNTARY RESIGNATION POLICY

DAS employees who voluntarily resign from their positions with the Department shall be requested to complete a resignation form. It is important for the agency to document any separation to ensure the consistency and accuracy of the circumstances of the separation in the event an issue arises subsequent to the separation (for example Unemployment Insurance benefits or complaints).

Once an employee submits written notice of voluntary resignation, the resignation may not be rescinded without the approval of the DAS Director.

- (1) NEBRASKA CLASSIFIED SYSTEM PERSONNEL RULES AND REGULATIONS
To resign in good standing, employees covered under the Nebraska Classified System Personnel Rules and Regulations, December 1998, “must give written notice to the Agency Head at least ten workdays before separation unless the Agency Head agrees to a shorter period.”
- (2) NAPE/AFSCME LABOR CONTRACT
To resign in good standing, employees covered by the NAPE/AFSCME labor contract “must give written notice to the Agency Head or his/her designee at least ten workdays before separation unless the Agency Head or his/her designee agrees to a shorter period. Employees providing less than ten days’ written notice prior to separation may be considered as separated not in good standing.”
- (3) RESIGNATION FORM
Upon notification that an employee is resigning, the resigning employee’s supervisor/manager shall give the employee a resignation form to complete (the resignation form can be found at the back of this manual). The original resignation form shall be immediately forwarded to the DAS Human Resource Office and becomes a part of the employee’s personnel file and will be maintained as such. The supervisor/manager should keep a copy of the resignation form and forward a copy to the Division Administrator. Once employees have provided notice of their intent to resign in writing, the resignation may not be rescinded without the DAS Director’s approval.

Upon request, a copy of the resignation form will be provided to the employee prior to their last day of employment.

DAS employees who are terminated from DAS employment for cause, shall not be eligible for re-hire within DAS without the prior approval of the DAS Director.