Agency Efficiency Review Plan
Agency: 003 - LEGISLATIVE COUNCIL

PROGRAM CONSOLIDATION (ERP):

The Executive Board of the Legislature is currently engaged in a review of current operations of Legislative programs, in compliance with the directions of LR542 (2010). Potential choices regarding consolidation of existing programs may emerge from the review, which is not yet complete.

STREAMLINING OF SERVICES (ERP):

The Executive Board of the Legislature is currently engaged in a review of current operations of Legislative programs, in compliance with the directions of LR542 (2010). Potential choices regarding streamlining existing services may emerge from the review, which is not yet complete.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Executive Board of the Legislature is currently engaged in a review of current operations of Legislative programs, in compliance with the directions of LR542 (2010). Potential choices regarding reductions to the number of employees and the layers of management may emerge from the review, which is not yet complete.

MANDATES AND REQUIREMENTS (ERP):

Mandates upon the function of the Nebraska Legislature may be found in Article III, sections 1 through 30 of the Nebraska Constitution. Other articles of the Nebraska Constitution identify a role or responsibility for the Nebraska Legislature that provides other powers to the Nebraska Legislature that conceivably can be construed as mandates, as contained in:

VIII-1B. Income tax; may be based upon the laws of the United States.

VIII-7. Private property not liable for corporate debts; municipalities and inhabitants exempt for corporate purposes.

IV-28. Tax Equalization and Review Commission; members; powers; Tax Commissioner; powers.

Further definition of what may constitute mandates may be found generally in state statutes, primarily section 50 of Revised Statutes of the State of Nebraska, and to some extent, perhaps the Rules of the Nebraska State Legislature.

The Executive Board of the Legislature is currently engaged in a review of current operations of Legislative programs, in compliance with the directions of LR542 (2010). Potential changes to mandates on the Legislature and its functions may emerge from the review, which is not yet complete.

Agency Efficiency Review Plan
Agency: 003 - LEGISLATIVE COUNCIL

FOUR-DAY WORK WEEK (ERP):

The Executive Board of the Legislature is currently engaged in a review of current operations of Legislative programs, in compliance with the directions of LR542 (2010). Potential impacts on the Legislature and its functions due to a four day work week may emerge from the review, which is not yet complete. However, a direct consequence likely will be lengthened Legislative sessions should a four day work week be adopted.

Agency Efficiency Review Plan
Agency: 005 - SUPREME COURT

PROGRAM CONSOLIDATION (ERP):

The Nebraska Supreme Court has partnered with the National Center for State Courts to conduct a process named "Re-engineering Courts for the 21st Century". Nebraska is one of four states to receive this technical assistance without cost. The purpose is to review the structure and operations of the court system and find ways in which the core functions could be done with more efficiency and essential services performed using the current state of technology.

This project has been meeting since the Fall of 2009 and will make a final report to the Supreme Court in October, 2010. The focus of the report will be on the long-term, not short-term or onetime efficiencies or cost reductions. It is anticipated that some of the recommendations would require legislative changes. This report will be shared with the Appropriations and Judiciary Committees and other interested members of the Legislature.

It should be noted that the Office of Probation Administration may be given direction or suggestions for efficiencies from the project. It should also be noted that the Probation system in Nebraska has, over the past five years, transformed and restructured the system to one based on focusing resources on offenders with the highest risk for recidivism with a goal of increasing community safety.

STREAMLINING OF SERVICES (ERP):

See response under Program Consolidation section.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Supreme Court Personnel Policies and Procedures state two steps that would be required in order to reduce the number of employees. They include:

1. Development of a layoff plan

2. Determination, by the Administrative Office, of any basis for bumping rights

No statutes would need to be changed. For purposes of this section, judges are not included.

The Supreme Court is not organized as a multi-layered management structure.

MANDATES AND REQUIREMENTS (ERP):

The Supreme Court operates under a myriad of constitutional and statutory requirements. A thorough review of them would take more time than that allowed for responding to this

request. However, as stated, the reengineering project may submit recommendations that, if implemented, would require changes to mandates or other requirements.

FOUR-DAY WORK WEEK (ERP):

Implementing a work week composed of four 10-hour days would be difficult to impose as a uniform policy for all non-judicial Supreme Court employees. For county court staff, it may be possible to implement however, any savings is not estimated to be significant since county courts are currently required to operate five days a week (Nebraska Revised Statutes 25-2221). County court staff would need to be sure that courts were adequately staffed on all days that court is required to be open. District court reporters are required to follow the schedule of the judge they are appointed to and therefore would not always have the flexibility to accomodate a four-day work week. Probation officers are required to be available 24/7 and therefore also do not have the flexibility to routinely operate under a four-day week.

Agency Efficiency Review Plan
Agency: 007 - GOVERNOR

PROGRAM CONSOLIDATION (ERP):

The Governor's Office is established in the Nebraska Constitution. All duties and programs assigned to the Governor and his staff are outlined in the Constitution and statutes. The agency is comprised of two budgetary programs: the Governor's Office, Program 21, and the Governor's Policy Research Office, Program 18.

The Governor's Policy Research Office is housed within the Governor's Office. The Director also serves as General Counsel to the Governor and reports directly to the Governor. The program and its executive staff carry out their duties and responsibilities as outlined in the state statutes and as directed by the Governor.

The current structure of the office programs maximizes operational efficiency; therefore, no structural changes are recommended.

STREAMLINING OF SERVICES (ERP):

The agency continues to amplify the electronic government access efforts that have been instituted within the past six years. The agency is currently revising its correspondence tracking software which will help the one staff person assigned this responsibility to manage the increasing volume of correspondence.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Due to the responsibilities of the Governor and due to the Governor's current duties and responsibilities with the National Governors Association, no further reductions in staff at the agency are planned.

The staffing level of the Governor's Office, Program 21, at the end of the Nelson Administration was 19.5 FTE. At the beginning of the Johanns Administration, the staffing level was reduced to 15.5, a 20% reduction. By the end of Governor Johanns' term, the staff had been reduced to 11.5, an additional 26% reduction. During FY09/10 an additional reduction to 10.75, or 7%, was made.

Currently, one Administrative Assistant position in the Governor's Office is shared with the Lt. Governor's Office. This is a result of vacancy savings as outlined during the 2009 Special Session.

The Governor's Policy Research Office is now staffed with an Agency Director who also serves as the General Counsel to the Governor, and with five executive policy advisors and two support staff.

The staffing level of the Governor's Policy Research Office, Program 18, at the end of the Nelson Administration was 15 FTE. At the beginning of the Johanns Administration the

Agency Efficiency Review Plan
Agency: 007 - GOVERNOR

staffing level was reduced to 10, a 33% reduction. By the end of the Governor Johanns term, the GPRO staff had been reduced to 9 FTE, an additional 10% reduction. During FY 2009-2010 an additional reduction to the current level of 8 FTE was made. The GPRO is staffed at approximately 50% less than it was in Fiscal Year 1998-1999.

MANDATES AND REQUIREMENTS (ERP):

The significant mandates imposed upon the Governor's Office and the Governor's Policy Research Office flow from the constitutional and statutory responsibilities of the Governor. For example:

1. Supreme executive power...take care the laws be faithfully executed and the affairs of the state are efficiently and economically administered.
2. Gubernatorial appointment responsibilities.
3. Budget development and recommendations for consideration by the Legislature.
4. Calling of legislative special sessions.
5. Review and action on legislation.
6. Service on the Board of Pardons.
7. Oversight of the Military especially during emergency or disaster conditions.
8. Reviewing all state agency rules and regulations.

FOUR-DAY WORK WEEK (ERP):

The staff of the Governor's Office and the Governor's Policy Research Office are effectively on duty seven days a week. While the actual office is open 8:00 a.m. to 5:00 p.m., Monday through Friday, and those hours could be changed by changing the statutes, it would not change the basic fact that staff are required to be available 24 hours every day. There is no likelihood that issues arising during one full business day could be ignored until the next business week.

Agency Efficiency Review Plan
Agency: 008 - LIEUTENANT GOVERNOR

PROGRAM CONSOLIDATION (ERP):

No recommendation for the consolidation of Lieutenant Governor's programs.

STREAMLINING OF SERVICES (ERP):

Currently, no work is being planned in streamlining of services within the Lieutenant Governor's Office.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The staffing level at the end of the Nelson Administration was 2.0 FTE. During the Johanns Administration the staffing level was reduced to 1.5 FTE, a 25% reduction. During FY 09/10 an additional reduction to 1.25 FTE, or 16.66%, was made.

No further staff reductions are contemplated.

MANDATES AND REQUIREMENTS (ERP):

The significant mandates on the Lieutenant Governor's Office emanate from the constitutional responsibilities of the office as well as, duties assigned by the Governor. For example:

1. Serves as acting Governor when the Chief Executive is out of the state..

2. Presides over the Legislature when in session.

3. Serves as Director of Homeland Security..

4. Serves as Chairman of the Governor's Homeland Security Policy Group.

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Agency: 008 - LIEUTENANT GOVERNOR

5. Serves as Chairman of the Nebraska Information Technology Commission.

6. Serves on other various boards, committees, and commissions upon the Governor's request..

7. Represents the Governor at various public and ceremonial functions, and performs other duties as assigned by the Governor.

FOUR-DAY WORK WEEK (ERP):

The staff of the Lieutenant Governor's Office is effectively on duty seven days a week. While the actual office is open 8:00 a.m. to 5:00 p.m., Monday through Friday, and those hours could be changed by changing the statutes, it would not change the basic fact that staff are available 24 hours every day.

Agency Efficiency Review Plan
Agency: 009 - SECRETARY OF STATE

PROGRAM CONSOLIDATION (ERP):

Program Consolidation:

The Secretary of State's budget is comprised of seven different legislative programs as follows:

Program Objectives:

Program 9 , Salary – Secretary of State: This program compensates the Secretary of State for duties performed in the form of salary and benefits, which is provided for in statute. This program is funded through general funds.

Program 22, Department Administration: This program provides the overall coordination of agency operations (human resources, legal counsel, budget and finance, office policy, information technology.) Also included in the Administrative program are Licensing Services. These services include administering and processing the licensing duties of the office, including private detectives, private investigators, notary publics, polygraph and voice stress examiners, inventors, debt management agencies, Address Confidentiality duties, Collection Agency oversight, processing authentications and apostilles, and the processing and recording of state agency Rules and Regulations. This program is funded through a combination of cash funds and general funds.

Program 45, Election Administration: The Election Division of Secretary of State's Office is responsible with the assistance of local election officials, for the conduct of elections within the state. This includes overall responsibility for the registration of voters, candidate filings, ballot design, and compilation of results as well as ensuring compliance with variance federal mandates such as the Voting Rights Act, Americans with Disabilities Act (as it applies to polling places), the National Voter Registration Act and the 2003 Help America Vote Act (HAVA). The division is also responsible for maintenance and inventory of state owned database and vote tabulation equipment. Currently the Election Administration program is funded by federal funds (HAVA) and cash funds (State required maintenance of effort for general election operations and administration). The election operations' cash funds are scheduled to be restored to general funds for the next biennium (FY 12 and FY13).

Program 51, Enforcement of Standards – Corporations: This program administers, processes and acts as the repository for articles of incorporation, occupation tax reports, certificates of authority for limited partnerships, limited liability companies, limited liability partnerships, trade names, trade marks and service marks. This program is funded entirely by cash funds.

Agency Efficiency Review Plan
Agency: 009 - SECRETARY OF STATE

Program 53, Enforcement of Standards – Collection Agencies: The purpose of this program is to administer the Nebraska Collection Agency Act, including the licensing of collection agencies and solicitors employed by such collection agencies. This program is entirely cash funded by license fees paid by the agencies and solicitors.

Program 86, Enforcement of Standards – Records Management: This division/program provides "programs for the systematic and centrally-correlated management of state and local records…" to "promote efficiency and economy in the day-to-day recordkeeping activities of state and local governments…" to "facilitate and expedite governmental operations". The Records Management Division provides services to its state and local government clients in the areas of records management consulting, records retention and disposition schedules, records system design, technology implementation, file systems, microfilming of records, imaging (scanning) of records to CD-R, and off-site records center storage. The division provides these services as the needs of its clients dictate. In addition, the State Records Board administers and contracts with Nebraska Interactive, Inc. to provide electronic access to public records. Records Management activities are funded through a combination of cash, revolving and general funds. General funds within the program are primarily allocated to providing guidance for and regulating records retention activities for the State of Nebraska.

Program 89, Commercial Code Central Filing: The purpose of this program is to receive, record and file Uniform Commercial Code (UCC) financing statements to make a public record of secured financial transactions between a debtor and a secured party. In addition to the initial filings, amendment, releases, confirmation assignments and terminations of financing statements are processed and filed. This program is entirely funded by cash fund revenues.

As identified in the program objectives above, each program within the agency is extremely unique and no agency programs have a natural connection for consolidation. Therefore, the agency has no recommendation for consolidation of agency programs. Additionally, we have not identified any fiscal savings attainable by consolidation of these unique programs/services.

STREAMLINING OF SERVICES (ERP):

Streamlining of Services:

As noted in the "program consolidation" narrative, the services provided by our different divisions/programs are unique, particularly in the areas of Records Management, Election and Licensing.

Agency Efficiency Review Plan
Agency: 009 - SECRETARY OF STATE

The services provided by the Corporations and UCC programs have already been consolidated within our “Business Services” division, which resulted in the benefit of cross-training and backup functionality. Additionally, by forming this division, we were able to eliminate two full-time positions within the past five years. Aggressively pursuing advances in technology have also significantly reduced the need for temporary services within the division.

Additional opportunities for streamlining within our agency have not been identified, nor can we point to any additional fiscal savings to the agency or state by additional organizational changes.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Currently, there are no multiple layers of management within the agency. Other than division deputies, there are three individuals with supervisory functions. All of these individuals, including the division deputies have specifically assigned core job responsibilities. Current staffing within our agency is at a minimum and any further reduction of staff would correspondingly result in a reduction of core services to our customers and to the public.

MANDATES AND REQUIREMENTS (ERP):

The agency has performed an in depth review of all mandates and requirements imposed on the agency and the results eliminating and/or changing such mandates and requirements. As a result of this review, we have not identified any significant items that would provide fiscal savings through change or elimination. In fact, the agency overall generates far more in revenue for the state than it requires in general funds. We have thus concluded that any reduction in core services would most likely have a negative fiscal impact and would also result in a reduction of services to the public.

FOUR-DAY WORK WEEK (ERP):

The agency has reviewed the ramifications of switching from a five day to a four day work week. Our review was based upon the following assumptions:

All state offices, including the Legislature and the State Capitol Building would operate on a Monday through Thursday, ten hours per day, work week.

Current law, requiring all state offices be open Monday through Friday, from 8:00 a.m. to 5 p.m., excluding holidays, would be eliminated.

Agency Efficiency Review Plan
Agency: 009 - SECRETARY OF STATE

Based upon these assumptions, our agency could operate on a four day (Monday through Thursday) work week, ten hours per day.

We do not anticipate any significant reduction of services based upon such a change, nor have we identified any significant fiscal savings this would have on our agency.

We have identified that some minor statutory changes would be necessary to address or clarify that deadlines falling on a day that offices are closed would move to the next business day.

Agency Efficiency Review Plan
Agency: 010 - AUDITOR OF PUBLIC ACCOUNTS

PROGRAM CONSOLIDATION (ERP):

The Auditor of Public Accounts consolidated its programs a few years ago; currently, we now only have three programs.

Program 10 - General Fund - Used only for the Constitutionally elected State Auditor's Salary and Benefits.

Program 506 - General Fund - Used for Auditor of Public Accounts expenditures related to duties of the office, audits of State Agencies, etc.

Program 525 - Cash Fund - Used for Auditor of Public Accounts expenditures related to Federal Fund audits, policitical subdivision audit, and contractual audits completed on a reimbursement basis.

STREAMLINING OF SERVICES (ERP):

Like many other State offices, we are currently trying to find ways to reduce expenditures and continue to look at ways of streamlining services . To start, we have increased our use of electronic services, eliminating paper costs and related expenses whenever possible. We are analizing our audit rotational cycle and using risk assessments to determine which audits are needed to be done. We have tried to use more electronic workpapers and provide audits electronically to streamline paper and copy costs.

Similarly, we are pursuing alternatives for reducing the cost of expensive staff continuing education, which is required by both statute and our professional standards. We have curtailed dramatically this office's past practice of reimbursing staff for various academic pursuits pertaining to their duties. We have eliminated out of state training and travel costs. We are currently having staff attend training via webcast, internet, audio conferencing and locally to help defray costs of providing the forty hours of continuing professional education required by Governmental Auditing Standards for each staff.

We have halted the promotion of staff to higher supervisory positions within the office, which had entailed commensurate pay increases. We did not give annual raises for FY2010 or for the current fiscal year 2011, and we are not replacing staff that leave employment here.

The APA currently has chosen to work 4 - 10 hour days while traveling out of Lincoln. This helps keep the travel costs- mileage, meals and motels costs - down, while still getting the audit down. This is done in connections with County Court Audits, University Audits and State College Audits for General Fund purposes. It is also done in connection with County and ESU audits for Cash Fund purposes.

The Auditor's office is uniquely situated among all State agencies to foster a reduction in State spending. Through the exposure of fraud, waste, and mismanagement, this office plays a vital role in overseeing and tracking the expenditure of public revenues – a function that can be neither fulfilled nor emulated by any other State entity. It is a well-known fact, supported by reputable studies, that incidents of fraud of all types increase dramatically during economic downturns; this includes the misappropriation of government funds and resources. Given the depressed condition of the current economy, the work of this office is more crucial than ever. Even in the best of times, though, there can be little doubt that the more financial auditing is encouraged, the greater the benefit to the State's budget. The mere threat or potential of a financial audit – much less the actual undertaking of one – is often sufficient to cause public entities to exercise greater care in their handling and expenditure of taxpayer dollars. The resulting financial prudence and fiscal responsibility will undoubtedly bear fruit at both the local and statewide levels.
In light of the State's projected budgetary shortfall, this office understands the need for all agencies to reduce spending however and whenever possible. As pointed out above, we are already taking dramatic measures to save money. Some of our senior staff have as much as three decades of auditing and management experience in this office. Thus, we have both the experience and institutional knowledge to prioritize and pursue effectively our audit work in the face of budgetary constraints.

Agency Efficiency Review Plan
Agency: 010 - AUDITOR OF PUBLIC ACCOUNTS

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Our office is relatively small, currently 41.75 FTE, we have not replaced any staff that left in the last two years. Staff have not received any cost of living raises since July 2009. We are looking at possible staff reductions in Management due to upcoming retirement in 2013 and have budgeted accordingly.

For Fiscal Year 2010, we implemented 16 hours of furlough for all employees, appx $20,000 in savings, to align with Budget constraints.

We have eliminated out of state travel and are trying to obtain educational services via webinars, local entities, and internet to meet educational requirements, while keeping costs to a minimum.

MANDATES AND REQUIREMENTS (ERP):

The Auditor of Public Accounts is required to conduct audits of State Agencies, political subdivision and grantees receiving federal funds.

FOUR-DAY WORK WEEK (ERP):

Our office could comply with a four-day work week as long as the Auditees have the same schedule. Most of our time is spent working with Auditees and our time would need to coordinate with those schedules.

Currently, when traveling out of Lincoln, our staff work 4 - 10 hours days. This is done to keep the travel and motel costs down while still getting the audits done in a timely manner.

Agency Efficiency Review Plan
Agency: 011 - ATTORNEY GENERAL

PROGRAM CONSOLIDATION (ERP):

The Office of the Attorney General consists of four bureaus each concentrating on a specific area of Law – Criminal, Civil Litigation, Public Protection and Legal Services. The Attorney General's Office operates under one program with a single goal prescribed in the Nebraska Constitution and related statutes. The agency is responsible for charge and control of all the legal business of all departments and bureaus of the state. The agency is also responsible for the representation of the state in all legal matters, both civil and criminal, where the state is named as a party or may have an interest in the outcome of the litigation or dispute.

STREAMLINING OF SERVICES (ERP):

The Office of the Attorney General manages its workload by use of case management. We shift resources to fit demand and have resized Bureaus based on increases or decreases in case load. The agency does not control its case load so we must represent when the state is challenged and provide legal advice when it is necessary to protect the interest of the state.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

In 2003, Attorney General Bruning reorganized the office to reduce the overall size of management. We now have four Bureau Chiefs, instead of eight under previous administrations, who report directly to the Chief Deputy.

MANDATES AND REQUIREMENTS (ERP):

The main requirement imposed upon the Nebraska Department of Justice is to have charge and control of all the legal business of all departments and bureaus of the state and represent the state in all legal matters, both civil and criminal, where the state is named as a party or may have an interest in the outcome of the litigation or dispute. It is apparent that all other mandates and requirements flow from this central mandate prescribed by the state constitution and related statutes.

FOUR-DAY WORK WEEK (ERP):

The Attorney General's Office functions as a law firm and is unable to set days and/or hours according to a four-day work week. The work schedules in the Attorney General's Office are dependent upon court dates, caseloads, criminal activity, suits filed against the state, and ongoing investigations. Therefore, it would be nearly impossible for the Nebraska Department of Justice to close its doors during a business day without a corresponding move by both the state and federal court systems.

Agency Efficiency Review Plan
Agency: 012 - STATE TREASURER

PROGRAM CONSOLIDATION (ERP):

The State Treasurer's Office has five programs (business units), Treasury Management, Unclaimed Property, State Disbursement Unit, College Savings Plan and Long-Term Care Savings Plan. These programs have varied duties, utilize different equipment and computer software programs, require different skill sets among the employees of each program and have different program goals.

Within two programs, Treasury Management and the State Disbursement Unit, different functions have been combined and staffing levels have been reduced. The staffing level for the Treasurer's Office has decreased from 56 employees in fiscal year 2008 to 50 employees in fiscal year 2010 to 47 employees in the budget request for fiscal year 2011.

The State Disbursement Unit is federally funded which complicates the matter of consolidating it with any of the other business units in the State Treasurer’s Office. State dollars utilized for anything other than the state disbursement program cannot receive the 60% matching federal funds. Consolidation of the State Disbursement Unit within the Treasurer’s Office is not feasible at this time.

The Treasurer's Office has one employee that serves as the Director of both the College Savings Plan and the Long-Term Care Savings Plan. This employee is the only employee in each of these programs.

The Treasurer's Office has an IT team that serves all five business units.

STREAMLINING OF SERVICES (ERP):

The purchase of upgraded software for the Treasury Management division would allow for: ability to transmit all checks to the bank by image, eliminate check courier costs, increase cash availability, maximize interest earnings on deposits since all checks would be encoded on primary encoding machine (which separates checks by availability), further reduce money in transit risk issues, and eliminate the cost of maintenance for two pieces of equipment.

The Unclaimed Property Division is continuing to look at the use of technology to help streamline processes. The use of online claims fast tracking will help bring greater efficiency to the claims process.

The State Disbursement Unit has already streamlined a number of internal services to include: mandating electronic disbursement of child support; requiring employers with 50 or more employees to remit electronically; and optimized bank services to increase electronic payments and reduce bank fees.

The State Disbursement Unit continues to streamline services by implementing further changes which include: distributing billing statements electronically rather than by paper mail; implementing two OPEX scanners to replace out-dated hardware, reduce monthly maintenance, and increase the efficiencies of processing paper payments; and create an electronic cash letter and possibly implement ARC which eliminates the need for a courier and may improve on the availability of funds while reducing the risk of returned bank items.

The College Savings Plan and Long-Term Care Savings plan each have only 1 full-time staff person.
All services are streamlined within the IT Department.

Agency Efficiency Review Plan
Agency: 012 - STATE TREASURER

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Treasurer's Office has made staffing reductions over the last few years. These reductions have eliminated various job positions, including management positions. The staffing level for the Treasurer's Office has decreased from 56 employees in fiscal year 2008 to 50 employees in fiscal year 2010 to 47 employees in the budget request for fiscal year 2011.

The State Disbursement Unit has already taken a lead in reducing its numbers of employees as seen by the fact in 2002 the State Disbursement Unit consisted of more than 40 employees and today the staff number is less than 30 employees which includes part-time staff. It is unknown if there can be further reductions with the implementation of the OPEX scanners due to increased efficiencies in the processing room as well as in data entry.

MANDATES AND REQUIREMENTS (ERP):

Treasury Management is responsible for the Treasurer's core constitutional functions: receipting and disbursing all state funds. All payments made to state agencies, whether by check, cash, credit card, Automated Clearing House (ACH) debit or ACH credit flow through state treasury run bank accounts and are receipted in by Treasury staff. Constitutional responsibilities also include management and reconciliation of all state bank accounts, reconciling of incoming and outgoing ACH payments, the payment and processing of state warrants, and the receipting of all state agency funds into the accounting system.

Treasury Management staff sets cash position two times each day in order to maximize the money available to invest by the Nebraska Investment Council. Treasury Management staff issue banking service requests for proposals (RFPs) to reduce banking fees, increase interest earnings, increase program rebates paid to state agencies, consolidate services, streamline services and create better efficiencies in state government.

Treasury Management also assists agencies, state vendors, and banks with questions on state payments and other banking services; assists agencies with the development of e-commerce options when accepting payments from constituents; manage state-wide credit card payment industry data security annual compliance (PCI DSS); complete statutory transfers; and manage the process of distributing many of the aid payments from the state to cities, counties and natural resource districts. Treasury Management provides training and banking regulatory compliance support for State agencies on banking rules changes and services.

Division staff educate cities, counties, school districts, public power districts and other political subdivisions on their ability to participate in State Treasury bid and negotiated contracts. The combined volume under these State Treasury bid contracts offer lower costs, additional services and more efficient processes to all participants.

Finally, Treasury Management oversees the Mutual Finance Assistance Program, which began in 1998. The program provides aid to rural or suburban fire protection districts (FPDs) and mutual finance organizations (MFOs) for the purpose of financing operational and equipment needs for fire protection, emergency response, or training within their joint areas of operation.

Statutory transfers/aid payment FY 09-10 managed by Treasury Management
FY 09-10 aid payment information:
State Aid to Counties: 7 payments December through June.
Highway Allocation to Counties: 12 payments, quarterly motor vehicle fee calculation included.
Highway Incentive to Counties: 1 payment in February.
Motor Vehicle Pro-Rate to Counties: 4 quarterly payments in April, July, October and January.

Agency Efficiency Review Plan
Agency: 012 - STATE TREASURER

Air Carrier Tax distribution to Counties: 2 payments in April and August.
Car Line Tax distribution to Counties: 2 payments in April and August.
Insurance Tax distribution to Counties: 1 payment in May.
Common School Fund Payments to Counties: 2 payments in August and February.
Property Tax Credit to Counties: 2 payments in January and April.
Aid to Natural Resource Districts: 7 payments December through June.
Mutual Finance Organization Aid: 2 payments in November and May.
State Aid to Municipalities: 7 payments December through June.
Highway Allocation to Municipalities: 12 payments, quarterly motor vehicle fee calculation included.
Highway Incentive to Municipalities: 1 payment in February.

Statutory mandated transfers (total volume of transfers completed FY '09-10):
MONTHLY: 205
YEARLY: 55
QUARTERLY: 20
RANDOM: 9

Credit card volume processed under the State Treasury managed contract was:
$256,065,195 for CY 2008 and $300,930,314 for CY 2009.

Prepaid Debit Card contract volume under State Treasury managed contract was:
FY '08-'09 - 812,400 payments to cards
FY '09-'10 - 1,164,935 payments to cards
*Estimated savings for state agencies participating under the State Treasury Prepaid Contract since 2004 inception = $1,558,295.86. The estimated amount saved by these programs reflects the cost savings of paying by ACH (direct deposit) compared to the printing and mailing of state warrants. There is an approximate $0.58+ savings per ACH payment (direct deposit) sent compared to a state warrant issued.

Purchasing Card Contract volume under State Treasury managed contract was:
FY '09-'10: $11,035,869.31
*Purchasing Card contract provides a rebate based on spend volume to state agencies utilizing services under this contract. Volume once the University completes their transition in late/summer fall 2010 will be approximately $50+ million.

Bank accounts managed and reconciled daily/monthly by Treasury Staff
FY '08-'09: 32
FY '09-'10: 31
Bank accounts Treasury Staff oversee statutory collateral requirements: 15

ACH contract managed by Treasury Staff – includes vendor and agency support and compliance training as needed for agencies. Amount of ACH transactions under contract;
FY '08-'09: 2,303,669
FY '09-'10: 2,485,161

Warrants presented for payment to Treasurer's Office

Agency Efficiency Review Plan
Agency: 012 - STATE TREASURER

FY '08-'09: 1,164,634
FY '09-'10: 975,199

Checks encoded by Treasury Management staff
FY '08-'09: 1,589,753
FY '09-'10: 1,460,127

Treasury Management also coordinates the annual Payment Card Industry Data Security Compliance with state credit card bank and the office of the OCIO. The Treasurer's Office, in collaboration with the State Security Officer from the Office of the Chief Information Officer, the state contract Merchant Bank and state agencies labored to reach annual Payment Card Industry Security Standards (PCI DSS) compliance. All agencies reporting to the Treasurer's Office/Office of the OCIO reached compliance on time. The PCI/DSS standards are broad, common sense measures that exist to protect customers who use credit cards from becoming victims of identity theft. These requirements apply to all banks, merchants, and service providers that store, process or transmit cardholder data. The requirements placed on merchants are determined by transaction/dollar amount processed. The State is a level 3 merchant, on the 1 to 4 scale, with Level 1 being the highest.

A full review of the contract between the Department of Health and Human Services and the State Treasurer's Office would need to be completed in order to identify all of the mandates and requirements the State Disbursement Unit has to follow. There are also mandates and requirements spelled out in the Nebraska Administrative Code as well as in State Statute. To identify all mandates and requirements is beyond the scope of this request; we do wish to point out a number of mandates and requirements which do inhibit making changes which could be beneficial to the State Disbursement Unit.

The State Disbursement Unit is obligated to mail out a monthly billing statement to all non-custodial parents (NCP) at a cost of nearly $35,000.00 per month. The State Disbursement Unit has implemented the ability to e-mail a statement notice rather than mail a paper statement at a cost of less than $250.00 per month. Removing this requirement and meeting only the federal requirement which requires a statement be sent to only NCP's where state monies are assigned could reduce the costs to less than $2,500.00 per month.
The State Disbursement Unit is required to accept two insufficient fund bank return items within a two year period prior to requiring guaranteed funds. Reducing this requirement to only one insufficient fund bank return item within a three year period would reduce the overall number of bank returned items. This is a problem due to the federal requirement which requires all receipts be disbursed within two business days. There is not a federal requirement requiring the State Disbursement Unit accept non-guaranteed funds such as checks or other ACH payments.

The State Disbursement Unit does not have an enforceable penalty to hold employers against if the employer has 50 or more employees but fails to remit payments electronically. Amending the state statute to identify a penalty of a fine totaling $25.00 per each employee where the employer fails to remit electronically would provide the extra incentive for more employers to remit payments electronically.

Currently not all state agencies are remitting child support payments electronically even if they have more than 50 employees. An example is the Department of Corrections where inmate payments are being remitted by paper check with a long list rather than by an electronic method. Mandating all state agencies to remit payments electronically would improve the State Disbursement Unit's processing efficiencies.

FOUR-DAY WORK WEEK (ERP):

Changing to a four-day work week would have different challenges in different programs.

The change could be done in Treasury Management, butthe following topics to be discussed:

- The banks are open usually five days a week even if the State has a non-traditional holiday (Arbor Day/day after Thanksgiving). Even if most Treasury Staff work 4 – 10 hr

days, a few staff will need to work at least a few hours on the other day to download the bank reports, set cash position, run the bank warrant clearing files and handles to warrant exception returns. Due to the banking (check rules) that require quick turnaround of rejected items, warrant exceptions must be processed daily or the state could have a potential for a financial loss.

- Treasury Management would not be processing depositing checks or moving funds daily to State Street/NIC could lower interest earnings for state agencies and the general fund. Delayed cash availability would create additional issues.
- Not posting receipts 5 days a week could significantly affect agencies interest earnings since agency deposits/ACH/Wire transfers come in each banking business day. Some agencies cannot meet payroll if funds are not posted in the state accounting system on the day they are received at bank.
- If staff are not available to work 5 days a week during normal business hours 8 am-5 pm daily, constituents may have issues getting checks cashed at banks that process and clear State of Nebraska Treasury warrants. Many banks and check cashing locations call to verify the validity of these payments before cashing them. Constituents/businesses with questions/concerns about ACH credits/ACH debits will still require assistance even if the State is closed. Staff not being available to answer questions about ACH credits/debits could cause delayed posting of state payments, reject of payments that could not be posted or applied, and reject of ACH debits not believed to be authorized.

The Unclaimed Property Division would be able to adjust to a four day work week without any major complications. The staff can make the adjustments needed to their schedules and tasks can still be completed within the framework of a 10 hour work day. While the office would be closed to the public one more day per week, the longer workday would also accommodate the constituents who are otherwise unable to access services because they can't leave their own workplace before 5pm.

The State Disbursement Unit is a vendor of the Department of Health and Human Services(DHHS); the feasibility of going to a four-day workweek would hinge entirely on whether or not DHHS could also go to a four-day workweek. Investigating the feasibility of this is beyond the scope of this request.

Since both CSP and LTC have only 1 Full-Time Staff person for both programs, moving to a four-day work week would simply adjust the staff person’s schedule. There would be little to no difficulties in moving to a four-day work week.

The IT staff work schedule is determined by agency/ business unit needs, and would be very flexible and creative in assisting the agency/business units in going to a four day work week.

Agency Efficiency Review Plan
Agency: 013 - DEPT OF EDUCATION

PROGRAM CONSOLIDATION (ERP):

Program Consolidation – The Department in the recently completed biennium consolidated several umbrella programs in Program 025. NDE is continually looking at the best and most effective way of delivering services. The following is a listing of recently consolidated programs:

- School Finance and Administrative Services were consolidate into Finance and Organizational Services
- Special Populations and Staff Development were consolidated into Diversity Population – Special Education and Equity and Instructional Strategies
- Education Technology was consolidated into Curriculum, Instruction and Innovation.
- Federal Programs and Data Center were consolidated into Federal Programs and Data Services

In addition to these efforts, the Department is conducting a self-evaluation to develop a reorganization plan that better supports schools and effectively meets other Department responsibilities.

STREAMLINING OF SERVICES (ERP):

Streamlining of Services – The Department when possible is using technology to provide or request information. The Department created a “Portal”, which a central point for customers to enter the Department’s data collection /payments systems. For an example the Department has created data collections systems - NSSRS, an application and reimbursement system – GMS. All systems are web based. The Department utilizes Webinar technology as a vehicle to communicate and disseminate information. The Department is continually looking at the elimination of “paper”.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Employee and Management Reforms – Only 23.5% of the positions in the Department are funded with State General funds. All positions that become vacant are not immediately filled. All vacancies are analyzed and consideration is given to the best use of funds. 70.3% of the Department’s operations budget is Federal funded. Federal funding restricts NDE’s ability to redirect all resources. Positions have been eliminated or reorganized when possible. As mentioned in Program Consolidation the Department consolidated a number of programs. Further reforms would require statue change to remove duties currently being performed by the Department.

MANDATES AND REQUIREMENTS (ERP):

Mandates and Requirements – The Department has a State General appropriation of approximately $17.6 million for operations. Of that amount, 53% is required for maintenance of effort (MOE) or match to meet federal requirements. In addition, $220K is required for State enterprise costs such as rent and insurance costs. Also, State Statute requires the Department to pay $60,500 for Education of the State dues. The Department has an elected Board and their expenditures for attending meetings, conferences, etc. are reimbursed with Department State General fund appropriation. Of the $17.6 million appropriation there are earmarks for Assessment/Report Card - $2,664,750, Student Leadership and Extended Learning - $450,000 and LB1024 activities $246.620. For every State dollar expended on Vocational Rehabilitation, $3.69 of Federal dollars is accessed to provide services.

FOUR-DAY WORK WEEK (ERP):

Four-Day Work Week – A four day week would not be a realistic option for the Department. The Department’s customers are School Districts, ESUs, and clients applying for or

receiving services who function on a Monday through Friday work week. The non-availability of the Department for one of those days would create a hardship for the Department's customers. Customers would lose the flexibility to schedule appointments, meetings and technical workshops. The Department is in daily communication responding to customer questions, inquiries and or concerns. A four-day work week would have a significant impact on the Department and its customer's ability to communicate.

Agency Efficiency Review Plan
Agency: 014 - PUBLIC SERVICE COMM

PROGRAM CONSOLIDATION (ERP):

The Public Service Commission's total general fund appropriation for 2010-11 is $2,509,079, consisting of $504,807 for Constitutional Officer Salaries, $53,067 in Travel Expenses, and $1,951,205 for Commission operations.

Agencies shall develop efficiency review plans which shall include agency recommendations on the following:

Consolidation of existing programs within the agency;

The Commission has recently reviewed existing programs in the agency and has made some structural changes in an effort to provide more efficient service to the affected industries. In a recent change, the Universal Service department and the Enhanced 911 department were consolidated into the Nebraska Telecommunications Infrastructure and Public Safety Department. One Director has the responsibility for both of these areas and the administrative duties have been combined in the new structure. We believe this change has provided efficiencies and does still provide a high level of service that is expected by the industry.

Another step that we have taken affects the grain warehousing department. The grain examination program has responsibility for grain warehouse examinations, grain dealer examinations, moisture testing, and the soy bean audits. Previously, employees were devoted to one of the specific areas within the department. We are now training our examiners to be able to perform any of these responsibilities, giving us the flexibility to meet the needs of the various divisions as they fluctuate over time. We have been able to provide the training program using current staffing without jeopardizing the audit and inspection schedules that need to be maintained.

STREAMLINING OF SERVICES (ERP):

Opportunities for streamlining existing services;

The Commission has used its website to streamline some existing services. For instance, many of the documents needed for filing applications with the Commission are now available to the public through our website. They can be used as a guide to file an application, or can be completed and filed as an application. Consumers who have questions or complaints related to their telephone or gas bills can simply complete an on-line complaint form and it will be filed with the Commission and be investigated in the same manner as if taken through the mail or over the telephone.

Companies have been remitting their Universal Service surcharge collections using the automated clearing house procedures the NTIPS department established to provide an efficient means of collecting the money. A similar remittance procedure has now been implemented in the 911 area to accommodate the industry and provide an audit trail for the Commission.

We are currently undertaking a study of the Telephone Assistance Plan procedures in the NTIPS department, to see if there may be a more efficient means of serving the thousands of telecommunications customers who receive credits on their telephone bills through this program. Currently the Telephone Assistance Plan provides financial assistance to qualified

individuals in the receipt of voice-grade telecommunications services. The Commission is following and participating in the Federal Communications Commission (FCC) National Broadband Plan process. The FCC is examining the policy implications of extending the national Lifeline and Link-Up programs to the provision of broadband services. Should this occur, and Nebraska becomes a participant in the expanded program, this action would significantly impact the administration of the program.

The Commission has also reviewed all contracts that were up for renewal in June of 2009, and it was determined that two of the contracts would be terminated as of June 30, 2009. One of the contracts was for the Universal Service expertise, and the other related to the public relations activities of the Commission.

We believe that these examples have made our services more available to the public and the industries we serve, have provided a more efficient means of providing the service, and show the Commission's commitment to continue that effort to serve the public in an efficient manner.

The Commission is currently reviewing and discussing other actions for the streamlining of programs and operations that will be presented to the Committee on Transportation and Telecommunications on Friday, October 15, 2010, as a part of the Agency's compliance with the LR 542 process.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The reforms needed to reduce the number of employees and layers of management within the agency;

The Commission's organizational structure consists of the Commissioners, an Agency Director reporting directly to the Commissioners, Department Directors who report to the Agency Director, and Commission staff. The staff consists of Attorneys reporting to the Agency Director, examiners, inspectors, and administrative personnel reporting to their respective Directors. There are 6 Directors who manage the various areas that are regulated by the Commission. For instance, the Directors work in the areas of Motor Transportation, Communications, Grain Warehousing, Housing, Gas Regulation, and Telecommunications Infrastructure and Public Safety (NTIPS). The Director of Motor Transportation also oversees the Railroad Track and Freight Car Safety Program. The Communications Director oversees the Engineering responsibilities, the Internet Enhancement program, and the Nebraska Relay program. The Grain Warehousing Director oversees the grain warehousing and dealer functions as well as the moisture testing and soy bean auditing programs. The Director of Gas Regulation also oversees the pipeline applications for the Commission. The NTIPS Director oversees the Universal Service Fund and the Enhanced 911 areas of the Commission. Each of these areas is distinct and requires specialized knowledge and expertise in an industry. As mentioned previously, the Commission did consolidate two departments into the NTIPS department since some of the responsibilities are related. The Commission is continually reviewing the duties performed in each of the various departments but is of the opinion that the departments as they currently exist provide the necessary expertise and efficiency to accomplish the Commission's goals, at do not see a need to change the structure at this time.

The Commission is currently reviewing and discussing other actions for the streamlining of programs and operations that will be presented to the Committee on Transportation and Telecommunications on Friday, October 15, 2010, as a part of the Agency's compliance with the LR 542 process.

MANDATES AND REQUIREMENTS (ERP):

A review of all mandates and requirements imposed on the agency and the results of eliminating or changing the mandates and requirements;

The Commission is governed by Constitutional requirements, State Statutes, Rules and Regulations and Federal requirements imposed on the agency to carry out its regulatory responsibilities. These mandates are referenced in our Budget Request and have been reviewed in various audits by the State Auditor's Office and in Performance Audits done

through the Legislative Evaluation Unit. Recent areas that have been reviewed by the Legislative Evaluation Unit include the Public Advocate activities in the Gas Regulation Department and the Universal Service Fund in the NTIPS department. These audits were thorough and provided an in-depth review of the statutory requirements and the manner the Commission is carrying out the mandates, and discussion of the activities and any recommendations made by this independent review. Reports of those audits are available through the State Auditor's office and the Legislative Evaluation Unit's office.

The Commission is currently reviewing and discussing other actions for the streamlining of programs and operations that will be presented to the Committee on Transportation and Telecommunications on Friday, October 15, 2010, as a part of the Agency's compliance with the LR 542 process.

FOUR-DAY WORK WEEK (ERP):

The structural and operational changes needed for the agency to move from a five-day to a four-day work week;

The change from a 5-8 hour day to a 4-10 hour day work week will have varying impacts on each department within the agency. For instance, in the Telecommunications Infrastructure and Public Safety Department, one of the responsibilities we have is to accept applications from customers throughout the State who qualify for the Telephone Assistance Program. This program provides credits on customers' telephone bills for those who qualify for the assistance in an effort to achieve maximum penetration rates for telephone service. The customers wishing to enroll in this program contact our agency, apply for the assistance, and their application and the credit to the serving telephone company is processed through our office. Due to the coordination this requires, there are numerous calls to the Commission from applicants wanting to know the requirements, the status of their application, and general questions about the program. There also is a need to contact the serving telephone company to determine why the customer is not getting their credit, for instance. Our staff responds to these calls from 8:00 a.m. to 5:00 daily, 5 days a week. If we are only responding to these calls on 4 days rather than 5, this will have an impact on our ability to serve the public in as timely a manner as we do today.

In the departments where our staff performs their inspections in out-state locations, we arrange our schedule to accommodate the needs of other parties involved in the inspection or facility. For instance, we have railroad inspectors who are monitoring compliance with federal safety standards, and they work closely with the Federal Railroad Administration (FRA) Inspectors. In these cases, our employee's schedule is dictated by the FRA inspections which may or may not be consistent with a 4-10 hour day work week. The flexibility we have in some of these inspection areas does not allow us to simply make a change to our own employees' schedule. In addition, our inspectors conduct investigations of rail related incidents and accidents which can occur at any time and require our employees to respond on short notice. In a recent incident of a railroad bridge which had been washed out due to the heavy rains near Norfolk, Nebraska, our inspectors were the first responders at the site, and this type of obligation does not fit into any structured work schedule.

The grain warehousing department performs examinations at grain facilities throughout the State, and we believe our examination schedule would not be affected under a 4-10 hour day, work week. However, if there is a facility that cannot meet its obligations and is in the process of liquidation by the Commission, the sale of the assets would require loading out the inventory. This process requires coordinated efforts among the trucking companies, the employees at the facility, and the Commission staff, and may not fit any structured schedule.

The manufactured housing department works closely with the factories building the housing units, who operate and ship their units to permanent locations on a 5 day work week basis. If the State instituted a required 4 – 10 hour day work week, it could be disruptive to the businesses we regulate. In addition, with the location of our inspectors in relation to the plants, the travel and inspection time approximates an 8 hour day. Since the nature of the work fills the 8 hours, it may not be as efficient to change to a 10 hour day.

The Communications and the Gas Regulation departments both deal with customer complaints relative to service and rate issues the customers are having with the utility. An 800

number is provided and advertised state-wide to encourage customers to contact the Commission for assistance in these areas. If our agency were to answer those calls 4 days a week rather than 5, customers trying to get their telephone service restored, for instance, would experience additional delays and obtaining assistance from our agency.

Agency Efficiency Review Plan
Agency: 015 - BOARD OF PAROLE

PROGRAM CONSOLIDATION (ERP):

The Board of Pardons and Parole are consolidated. The Administrative Assistant I is assigned to the Board of Pardons as a half position and the other half is assigned and utilized by the Board of Parole.

As Pardons Board Administrative Assistant, the main responsibilities are to respond to numerous letters and telephone calls regarding questions, and/or concerns regarding pardons and commutation proceedings. Advertise quarterly meetings and hearings. Create briefs with necessary documents for the Governor, Secretary of State, and Attorney General. Record minutes, documenting recoding for later retrieval, maintain Board of Pardons and Parole websites. And fill in when needed by Parole Board.

STREAMLINING OF SERVICES (ERP):

Streamlining of any services within this agency would create this agency's inability to carry out the statutory requirement of its operation.

Offender Board Reviews are conducted during the first half of the month of which we are interviewing approximately 350 to 425 offenders per month. One Staff member is assigned to this desk of which paperwork for each of these offenders must be pulled, documented on a roster, and distributed to the various Board members. These cases are packed daily as they must be available to the Board during reviews and to the clerical staff to record on the file the actions of the Board for that day. Also the staff is responsible to accurately record the proceeding, document chronologically for the future retrieval, if necessary. Notifies by letter each inmate of the Board's action, enter action into databases; submit proper requests to various correctional agencies for special needs (i.e. psychological evaluations, mental health assessments, Work Ethic Camp recommendations, residential treatment, etc.).

Parole hearings are scheduled for the last ten working days of the month. The assigned staff member must give adequate notification to the relevant County Officials and newspapers of scheduled Parole hearings. Briefs for all five Board members are prepared with documents for each offender that is to be heard on a specific date. These briefs contain no less than a classification study; parole officer's recommendations and home visits; psychological evaluations (if warranted); letters of opposition; letters of support are available in the file, which once again must accompany the Board and are packed by the Parole hearing staff member. These hearings are recorded and chronologically documented for possible retrieval at a later date should this become necessary. The Board's actions are recorded on the file fronts and once the hearings are completed, briefs are dismantled and permanent documents are returned to the master file. The Board's actions are entered into the databases. This position also has the duties as Vehicle Coordinator and must keep track of mileage and gas and submitting necessary documents appropriately. Also another added responsibility this position has is to prepare staff timesheets.

Revocation hearings are conducted bi-weekly. This staff member has the responsibility to pack files for each case to be heard, generate subpoenas of which the Chairperson is responsible for signing, pull files from the records and pack files for parolees to be heard on that day, record proceedings, enter the Board's actions on the file front and enter same information into the databases, return files to the active records area, serves as the inventory coordinator, orders office supplies, prepares letters of acknowledgment to inmate letters of support. There are approximately 250 letters of which this desk handles, preparing for the Chairperson's signature of opposition and support. This position serves as the receptionist responding to daily phone calls.

The Administrative Assistant II position serves as office manager, parole historian. Responds to approximately 350 letters per moth from inmates addressing concerns and questions regarding Board actions. This position is responsible for providing each Board member with documents that address issues/cases to be discussed and acted upon during executive session; records all Board business; documents Board's actions during this session; enters Board's action on databases. Assist in developing Board policies and procedures; prepares agency annual reports; coordinates meetings and training. Assist Board in communicating with various Department of Corrections personnel when special needs are to be addressed; oversees all staff time off and timesheets; oversee inventory and ordering office supplies. Supervises all clerical personnel and prepares annual evaluations and training.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Agency Efficiency Review Plan
Agency: 015 - BOARD OF PAROLE

One full time clerical position was vacated. During the period of time this position was given up half at a time.

MANDATES AND REQUIREMENTS (ERP):

While all of Nebraska's statutes apply to the Board of Parole, those requirements that specify requirements for the Board of Parole include:

The authority to grant parole after conviction and judgment is established by Article IV, Section 13 of the Constitution of the Nebraska State Legislature on August 25, 1969 whereby "the Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members". Constitutional authority and statutory provisions are designed to:

- "Grant parole after conviction and judgment, under such conditions as may be prescribed by law, for any offense committed against the criminal laws of this State except treason and the cases of impeachment" (Constitution of the State of Nebraska);
- Maintain legal custody and control over the paroled offender as long as the offender is under parole jurisdiction;
- Discharge the paroled offender; and,
- Revoke the parole of the offender under such conditions as prescribed by law.

During the 2010 session, the General funds to this agency was reduced an additional ($6,248) in FY10-11, however the carryover monies will still be available in FY10-11 to handle the reduction, enabling this agency to handle the reduction and perform under the constitutional mandates and requirements.

FOUR-DAY WORK WEEK (ERP):

Due to the responsibilities of the statutory requirements and the number of offenders seen on a daily basis, in addition to the necessary travel time to eight (8) of the nine (9) institutions for Offender Board Reviews, Parole Hearings, and Revocation Hearings, this would not be applicable.

Agency Efficiency Review Plan
Agency: 016 - DEPT OF REVENUE

PROGRAM CONSOLIDATION (ERP):

- The Department's leadership structure has been transformed for responsiveness, a renewed focus on the public, accountability, leanness, and visioning for the future. The Leadership Team (Tax Commissioner and five division directors) regularly reviews the structure of the Department to ensure maximum effectiveness.
- During April 2010, the Department implemented a reduction in force of 12 employees to close the Grand Island regional office, and to reduce staff in two functional areas due to advances in technology and streamlining of job functions.
- The Department continues to evaluate implementation of program efficiencies. This process is ongoing, and future plans have not been identified at this time.

STREAMLINING OF SERVICES (ERP):

- Continue efficiencies created with increases in electronic filing and electronic payment of taxes.
- Reduce printing and postage expenses. For example, the Nebraska Individual Income Tax Booklet will only be mailed to taxpayers that used the booklet's paper forms last year, and will be reduced in size. The full-version of the booklet will be available on the Department's website.
- Revised the Department's website to become an easy-to-use portal for information about taxation in Nebraska, which also gives taxpayers 24-7 access to electronic filing and payment programs. Developing an electronic mailing list in conjunction with GovDelivery for easy-to-sign-up e-mail reminders. The Property Assessment Division's website is also being integrated into the Department's website, which is now hosted by Nebraska.gov.
- Implemented an in-house developed Automated Collection System for individual income tax which has accelerated delinquent tax collection. A similar program is being developed and will be implemented for collection of business taxes.
- Implemented an in-house State Sales File system for county officials to enter real property sales eliminating the need for a contract programmer.
- Implement a new Interactive Voice Response (IVR) telephone system on November 1, 2010 to more efficiently answer taxpayer questions, track types of calls and questions, and gauge usage.
- Implement a new online Charitable Gaming licensing system on October 1, 2010 to reduce paper and more efficiently respond to licensees.
- Implement a unified Lottery contract on July 1, 2011 for Instant and Online services that is projected to save $1.8 million over the next six years.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

- The streamlining of services previously mentioned to increase electronic filing and payment of taxes. Expanding electronic filing and payment options beyond individual income tax and sales use tax filings to all taxes, such as corporate income taxes and lodging taxes, requires a strong information technology staff.

MANDATES AND REQUIREMENTS (ERP):

Agency Efficiency Review Plan
Agency: 016 - DEPT OF REVENUE

- The vast majority of mandates and requirements imposed on the Department are to collect taxes and fees, administer tax incentive programs, ensure compliance with tax and assessment laws, and provide reports on these activities.
- Eliminating or changing the taxes and fees collected, while reducing Department expenses, would also reduce receipt of revenue to the State of Nebraska. Not preparing reports on collection of tax revenues, tax expenditures, tax incentives, etc. would lead to less transparency and information to lawmakers and taxpayers.

FOUR-DAY WORK WEEK (ERP):

- The Department collects 98% of the General Fund receipts. A four-day work week would result in receipts for one day each week not being timely deposited. This assumes that the office would be shut down entirely for one day each week, for the maximum savings on energy costs.
- Many audits are conducted at taxpayer business locations whose employees are not on a 10-hour schedule. There are concerns that it would be difficult for auditors to work efficiently during a four-day 10-hour work week schedule.
- Many of the issues raised in a performance audit on the four-day work week in Utah (July 2010 – Legislative Auditor General), would need to be addressed: see http://www.le.state.ut.us/audit/10_10arpt.pdf

Agency Efficiency Review Plan
Agency: 017 - DEPT OF AERONAUTICS

PROGRAM CONSOLIDATION (ERP):

Aeronautics has three programs; 026, 301, and 596. These programs (and their attendant sub-programs) were re-arranged, consolidated and streamlined in FY2004-05 to make Aeronautics' cost accounting more transparent and efficient so as to better analyze the cost benefit of our various endeavors. Further consolidation would not be beneficial and would hamper our ability to collect financial data in a usable form.

Physical consolidation is impractical and cost prohibitive. The Kearney Navigational Aids office needs to be centrally located, geographically, since their specific mission requires maintenance work on, and the installation of, navigational aids throughout the State.

STREAMLINING OF SERVICES (ERP):

As a cash funded agency, the Department of Aeronautics is in a continuous process of streamlining; opportunities are actively and aggressively pursued and taken as they arise.

On June 18, 2010, the Navigational Aids Chief in the Kearney office retired. Aeronautics reorganized that office, using the talents of the four remaining employees, allocating the Chief's duties among two currently existing positions and reclassifying one of those positions without compromising services to the public. The Federal Aviation Administration has put a great emphasis on not only upgrading old navigational equipment but redesigning the way the system works on the national level. With the recently accomplished restructuring of our Navigational Aids office, we have placed ourselves in a position to respond quickly and efficiently to the new system requirements; resulting in a safer flying environment in the State.

A similar restructuring was done in our engineering division in 2003, upon the resignation of the division manager. Those duties were shifted to the remaining employees and a replacement employee was not hired. Likewise, in 2002 when the Department's manager of accounting and deputy director retired, the administration division was restructured, duties of the retiree were shifted to the remaining employees, and a replacement employee was not hired.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Aeronautics, being a cash funded agency, must live on its income. Aviation fuel tax is the primary source of revenue for the Department. The tax rate has remained, in essence, unchanged for 65 years. Since approximately 1986, Aeronautics' revenue from fuel tax has been essentially flat. The cost of doing business during that time period has accelerated. Out of necessity, Aeronautics has had to constantly reinvent itself and get leaner and more efficient over the last 24 years. We have fewer employees and have concentrated on our core responsibilities. We have every incentive to spend carefully and wisely. A review of Aeronautics' spending will show that the Department consistently under-spends its appropriation.

We do not have multiple layers of management. All managers are also front line workers. For example, the Division Manager for Operations flies the aircraft, the Division Manager for Planning and Programming does the planning and programming for the State, likewise for the managers of Accounting, Project Management, etc. This occurred over time as the Department lost employees through attrition, elected not to replace them, and shifted those employees' duties to remaining employees. (See the discussion above regarding streamlining.)

Agency Efficiency Review Plan
Agency: 017 - DEPT OF AERONAUTICS

MANDATES AND REQUIREMENTS (ERP):

The provisions of the State Aeronautics Department Act (Nebraska Revised Statutes §3-101through §3-158), other than those creating and providing for the basic functioning of the Department and the Aeronautics Commission, are fairly open ended and permissive in nature, providing the Department of Aeronautics and the Aeronautics Commission the flexibility to respond to regulatory and technological changes in the aviation industry. Aeronautics has pursued statutory changes throughout its 65-year history as the need has arisen.

The more specific requirements placed upon the Department of Aeronautics are:

1. The expending of State funds provided to Nebraska airports for acquisition, construction, improvement, or maintenance shall be under the supervision of Aeronautics.
2. All public use airports must be licensed by Aeronautics.
3. Aeronautics' regulations shall be kept in uniformity, as nearly as possible, with federal legislation governing aeronautics. Aeronautics shall cooperate with the federal authorities in the development of a national system of civil aviation, and assist in accomplishing the purposes of federal legislation and eliminating costly and unnecessary duplication of functions properly in the province of federal agencies. Aeronautics shall further seek to coordinate the aeronautical activities of the federal government, the political subdivisions of this state, and others engaged in aeronautics or the promotion of aeronautics.
4. Aeronautics shall assist in the enforcement of all aeronautics laws and regulations in the State.
5. Aeronautics shall encourage, foster, and assist in the development of aeronautics in the state and encourage the establishment of airports and other air navigation facilities; while providing for the protection and promotion of safety in aeronautics.

Eliminating any of the above provisions would negatively impact the growth and safety of aviation in the State of Nebraska.

FOUR-DAY WORK WEEK (ERP):

No structural changes, and only a minimum of operational changes, are needed for the Department of Aeronautics to make the transition to a four-day work week. However, the change would result in increased overtime as supervisors would have less time to manage weekly overtime issues.The aviation business requires flexibility; pilots in our operations division fly as needed 24/7, technicians in our navigational aids division respond to emergencies 24/7, and airfield managers clear snow from runways and taxiways whenever snowstorms occur.

Agency Efficiency Review Plan
Agency: 018 - DEPT OF AGRICULTURE

PROGRAM CONSOLIDATION (ERP):

The Department of Agriculture currently operates with one budgetary program (Program 078). This was enacted by the legislature for the current biennium (FY2009-10 and FY2010-11) for the purpose of providing flexibility to the Agency for distribution of appropriations. The appropriations bill, for transparency purposes, does require the Agency budget to be broken down into nine programs. The Department provides further subprogram detail to distinguish by statutory function for several of the programs.

STREAMLINING OF SERVICES (ERP):

Statutes mandate almost all activities the Department performs. To do additional streamlining would require statutory changes. The Department has industry review meetings and works very closely with industries affected, since the industry pays a portion of the program cost.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Department has and continues to review all vacancies, and has undertaken organizational changes. In the current economic climate, the Department will continue this process. The Department has also conducted layoffs when determined to be in the best interest of the Agency. Over the last several years, as inspection needs have changed, positions have been eliminated. The Department has also looked at more efficient ways of performing our statutory mandated functions. This has been accomplished through improved equipment, technology, and changes in inspection frequency. The Department has eliminated a middle management position previously referred to as a Field Inspection Supervisor. Due to the number of statutory functions that the Department is currently mandated to perform, a further reduction of layers of management will result in a reduction of technical expertise, quality of inspection, and/or services provided.

MANDATES AND REQUIREMENTS (ERP):

The Department has more than 90 statutes in which the Department is mandated to do, or in which the Department is authorized to participate as an entity referenced by statute. The Department annually reviews our statutory mandates and recommends legislative changes as necessary. The statues that we enforce are mandated by law and were enacted by the legislature.

FOUR-DAY WORK WEEK (ERP):

The Department does not anticipate any structural changes to move to a four-day work week. Operational changes would require scheduling changes, but these would present minimal issues for the Department.

Agency Efficiency Review Plan
Agency: 019 - DEPT OF BANKING

PROGRAM CONSOLIDATION (ERP):

The Department of Banking and Finance consists of two programs; Program 65 - Financial Institutions and Program 66 - Securities. The supervision, examination, licensing, and investigation activities the two programs undertake are considerably different. The majority of Securities' institutions are out-of-state and the Financial Institutions are in-state, there is a difference in the breadth of examination activities, and there is a difference in the degree of coordination with federal regulators. Financial Institutions coordinates a great deal of activities with the FDIC (Federal Deposit Insurance Corporation) and the Federal Reserve Bank, but Securities coordinates to a limited extent with the SEC. Also, the two programs have different revenue sources. The cost savings in combining the two programs would be minimal. It may be possible to consolidate some accounting functions that are done in both programs and move those duties to the Administrative/Accounting area.

STREAMLINING OF SERVICES (ERP):

In the absence of federal mandates that have to be followed when examining Delayed Deposit Services (DDS) licensees, the Department has set its own standards in line with state laws. It is possible that the scope and the frequency of our DDS exams could be reduced. However, the rules implementing Congressional financial regulatory reform could impose federal standards. The Department has automated the DDS examination process and staffing has been reduced by .75 FTE. Although the Department has become more efficient, it is likely that federal regulatory reform will require state regulators to do more. Nebraska is unique in its licensing of bank executive officers. Nebraska has required this licensure since 1922 but is the only state in the nation which does. Eliminating this would require a statutory change and would be in contrast to the recent mandating of mortgage originator licensure. The opinion of the Nebraska banking industry as to this change has not been solicited. Unfortunately, the cost savings would be minimal, possibly a .15 FTE, the revenue loss would be more than the savings, and it would lessen the ability of the Department to protect the safety and soundness of state banks. The Department has seen a savings of approximately $5,000 in the last few months in paper and postage expense; the savings is due to emailing notices in the Mortgage Loan Originator and DDS areas rather than mailing hard copies. The Department's best hope in streamlining services is additional automation wherever possible.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Department has three field offices; located in Lincoln, Omaha, and Kearney. Each field office has a supervising examiner, and each of those supervisors reports to a review examiner located in the Lincoln office; the review examiners report to the Deputy Director. Any reduction of levels of supervision in this area would be difficult and reduce the efficiency of each field office. Department-wide, it would increase the challenges of supervision and performance evaluation. As the Department seeks to become more efficient, it is important to identify and reinforce the good performers in the agency and to address unsatisfactory performance; effective supervision is key to both processes. The Department recently went through a reorganization of the Administration/Accounting area. During that reorganization, the elimination of one FTE and one level of supervision was achieved in that area. The Department also had two layoffs during the last fiscal year. In the layoff off the Public Information Officer, many of those duties were eliminated and a few were assigned to other areas. An employee with the classification of Typist was also laid off. Those duties were assigned among other staff and some were reduced with automation.

MANDATES AND REQUIREMENTS (ERP):

The Department jointly supervises and examines the 178 banks it charters with the Federal Deposit Insurance Corporation and the Federal Reserve Bank. The Department has state and federal mandates that need to be complied with; if not the Department could lose CSBS (Conference of State Bank Supervisors) accreditation and the ability to examine State banks. The Department also jointly supervises 19 Nebraska-chartered credit unions with the National Credit Union Administration. Federal mandates continue to increase the scope of supervision for the non-depository institutions (mortgage lending, payday lending, sale of checks) that the Department licenses. New federal legislation, which becomes effective July

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21, 2011, increases the Assets Under Management for state authority and review from $25 million up to $100 million for Investment Advisers.

FOUR-DAY WORK WEEK (ERP):

The institutions and entities the Department regulates are open a minimum of five days a week. A four day work week would reduce the access of these institutions and entities to the Department by 20%. The federal financial institution and securities supervisory agencies the Department works jointly with are open five days a week as well. Coordination with these federal agencies would be more difficult and responsiveness to the industries supervised would suffer. There would be no utility savings as our leases include utility costs. On the assumption that the Department would be open from 7:00 a.m. to 6:00 p.m. on the four week days in this scenario, the impact on employees of requiring use of ten hours of sick leave in the event of an illness could be burdensome.

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Agency: 021 - STATE FIRE MARSHAL

PROGRAM CONSOLIDATION (ERP):

The programs within the Fire Marshal's Agency are 193, 225 subdivision 008, 340 and 415. Within those four programs, the only ones with significant funding are 193 and 340. Program 193 is made up of administration, life safety inspectors, arson investigators and support staff. Program 340 consists of fire service instructors and staff for training and certifying the statewide emergency responders. There would be no benefit gained by combining Program 340 with 193 since all staff currently report to the Fire Marshal, accounting and finance are consolidated under program 193, and vehicles are leased through TSB and coordinated through program 193.

STREAMLINING OF SERVICES (ERP):

Programs 226, Pipeline Safety and 227, Underground Storage Tanks have been incorporated into one division named the Fuels Division. These programs report to one Chief Deputy and share the support staff. The deputies, however, are specialized in either Pipeline or Underground Storage Tank inspections.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Wildland Incident Response and Assistance Team (WIRAT) was formed during the wildland fires in northwest Nebraska to assist Federal firefighting teams. In order to assist with the fires on federal lands, our employees needed to be RED card certified. Many hours of training were required to achieve RED card status. Since that time, numerous hours of training have taken place for the WIRAT to maintain their credentials in case of monumental fires ocurring again in our State. Many hours of training, travel expenses, and employee hours are accumulated throughout the year, but the fires have been minimal. Although it may seem more efficient to reduce the number of hours spent in training; thereby reducing travel, board and lodging costs to free up more time for inspections, it may not be in the best interest of the citizens of our state. Their safety is our primary concern as we continue to explore ways to economize.

MANDATES AND REQUIREMENTS (ERP):

Mandates/Duties of the State Fire Marshal Office

Safe Cigarette Program:

69-503. Cigarettes; testing; requirements; performance standard; manufacturer; duties; civil penalty; State Fire Marshal; powers and duties.

(1) Except as provided in subsection (7) of this section, no cigarettes may be sold or offered for sale in this state or offered for sale or sold to persons located in this state unless the cigarettes have been tested in accordance with the following test method and meet the performance standard specified in this section, a written certification has been filed by the manufacturer with the State Fire Marshal in accordance with section 69-504, and the cigarettes have been marked in accordance with section 69-505. Testing shall be as follows:…

(3) A manufacturer of a cigarette that the State Fire Marshal determines cannot be tested in accordance with the test method prescribed in subdivision (1)(a) of this section shall propose a test method and performance standard for the cigarette to the State Fire Marshal. If the State Fire Marshal determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in the Reduced Cigarette Ignition Propensity Act and the State Fire Marshal finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a

particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation under a legal provision comparable to this section, then the State Fire Marshal shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this state, unless the State Fire Marshal demonstrates a reasonable basis why the alternative test should not be accepted under the act. All other applicable requirements of this section shall apply to the manufacturer.

(5) The State Fire Marshal may adopt a subsequent American Society of Testing and Materials Standard Test Method for Measuring the Ignition Strength of Cigarettes upon a finding that such subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with the American Society of Testing and Materials Standard E2187-04 and the performance standard in subdivision (1)(c) of this section.

(6) The State Fire Marshal shall review the effectiveness of this section and report every three years to the Legislature the State Fire Marshal's findings and, if appropriate, recommendations for legislation to improve the effectiveness of this section. The report and legislative recommendations shall be submitted no later than November 15 each three-year period.

Source: Laws 2009, LB198; §3.
Operative Date: January 1, 2010

Building Inspections:

81-513. Buildings; condemnation or order to repair; conditions; power of State Fire Marshal; violation of order; penalty.

The State Fire Marshal may condemn and by order direct the destruction, repair, or alteration of any building or structure which by reason of age, dilapidated condition, defective chimneys, defective electric wiring, gas connections, heating apparatus, or other defect is especially liable to fire and which, in his or her judgment, is so situated as to endanger life or limb or other buildings or property in the vicinity. Before he or she condemns or orders the destruction, closing, or nonoccupancy of any building or structure owned by a governmental entity for any other cause than fire prevention, he or she shall be required to submit a written report from a building contractor, an architect, or a professional engineer stating the condition of the building and the reason why such building or structure should be condemned, destroyed, closed, or ordered to remain unoccupied, and a copy of the report shall be attached to the order. In case the order requires the repair of a building, the owner, lessee, or other person upon whom rests the duty to keep the structure in repair and upon whom such order is served shall make such repairs as are thereby directed within the limit of time stated in the order. The order, if considered necessary by the State Fire Marshal for the protection of life or property, may direct that the structure be closed and not further used or occupied until such repairs are made. Any person who shall willfully disobey the order directing the closing of such buildings, pending the making of such repairs, shall be guilty of a Class III misdemeanor. Each day such person shall neglect or refuse to obey the order shall be deemed a separate and distinct offense in violation thereof.

Source: Laws 1925, c. 183, § 12, p. 484; C.S.1929, § 81-5512; R.S.1943, § 81-513; Laws 1949, c. 280, § 1, p. 975; Laws 1977, LB 39, § 288; Laws 1988, LB 893, § 13; Laws 1993, LB 251, § 8; Laws 1997, LB 622, § 117.

71-441. Inspection by State Fire Marshal; fee.

The department may request the State Fire Marshal to inspect any applicant for licensure or any licensee for fire safety pursuant to section 81-502. The State Fire Marshal shall assess a fee for such inspection pursuant to section 81-505.01 payable by such applicant or licensee. The State Fire Marshal may delegate such authority to make such inspections to qualified local fire prevention personnel pursuant to section 81-502.

Agency Efficiency Review Plan
Agency: 021 - STATE FIRE MARSHAL

Source

Laws 2000, LB 819, § 41.

General Duties:

81-502. State Fire Marshal; fire prevention and safety; duties; delegation of authority to local fire prevention personnel; rules and regulations; compliance; late penalty.

(1) It shall be the duty of the State Fire Marshal, under authority of the Governor:

(a) To enforce all laws of the state relating to the suppression of arson and investigation of the cause, origin, and circumstances of fires;

(b) To promote safety and reduce loss by fire;

(c) To make an investigation for fire safety of the premises and facilities of:

(i) Liquor establishments for which a license or renewal of a license is sought, upon request of the Nebraska Liquor Control Commission, pursuant to section 53-119.01;

(ii) Licensed foster care facilities or applicants for licenses for foster care facilities, upon request by the Department of Health and Human Services, pursuant to section 71-1903;

(iii) Licensed providers of programs or applicants for licenses to provide such programs, upon request of the Department of Health and Human Services, pursuant to section 71-1913. The State Fire Marshal shall report the results of the investigation to the department within thirty days after receipt of the request from the department;

(iv) Licensed hospitals, skilled nursing facilities, intermediate care facilities, or other health care facilities which are licensed under the Health Care Facility Licensure Act or applicants for licenses for such facilities or institutions, upon request by the Department of Health and Human Services, pursuant to section 71-441; and

(v) Mobile home parks for which a license or renewal of a license is sought, upon request of the Department of Health and Human Services, pursuant to section 71-4635; and

(d) After a careful study and investigation of relevant data, to adopt, promulgate, alter, and enforce, through inspections and code compliance, orders, rules, and regulations covering:

(i) The prevention of fires;

(ii) The storage, sale, and use of flammable liquids, combustibles, and fireworks;

(iii) Electric wiring and heating, protection equipment devices, materials, furnishings, and other safeguards within the structure necessary to promote safety and reduce loss by fire, and the means and adequacy of exits, in case of fire, in assembly, educational, institutional, residential, mercantile, office, storage, and industrial-type occupancies as such structures are defined in the National Fire Protection Association, Pamphlet Number 101, and associated pamphlets, and all other buildings, structures, and enclosures in which numbers of persons congregate from time to time for any purpose whether privately or publicly owned;

(iv) Design, construction, location, installation, and operation of equipment for storing, handling, and utilization of liquefied petroleum gases, specifying the odorization of such gases and the degree thereof;

(v) Chemicals, prozylin plastics, X-ray nitrocellulose films, or any other hazardous material that may now or hereafter exist;

(vi) Tanks used for the storage of regulated substances pursuant to the Petroleum Products and Hazardous Substances Storage and Handling Act; and

(vii) Accessibility standards and specifications adopted pursuant to section 81-5,147.

(2) The State Fire Marshal may enter into contracts with private individuals or other agencies, boards, commissions, or governmental bodies for the purpose of carrying out his or her duties and responsibilities pursuant to the Arson Reporting Immunity Act, the Nebraska Natural Gas Pipeline Safety Act of 1969, and sections 81-502 to 81-541.01, 81-5,132 to 81-5,146, and 81-5,151 to 81-5,157.

(3) The State Fire Marshal may delegate the authority set forth in this section to qualified local fire prevention personnel. The State Fire Marshal may overrule a decision, act, or policy of the local fire prevention personnel. When the State Fire Marshal overrules the local personnel, such local personnel may follow the appeals procedure established by sections 81-502.01 to 81-502.03. Such delegation of authority may be revoked by the State Fire Marshal for cause upon thirty days' notice after a hearing.

(4) The State Fire Marshal, first assistant fire marshal, and deputies shall have such other powers and perform such other duties as are set forth in sections 81-501.01 to 81-531 and 81-5,151 to 81-5,157 and as may be conferred and imposed by law.

(5) The rules and regulations adopted and promulgated pursuant to subdivision (1)(d) of this section may conform generally to the standards recommended by the National Fire Protection Association, Pamphlet Number 101, known as the Life Safety Code, and associated pamphlets, but not when doing so would impose an unduly severe or costly burden without substantially contributing to the safety of persons or property. This section and the rules and regulations adopted and promulgated pursuant to subdivision (1)(d) of this section shall apply to existing as well as new buildings, structures, and enclosures. Such rules and regulations shall also apply to sites or structures in public ownership listed on the National Register of Historic Places but without destroying the historic quality thereof.

(6) Plans for compliance with the rules and regulations adopted and promulgated pursuant to subdivision (1)(d) of this section shall be reviewed by the State Fire Marshal. Plans submitted after remodeling or construction has begun shall be accompanied by a penalty of fifty dollars in addition to the plan review fee set out in subdivision (4)(a) of section 81-505.01.

Source: Laws 1925, c. 183, § 2, p. 479; C.S.1929, § 81-5502; R.S.1943, § 81-502; Laws 1947, c. 313, § 1, p. 949; Laws 1967, c. 446, § 3, p. 1389; Laws 1969, c. 794, § 1, p. 3000; Laws 1972, LB 782, § 1; Laws 1973, LB 180, § 1; Laws 1976, LB 986, § 3; Laws 1981, LB 266, § 2; Laws 1982, LB 792, § 1; Laws 1983, LB 498, § 5; Laws 1984, LB 130, § 15; Laws 1985, LB 253, § 9; Laws 1986, LB 217, § 12; Laws 1987, LB 459, § 6; Laws 1989, LB 215, § 18; Laws 1993, LB 251, § 4; Laws 1993, LB 348, § 79; Laws 1993, LB 377, § 7; Laws 1995, LB 401, § 44; Laws 1996, LB 1044, § 837; Laws 1997, LB 307, § 215; Laws 1999, LB 594, § 70; Laws 2000, LB 819, § 153; Laws 2007, LB296, § 728.

Cross References

Arson Reporting Immunity Act, see section 81-5,115.
Health Care Facility Licensure Act, see section 71-401.
Inspection of businesses credentialed under the Uniform Credentialing Act, see section 38-139.
Nebraska Natural Gas Pipeline Safety Act of 1969, see section 81-552.
Petroleum Products and Hazardous Substances Storage and Handling Act, see section 81-15,117.
Storage tank registration, see sections 81-1575 to 81-1577.01.

Tanks

Agency Efficiency Review Plan
Agency: 021 - STATE FIRE MARSHAL

66-1525. Reimbursement; application; procedure; State Fire Marshal; duties; reduction of reimbursement; notification required.

(1) Any responsible person or his or her designated representative who has taken remedial action in response to a release first reported after July 17, 1983, and on or before June 30, 2012, or against whom there is a third-party claim may apply to the department under the rules and regulations adopted and promulgated pursuant to section 66-1518 for reimbursement for the costs of the remedial action or third-party claim. Partial payment of such reimbursement to the responsible person may be authorized by the department at the approved stages prior to the completion of remedial action when a remedial action plan has been approved. If any stage is projected to take more than ninety days to complete partial payments may be requested every sixty days. Such partial payment may include the eligible and reasonable costs of such plan or pilot projects conducted during the remedial action….

(3) The State Fire Marshal shall review each application prior to consideration by the department and provide to the department any information the State Fire Marshal deems relevant to subdivisions (2)(a) through (g) of this section. The State Fire Marshal shall issue a determination with respect to an applicant's compliance with rules and regulations adopted and promulgated by the State Fire Marshal. The State Fire Marshal shall issue a compliance determination to the department within thirty days after receiving an application from the department.

81-15,123. State Fire Marshal; rules and regulations; considerations; requirements.

The State Fire Marshal shall adopt and promulgate rules and regulations governing release, detection, prevention, and correction procedures applicable to all owners and operators as shall be necessary to protect human health, public safety, and the environment. Such rules and regulations may distinguish between types, classes, and ages of tanks. In making such distinctions, the State Fire Marshal shall consider, but not be limited to, location of the tanks, soil and climate conditions, uses of the tanks, history of maintenance, age of the tanks, current industry-recommended practices, national consensus codes, hydrogeology, depth to the ground water, size of the tanks, quantity of regulated substances periodically deposited in or dispensed from the tanks, the technical capability of the owners and operators, and the compatibility of the regulated substance and the materials of which the tank is fabricated. Before adoption, such rules and regulations shall be reviewed and approved by the Director of Environmental Quality who shall determine whether the proposed rules and regulations are adequate to protect the environment. Rules and regulations adopted and promulgated pursuant to this section shall include, but not be limited to:

(1) Proper procedures and specifications for the construction, design, installation, replacement, or repair of tanks;

(2) A permit and registration system for all tanks;

(3) A program to establish an inspection system for all tanks. Such program shall provide for periodic safety inspections and spot checks of monitoring systems by the State Fire Marshal. A fee schedule may also be developed for the inspection of new tank and piping installations and tank closures in the manner prescribed in section 81-505.01. Such inspection fees shall be remitted by the State Fire Marshal to the State Treasurer for credit to the Underground Storage Tank Fund. No fee shall be charged for the periodic safety inspections and spot checks of monitoring systems by the State Fire Marshal;

(4) A monitoring system for all tanks which includes, but is not limited to, the following:

(a) An inventory-control procedure for any tank used to hold petroleum products or hazardous substances for resale;

(b) An inventory-control procedure for any tank used solely for consumptive onsite purposes and not for resale. Such control procedure shall determine the method of inventory measurement giving consideration to the economic burden created by the procedure. The frequency of inventory measurement for such category of tank shall include at least one measurement every thirty days;

(c) Provisions for the prompt reporting of any release of a regulated substance; and

(d) A procedure for the proper method of monitoring tanks;

(5) A procedure for notifying the State Fire Marshal of temporarily or permanently abandoned tanks;

(6) A procedure for removing or making safe any abandoned tanks, except that the State Fire Marshal may dispense with such procedure in special circumstances;

(7) Financial responsibility requirements, taking into account the financial responsibility requirements established pursuant to 42 U.S.C. 6991b(d);

(8) Requirements for maintaining a leak-detection system, an inventory-control system, and a tank-testing or comparable system or method designed to identify releases in a manner consistent with the protection of human health, public safety, and the environment;

(9) Requirements for maintaining records of any monitoring or leak-detection system, inventory-control system, or tank-testing or comparable system;

(10) Provisions to establish a system for licensing tank installation and removal contractors;

(11) Provisions to prohibit delivery to, deposit into, or the acceptance of a regulated substance into, an underground storage tank at a facility which has been identified by the State Fire Marshal to be ineligible for such delivery, deposit, or acceptance; and

(12) Effective August 8, 2009, requirements for training and certification of operators.

Nothing in this section shall be construed to require a subcontractor working under the direction of a licensed installation or removal contractor to be licensed.

Source: Laws 1986, LB 217, § 7; Laws 1989, LB 816, § 3; Laws 1991, LB 409, § 23; Laws 1993, LB 3, § 59; Laws 1993, LB 720, § 1; Laws 2007, LB390, § 1.

81-1575. Registration of storage tanks; registration form; fee; State Fire Marshal; rules and regulations.

Commencing on January 1, 1986, the State Fire Marshal shall require the registration of all permanently located aboveground storage tanks used for the storage or dispensing of hazardous substances. A registration form shall be provided by and filed with the State Fire Marshal. The registration form shall be updated to detail any change in the usage or operation of the tank as such changes occur. A copy of each registration form shall be forwarded by the State Fire Marshal to the fire department located nearest to the particular storage tank. A registration fee shall be assessed by the State Fire Marshal. The registration fee shall be in an amount which is deemed necessary by the State Fire Marshal to compensate for the costs of administrating sections 81-1575 to 81-1577, except that such fee shall not exceed ten dollars. All registration fees collected pursuant to this section shall be paid into the State Fire Marshal Cash Fund for the purpose of administering sections 81-1575 to 81-1577. The State Fire Marshal shall adopt and promulgate the rules and regulations he or she deems necessary to give notification to those individuals that need to register storage tanks under sections 81-1575 to 81-1577.

81-15,124. Release of regulated substance; Department of Environmental Quality; State Fire Marshal; powers and duties; remedial action plan.

Any reported or suspected release of a regulated substance from any tank shall be investigated consistent with principles of risk-based corrective action by the State Fire Marshal and the Department of Environmental Quality. In the event that the State Fire Marshal or the department finds an adverse effect caused by a release of a regulated substance from a tank:

(1) The State Fire Marshal shall (a) determine the immediate danger presented by the release, (b) take all steps necessary to assure immediate public safety, and (c) assist the department in determining the source of the release and taking all steps necessary to ensure that the release is halted;

(2) By order of the department, the owner or operator of the tank causing the release shall, after securing the source of the release, develop a plan for remedial action to be approved by the department. The department shall inform the owner or operator of its approval or disapproval of a plan for remedial action within one hundred twenty days after receipt of a remedial action plan which contains all required information. If after one hundred twenty days the department fails to either deny, approve, or amend the remedial action plan submitted, the proposed plan shall be deemed approved; and

(3) The approved remedial action plan shall then be carried out by the owner or operator of the tank causing the release. All expenses incurred during the remedial action shall be paid by the owner or operator subject to reimbursement pursuant to the Petroleum Release Remedial Action Act.

If it is determined that the source of the release is unknown or that the owner or operator of the facility causing the release is unknown or unavailable, a remedial action plan shall be developed by or under the direction of the department. Such remedial action plan shall be developed and carried out by the department with money from the Petroleum Products and Hazardous Substances Storage and Handling Fund if funds are available. If at a later date the owner or operator of the facility which caused the release is determined, he or she shall be responsible for remedial action costs incurred on his or her behalf subject to reimbursement pursuant to the Petroleum Release Remedial Action Act. Any money received from such person shall be deposited in the Petroleum Products and Hazardous Substances Storage and Handling Fund.

Source: Laws 1986, LB 217, § 8; Laws 1989, LB 289, § 33; Laws 1993, LB 3, § 60; Laws 1993, LB 237, § 5; Laws 1998, LB 1161, § 43.

Cross References

Petroleum Release Remedial Action Act, see section 66-1501.

Source

Laws 1985, LB 383, § 1.

Sprinkler Issues:

81-5,159. Contractor certificate; required; application; fee; examination; renewal; responsible managing employee.

(1) Any water-based fire protection system contractor who installs, repairs, alters, adds to, maintains, or inspects water-based fire protection systems in this state shall first obtain a contractor certificate.

(2) A water-based fire protection system contractor may apply to the State Fire Marshal for a contractor certificate. The application shall be made on a form prescribed by the State Fire Marshal and shall include a certificate fee of up to one hundred dollars. Each applicant must designate a responsible managing employee on the application, and this individual's name shall appear on the certificate with that of the water-based fire protection system contractor upon issuance. Proof of insurance required by section 81-5,160 shall also accompany the application.

(3) Upon receipt of a complete application, proof of insurance, and certificate fee, the State Fire Marshal shall schedule a time for an examination of the responsible managing

employee to demonstrate that he or she is familiar with the procedures and rules of the State Fire Marshal relating to water-based fire protection systems. If the responsible managing employee passes the examination, the State Fire Marshal shall issue the certificate to the water-based fire protection system contractor within thirty days.

(4) A certificate shall expire on September 30 of the year following issuance. An application for renewal shall be filed at least thirty days prior to expiration and shall be accompanied by a renewal fee of up to one hundred dollars and a sworn affidavit that the responsible managing employee is currently employed by the water-based fire protection system contractor. A water-based fire protection system contractor who fails to apply for renewal within the time stated in this subsection must make a new application for a certificate.

(5) A responsible managing employee may only act as such for one water-based fire protection system contractor at a time. When a responsible managing employee terminates his or her association with a water-based fire protection system contractor, the water-based fire protection system contractor shall notify the State Fire Marshal within thirty days after termination. The responsible managing employee shall not be designated as the responsible managing employee for more than two water-based fire protection system contractors in any twelve-month period. The State Fire Marshal shall revoke the certificate of a water-based fire protection system contractor whose responsible managing employee has terminated his or her association with the water-based fire protection system contractor unless an application designating a new responsible managing employee is filed within six months after termination or prior to expiration of the current certificate, whichever is earlier.

Source: Laws 1997, LB 636, § 2.

Fire Alarm Issues:

28-1251. Unlawful testing or inspection of fire alarms; penalty; certification of applicants; examination; fee.

(1) It shall be unlawful for any person, association, partnership, limited liability company, or corporation to conduct fire alarm tests and fire alarm inspections without prior written certification by the State Fire Marshal as to the qualifications of such persons conducting such tests and inspections.

(2) The State Fire Marshal shall formulate reasonable guidelines to determine qualifications for fire alarm inspectors and shall administer an examination pursuant to such guidelines prior to certification of applicants.

(3) The State Fire Marshal may charge a fee of one hundred dollars to cover costs of administering such examinations.

(4) Unlawful testing or inspection of fire alarms is a Class III misdemeanor.

Source

Laws 1977, LB 38, § 283;
Laws 1982, LB 928, § 23;
Laws 1993, LB 121, § 184.

Pipeline Issues:

81-543. State Fire Marshal; safety standards for transportation of gas and operation of pipeline facilities; adopt waiver of compliance; conditions.

(1) After June 12, 1969, and from time to time thereafter, and pursuant to the Administrative Procedure Act, the State Fire Marshal shall, by order, establish minimum safety standards for the transportation of gas and pipeline facilities. Such standards may apply to the design, installation, inspection, testing, construction, extension, operation, replacement and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to pipeline facilities in

existence on the date such standards are adopted. Such safety standards shall be practicable and designed to meet the need for pipeline safety. In prescribing such standards, the State Fire Marshal shall consider:

(a) Relevant available pipeline safety data;

(b) Whether such standards are appropriate for the particular type of pipeline transportation;

(c) The reasonableness of any proposed standards;

(d) The extent to which any such standards will contribute to public safety; and

(e) The existing standards established by the United States Secretary of Transportation pursuant to the Natural Gas Pipeline Safety Act of 1968 of the United States and the Interstate Commerce Act.

(2) Any standards prescribed under this section, and amendments thereto, shall become effective thirty days after the date of issuance of such standards unless the State Fire Marshal, for good cause recited, determines an earlier or later effective date is required as the result of the period reasonably necessary for compliance.

(3) The State Fire Marshal shall afford interested persons an opportunity to participate fully in the establishment of such safety standards through submission of written data, views, or arguments with opportunity to present oral testimony and argument.

(4) Whenever the State Fire Marshal shall find a particular facility to be hazardous to life or property he shall be empowered to require the person operating such facility to take such steps necessary to remove such hazards.

(5) Upon application by any person engaged in the transportation of gas or the operation of pipeline facilities, the State Fire Marshal may, after notice and opportunity for hearing and under such terms and conditions and to such extent as he deems appropriate, waive in whole or in part compliance with any standards established under sections 81-503, 81-505, 81-525, and 81-542 to 81-552, if he determines that a waiver of compliance with such standard is not inconsistent with gas pipeline safety. The State Fire Marshal shall state his reasons for any such waiver.

Source: Laws 1969, c. 763, § 2, p. 2886.

81-548. Transportation of gas; operation of pipeline facilities; plan for inspection and maintenance; file with State Fire Marshal; adequacy of plan.

Each person who engages in the transportation of gas or who owns or operates pipeline facilities subject to sections 81-503, 81-505, 81-525, and 81-542 to 81-552 shall file with the State Fire Marshal a plan for inspection and maintenance of each such pipeline facility owned or operated by such person, and any changes in such plan, in accordance with the regulations prescribed by the State Fire Marshal. If at any time the State Fire Marshal finds that such plan is inadequate to achieve safe operation, he shall, after notice and opportunity for a hearing, require such plan to be revised. The plan required by the State Fire Marshal shall be practicable and designed to meet the need for pipeline safety. In determining the adequacy of any such plan, the State Fire Marshal shall consider:

(1) Relevant available pipeline safety data;

(2) Whether the plan is appropriate for the particular type of pipeline transportation;

(3) The reasonableness of the plan; and

(4) The extent to which such plan will contribute to public safety.

Laws 1969, c. 763, § 7, p. 2888

81-549. Transportation of gas; operation of pipeline facilities; records; reports; inspection; State Fire Marshal; duties; confidential information.

(1) Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall establish and maintain such records, make such reports, and provide such information as the State Fire Marshal may reasonably require to enable him or her to determine whether such person has acted or is acting in compliance with the Nebraska Natural Gas Pipeline Safety Act of 1969 and the standards established under the act. Each such person shall, upon request of an officer, employee, or agent authorized by the State Fire Marshal, permit such officer, employee, or agent to inspect books, papers, records, and documents relevant to determining whether such person has acted or is acting in compliance with the act and the standards established pursuant to the act. For purposes of enforcement, officers, employees, or agents authorized by the State Fire Marshal, upon presenting appropriate credentials to the individual in charge, are authorized (a) to enter upon, at reasonable times, pipeline facilities and (b) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such facilities. Each such inspection shall be commenced and completed with reasonable promptness.

(2) In the course of the exercise of his or her duties and responsibilities under the act, the State Fire Marshal shall wherever practicable employ a practice of spot checking and issuance of certificates of compliance, with respect to persons subject to the act, to limit costs of enforcement of the safety standards established pursuant to section 81-543.

(3) All information reported to or otherwise obtained by the State Fire Marshal or his or her representative pursuant to subsection (1) of this section, which information contains or relates to a trade secret as referred to in 18 U.S.C. 1905 or otherwise constitutes a trade secret under law, shall be considered confidential for the purpose of such laws, except that such information may be disclosed to other officers or employees concerned with carrying out the act or when relevant in any proceeding under the act.

Source

Laws 1969, c. 763, § 8, p. 2889;
Laws 1992, LB 858, § 1.

Fireworks:
28-1243. Fireworks item deemed unsafe; quarantined; testing; test results; effect.

(1) If the State Fire Marshal deems any fireworks item to be unsafe pursuant to subdivision (6)(c)(vi) of section 28-1241, such fireworks item shall be quarantined from other fireworks. Any licensed distributor, jobber, or retailer may request, at the distributor's, jobber's, or retailer's expense, that such fireworks item be tested by an independent, nationally recognized testing facility to determine if such fireworks item meets the requirements set forth by the United States Consumer Product Safety Commission for consumer fireworks, also known as 1.4G explosives, as classified by the United States Department of Transportation in 49 C.F.R. 172.101, as such regulation existed on January 1, 2010. A copy of the results of all testing done pursuant to this section shall be provided to the State Fire Marshal.

(2) If such fireworks item is in compliance with such requirements and otherwise permitted under section 28-1241, such fireworks item that was determined to be unsafe pursuant to subdivision (6)(c)(vi) of section 28-1241 shall be deemed a consumer firework and be permitted for retail sale or distribution.

(3) If such fireworks item is in compliance with such requirements but is otherwise not deemed consumer fireworks, such fireworks item shall not be sold at retail or distributed to retailers for sale in this state, but a distributor, jobber, or retailer may sell such fireworks item to another distributor or retailer in a state that permits the sale of such fireworks item.

(4) If such fireworks item is not in compliance with such requirements, then the distributor, jobber, or retailer shall destroy such fireworks item under the supervision of the State Fire Marshal. If such fireworks item is not destroyed under the supervision of the State Fire Marshal, notarized documentation shall be provided to the State Fire Marshal detailing and

confirming the fireworks item's destruction.

Source

Laws 2010, LB880, § 4.
Operative Date: October 1, 2010

Training Division:
81-5,151. Training division; established; purpose; State Fire Marshal; powers and duties.

The State Fire Marshal shall establish a training division for purposes of operating a statewide training program for fire department personnel, others involved in fire safety training, and other emergency responders that may require specialized training available from the training program for the purposes of developing, maintaining, and updating fire department skills and other skills of those emergency responders requiring specialized training available from the training program. The State Fire Marshal in establishing a training division shall (1) conduct training, (2) certify fire department personnel, (3) give technical assistance to fire departments and other emergency responders requiring specialized training available from the training program, and (4) conduct live fire training. The State Fire Marshal in establishing such training may also give technical assistance to rescue squads and respond to emergencies upon request for technical assistance. Fees for manuals and training shall be collected pursuant to section 81-5,152. Nothing in this section shall require mandatory participation by fire departments, individuals, or others interested in fire safety training or other specialized training available from the training program.

Source

Laws 1980, LB 724, § 2;
R.S.1943, (1987), § 79-1430;
Laws 1993, LB 348, § 86.

81-5,152. Training program; fees.

The training program as set out in section 81-5,151 for volunteer fire departments and career fire departments shall be free, except that the State Fire Marshal may charge for such books and materials given to the students, testing, or specialized courses.

The State Fire Marshal may charge a fee for providing to private fire departments training, books, materials, testing, or specialized courses.

The State Fire Marshal shall charge a fee for providing to industrial fire brigades training, books, materials, testing, and specialized courses.

Source: Laws 1993, LB 348, § 87.

Duties performed at the request of other Agencies:

38-139. Inspection of business by State Fire Marshal or local fire prevention personnel.

The department may request the State Fire Marshal to inspect any business credentialed or applying for a credential under the Uniform Credentialing Act for fire safety pursuant to section 81-502. The State Fire Marshal shall assess a fee for such inspection pursuant to section 81-505.01 payable by such business. The State Fire Marshal may delegate such authority to make such inspections to qualified local fire prevention personnel pursuant to section 81-502.

Source

Laws 2007, LB463, § 39.

Arson Investigation:
81-508. State Fire Marshal; arson; investigations; evidence.

The State Fire Marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing. If he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall file complaint with the county attorney, who shall cause such person to be arrested and charged with such offense. The fire marshal shall furnish to the proper prosecuting attorney all such evidence, together with a copy of all names of all witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and shall keep a record of the proceedings and progress made in all such prosecutions for arson and the result of all cases finally disposed of.

Source

Laws 1925, c. 183, § 7, p. 481;
C.S.1929, § 81-5507;
R.S.1943, § 81-508.

VERRA Program

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35-1311.01. Services of volunteers; reports.

Each city, village, or rural or suburban fire protection district that relies in whole or in part upon the services of volunteers to provide the jurisdiction with fire protection and emergency response services shall file with the State Fire Marshal no later than July 1 of each year a report specifying the number of volunteer members serving the city, village, or fire protection district, whether their responsibilities involved fire protection or emergency response, and such other information as may be requested by the State Fire Marshal for the period of the immediately preceding calendar year. The State Fire Marshal shall compile the responses reported by the cities, villages, and rural and suburban fire protection districts and shall file a report on such information with the Clerk of the Legislature for distribution to the members of the Legislature no later than December 1, 2001, and no later than each succeeding December 1.

Source

Laws 2001, LB 808, § 10

FOUR-DAY WORK WEEK (ERP):

The Fire Marshal's Agency is supportive of any measures to conserve energy. We have 20 employees officed in a shared State-owned facility in Lincoln, and two employees in the Craft State Office Building in North Platte. For those employees who work in State-owned or State-leased facilities, a four-day work week to conserve energy is possible. The remaining 47 employees work out of their home offices scattered throughout the State performing public safety inspections, arson investigations, and providing training or assistance to emergency responders. While these employees are limited to 40 hours weekly (or 80 ihours in a two-week period in the case of the arson investigators) , they are not required to limit the hours they work per day or the days they work per week before reaching 40 or 80 hours. There would be no energy conservation gained by placing them on a four-day workweek.

Agency Efficiency Review Plan
Agency: 022 - DEPT OF INSURANCE

PROGRAM CONSOLIDATION (ERP):

The Department has three budgetary programs – 068 – Medical Professional Liability, 069 – Enforcement of Standards, and 556 – Liquidation of Insurance Companies.

Program 068 tracks the administrative costs of the Hospital-Medical Liability Act which provides medical malpractice insurance for doctors, hospitals, and other health care professionals. Administrative costs for this program are less than $200,000 even though collections of premium surcharges exceeded $9 million and payment of medical malpractice claims exceeded $5.7 million for the 2009 calendar year. The department does not believe any consolidation can occur with this program.

Program 069 is responsible for licensing all producers, agencies and companies doing business in Nebraska. This program is also responsible for policy and rate approvals and addressing consumer complaints and investigating insurance fraud. However, the most important responsibility of this program is conducting financial and market conduct examinations on all insurance companies domiciled in Nebraska to ensure payment of policyholder obligations. All revenue is generated though fees and reimbursement of examination costs. The department does not believe any consolidation with another program is feasible.

Program 556 would be used in the event the department would liquidate an insurance company and need to use state resources. All costs for liquidating insurance companies are paid through a liquidator that is appointed by the director and approved by the court with all expenses paid directly by the estate of the insurance company in liquidation. The annual budget for this program is $10,000 with minimal costs being paid. The department believes this budgetary program could be eliminated even though very little cost savings would be recognized. However, any underlying laws must remain in-tact to insure the necessary mechanisms are in place in order to liquidate an insurance company.

STREAMLINING OF SERVICES (ERP):

The department is in the process of replacing its database with a national web-based system called State Based System (SBS) that will allow insurance agents to apply and renew their license on-line. The department believes there will be some cost savings in the licensing division but it is unknown at this time the extent this streamlining will have on overall costs. In addition to affecting the licensing division, this new system will allow greater sharing of information between all divisions.

The department has begun participating in multi-state financial examinations for large insurance companies. This will allow multiple states to share in the costs of examinations where the department's cost could exceed $1 million per examination. The department has also began implementing alternative market conduct responses when practicable and deemed effective, that are less expensive than an on-site examination. These include more use of requests for information, interviews with company personnel, data calls and desk audits.

The department is continuously reviewing processes to determine opportunities for streamlining. Over the past few years, the department has leveraged electronic processes and reduced office services staff by two. Prior to filling any vacancy, the department reviews the necessity of the position. Having used this methodology over the past several years has allowed the department to streamline its activities ahead of the budget crisis we are now facing and therefore have very little opportunity for additional streamlining.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The department does not have multiple layers of management or supervisors. As was shown above, only the Enforcement of Standards program lends itself to more than one or two employees. The Enforcement of Standards program is organized on a functional basis with an administrator over each functional area. These functional areas are:

1. Director's Office
2. Financial Regulation
3. Property and Casualty Division

4. Life and Health Division, including Health Care Reform requirements
5. Producer Licensing
6. Legal
7. Administrative Services
8. Market Conduct
9. Fraud

Each administrator is a working administrator and assists in the day-to-day duties in addition to their administrative duties. This keeps each of the administrators close to issues that affect each of their areas.

In order to reduce the number of employees, changes in our statutory duties would be necessary to reduce or eliminate protections established for the policyholders of Nebraska and will be addressed in section (d).

MANDATES AND REQUIREMENTS (ERP):

The duties and requirements imposed upon the Department of Insurance are set forth in Neb. Rev. Stat. Chapter 44. The various articles under Chapter 44 govern the way the department regulates specific types of insurance, insurers, insurance producers and other regulated entities. The department has historically undertaken a continuous review of those duties and requirements and annually discussed recommended updates with the Governor's Policy Research Office. Many of those recommendations result in important legislative updates or updated regulations. The deprtment's regulatory responsibilities impact a large and important sector of the financial services industry and as such, the department is required to keep a current regulatory structure in place. This ensures the solvency of insurance companies, the department's ability to protect insurance consumers, and that regulated entities can operate and compete in an effective manner. Much of the process involving the updating of regulatory requirements and practices is spearheaded by the National Association of Insurance Commissioners (NAIC), which among other functions, develops model laws and regulations. Additionally, many of the regulatory practices must be done in a manner that is consistent with NAIC accreditation, which is necessary for a strong insurance economy in the state. Recently enacted Federal health care changes will also require the department to take on additional duties and responsibilities.

Most regulatory functions of the Department of Insurance fall into these broad categories:

- Overseeing the financial solvency of insurers. This ensures that insurers are able to meet their obligations to policyholders and claimants.
- Overseeing the market conduct of insurers and regulated entities. This is accomplished through examinations, investigations, policy form review and or approval, rate review and or approval, and consumer assistance.
- Licensing of insurers, producers and other applicable related entities.
- Fraud prevention.
- Administration of premium tax and other required fees.
- Investigation of insurance consumer's complaints.

The department believes that all of these duties and functions continue to be necessary and desirable. The department watches for continuous opportunities and efficiencies to be made possible through improved information technology functions, especially through SBS.

FOUR-DAY WORK WEEK (ERP):

The department does not have the need to be open 24 hours a day, seven days a week like some other agencies. Therefore, there would be no structural changes necessary and

only minimal operational changes needed. The department's main concern regarding a 4 day work week would be the inability of a caller with a complaint against an insurance company or agent to contact the department Monday through Friday. A secondary concern would be the ability to efficiently manage out-of-state financial examinations. This would also limit the amount of contact the department has with insurances companies that allows issues to be identified promptly. However, the department believes this concern can be mitigated somewhat through technology outreach.

Agency Efficiency Review Plan
Agency: 023 - DEPARTMENT OF LABOR

PROGRAM CONSOLIDATION (ERP):

NDOL continues to consolidate programs for effective organization and management. The agency has reorganized programs under a consolidated management structure. NDOL is committed to administering its programs efficiently and effectively. This requires the agency to be flexible to the changing needs of our businesses and workforce. NDOL must monitor its processes and assure that it is operating in a coordinated manner and embracing change when needed to more effectively provide services. NDOL will continually strive to assure that its practices meet the greater needs of an efficient state government and continue to partner within and without state government to deliver workforce services in a coordinated and dynamic manner.

STREAMLINING OF SERVICES (ERP):

NDOL strives to streamline all services provided and to make programs and process information available on the internet to meet the needs of Nebraska businesses and citizens. We are implementing enhancements to our Unemployment Insurance Benefit telephone processing system by partnering with other state agencies. We are implementing enhancements to our case management systems for employment and training programs to benefit participants and streamline our internal operations, providing better customer service. NDOL will continue to seek out and implement technology solutions to improve citizen access to services, while maintaining quality service for those who cannot access our web-services.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

NDOL continues to assure adequate staffing for services provided and to streamline management of the organization. The agency has implemented major management reorganizations within the past year and will continue to find ways to broaden the management structure throughout the agency.

MANDATES AND REQUIREMENTS (ERP):

NDOL has reviewed all mandates and requirements. The agency will continue to propose legislation to eliminate or modify mandates and requirements to achieve efficient program operations within NDOL and across other state agencies.

FOUR-DAY WORK WEEK (ERP):

Implementation of a four day week will create several challenges for the delivery of services, in particular the process of Unemployment Insurance benefit claims and working with businesses and job seekers in our career centers across Nebraska.

Agency Efficiency Review Plan
Agency: 024 - DEPT OF MOTOR VEHICLES

PROGRAM CONSOLIDATION (ERP):

The Department of Motor Vehicles adopted "*A Strategic Business Plan: Safety & Service for the 21st Century*" in August 2000. The purpose of the Plan is to identify, organize, and document the most promising initiatives for enhancing the efficiency and effectiveness of the Department's operations.

The Plan is controlled by three essential objectives: 1) ensuring the integrity of the operator licensing and motor vehicle titling and registration systems; 2) reducing the human and economic consequences of motor vehicle related collisions by improving safe operating practices on Nebraska's surface transportation system; and 3) promoting excellence in DMV management, operations, and customer service.

The Department reviews and updates the Plan each biennium as a part of its budgeting process. Over the past ten years, the DMV has made remarkable progress in advancing its goals for enhancing the efficiency and effectiveness of the agency. Intrinsic in the accomplishment of nearly every initiative in furtherance of our Strategic Plan has been the consolidation or modification of programs. A partial list of achievements includes:

1. Integration of four (4) motor carrier program systems into a "one-stop" shop for the motor carrier industry
2. Automation of the specialty license plate program
3. Implementation of the administrative license revocation (ALR) tracking system
4. Use of Skype and Pamela to conduct nearly 6,000 ALR telephone hearings
5. Development of the Commercial Driver License Third Party Tester System
6. Completion of the Motor Vehicle Titling and Registration "One-Stop" process at the county level
7. Agency wide document management system
8. Interactive Driver License System
9. Digital Driver License System
10. Digital License Plate System – partnership with Dept of Correction Cornhusker State Industries
11. Motor Vehicle Insurance Database
12. Organ Donor Registry
13. Automated Knowledge Testing System in Driver Licensing Division
14. ClickDMV on-line services – 20 total services
15. Commercial Vehicle and Information Systems Network (CVISN)
16. Performance and Registration Information Systems Management (PRISM)
17. Development of the Electronic Lien and Titling (ELT) System

STREAMLINING OF SERVICES (ERP):

The DMV operates with a management principle that no existing business process is sacred. Technology and automation are deployed into every program and process when appropriate and cost effective. Streamlining processes and services is an ongoing exercise within the DMV.

Agency Efficiency Review Plan
Agency: 024 - DEPT OF MOTOR VEHICLES

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

In 2000, the Department of Motor Vehicles had 202 full time equivalents (FTE) or employees. In 2010, the Department of Motor Vehicles has 195-budgeted FTE. The DMV has engaged in a number of initiatives that have either directly resulted in fewer employees or allowed the Department to reassign duties to existing employees to assist in absorbing numerous new statutory duties and programs.

The DMV is not burdened with multiple layers of unnecessary management. The current reality is that in the Driver Licensing Division there are not an adequate number of managers/supervisory staff to provide an appropriate level of oversight and support to the employees that conduct driver-licensing duties in multiple counties.

MANDATES AND REQUIREMENTS (ERP):

DMV's legislative mandates are listed below:

Chapter	Article	Description
4	1	Enforce legal presence for issuance of driver licenses (public benefits)
18	17	Handicapped Parking Permits
25	16	Jury List
28	1	Driver license impoundment for under 18 convictions for drug offenses
28	5	Driver license impoundment for juveniles offenders committing of graffiti offenses
29	36	Pretrial Diversion Programs for Minor Traffic Offenses
29	40	Sex Offender Registration
30	24	Administration Procedure for Small states
32	3	Voter Registration Notification
37	12	Motor Boat Title Act
39	22	Director Certifies Amount for License Plate Cash Fund
42	12	Address Confidentiality Act (affects driver and vehicle records)
43	2	Driver license impoundment for juvenile offenders committing various offenses as listed in 43-247

Agency Efficiency Review Plan
Agency: 024 - DEPT OF MOTOR VEHICLES

43	33	Child Support Enforcement License Suspension Act
53	1	Driver license impoundment for under 18 adjudicated for minor in possession
60	1	Motor Vehicle Certificate of Title Act: Includes State Odometer Act, Salvage Titles
60	3	Motor Vehicle Registration Act: IRP, Insurance Data Base, Motor Vehicles Taxes and Fees, Registration Fees, License plates
60	4	Motor Vehicle Operator's License Act: Issuance of Driver Licenses; includes Commercial Driver Licenses, Points Revocation, Health Advisory Board, State Identification Cards, Driver Training Schools, Administrative License Revocation
60	5	Motor Vehicle Safety Responsibility Act
60	6	Rules of the Road: Includes traffic violations, vehicle equipment provisions, DUI, and rules for specific types of vehicles
60	14	Director chairs Motor Vehicle Industry Licensing Board
60	15	Creates Director; Creates Motor Vehicle Cash Fund and provides for uses for appropriations
60	18	Camper Unit Registration and Permits
60	19	Abandoned Motor Vehicles
60	21	Motorcycle Safety Education Act
60	26	Wrecker or Salvage Dealers, Relates to Salvage Title in Chapter 60 Article 1
60	27	Manufacturer's Warranty Duties (Lemon Law)
60	29	Uniform Motor Vehicle Records Disclosure Act
66	7	Appeal Procedures for Motor Vehicle Fuel Tax protests
66	14	International Fuel Tax Agreement Act
69	24	Record Handgun Permit Status on Driver Abstracts
71	48	Anatomical Gift Act (relates to issuance of driver licenses and ID cards)
75	3	Creates Motor Carrier Services Division; Agent of PSC for Financial Responsibility for Intrastate Carriers, Financial Responsibility for Private & Exempt Interstate Carriers, Unified Carrier Registration
75	9	Grain Dealer Act Enforcement

Agency Efficiency Review Plan
Agency: 024 - DEPT OF MOTOR VEHICLES

77	27	Collection of Motor Vehicle and Motor Boat Sales Taxes
79	3,6	School Bus Permits
81	1	Creates Department of Motor Vehicles
81	10	Registration of State Owned Vehicles
83	1	Provide information to Corrections for Production of License Plates
84	2	Transfers to Attorney General's Administrative License Revocation Cash Fund
85	10	Representative for Nebraska Safety Center Advisory Committee
Appendex T		Laws 1963, c.345, p. 1106; Driver License Compact
Appendex Z		Laws 1981,LB 344 §1; Nonresident Violator Compact of 1977

FOUR-DAY WORK WEEK (ERP):

A four-day workweek – the assumption being that the workweek would consist of four 10-hour days – would affect traditional DMV customer service, and services delivered at the county level. The DMV is responsible for programs and systems delivered by county personnel at a local level; specifically, motor vehicle titling and registration and driver licensing issuance.

The DMV provides technical support and statutory and policy interpretation on a daily basis to staff of the 93 county treasurers. A mandate that local government also operate on a 4-day work week would be necessary for effective operation and delivery of DMV related services.

Agency Efficiency Review Plan

Agency: 025 - DEPT OF HEALTH & HUMAN SERVICES

PROGRAM CONSOLIDATION (ERP):

Since the reorganization of the Department of Health and Human Services from three agencies into a single agency in 2007, the Department has continuously sought opportunities to become more efficient and to streamline services. This is an on-going process that will continue as the Department seeks to fulfill its mission of helping people live better lives.

A. Consolidation of Existing Programs

Reduction in the Number of Waivers

The Department is reducing the number of waiver programs in the Division of Developmental Disabilities and the Division of Medicaid and Long-Term Care.

The Division of Developmental Disabilities is developing plans to reduce the total number of adult waivers from four to two by:

a) Incorporating the Community Supports Program into the Adult Comprehensive and Adult Day Waivers; this will terminate the Community Supports Program waiver and those individuals will be transferred to either the Adult Comprehensive or Adult Day waiver.

b) Discontinuing the Adult Residential Waiver and transferring individuals on that waiver (approximately 175 people) to the Adult Comprehensive Waiver.

By consolidating the adult waivers, individuals will have more options available to them and greater flexibility to choose between specialized and non-specialized services or a combination of both.

The Medicaid and Long-Term Care Division has terminated its Early Intervention for Infants and Toddlers with Disabilities (EI) waiver and transferred the children remaining on the EI waiver onto the Aged and Disabled Children and Adult (AD) waiver. The respite services provided on behalf of these children under the EI waiver can now be received under the AD waiver. By terminating the EI waiver, the Department has reduced the administrative costs of maintaining two waivers, including the Centers for Medicare and Medicaid Services (CMS) requirements for quality assurance, data collection and analysis, and report development for multiple waivers.

Reduction in the Number of DD Service Coordination Districts

The Division of Developmental Disabilities has also consolidated from five DD Service Coordination Service Areas (previously in line with the Department's Service Areas) to four Service Coordination Districts, resulting in the elimination of one Service Coordination Administrator position and three support staff positions.

STREAMLINING OF SERVICES (ERP):

B. Opportunities for Streamlining Existing Services

Over the last three years, the Department has implemented, or is in the process of implementing, a number of initiatives that are intended to improve services and reduce costs. The following reforms are being made to the Medicaid program:

a. Implementation of a new, permanent Medicaid card to replace the monthly mailing to clients of person-specific Medicaid eligibility information – reducing

printing and mailing costs;

b. Development of a Preferred Drug List to reduce medication costs;

c. Implementation of the Money Follows the Person pilot project – decreasing the percent of Medicaid expenditures for facility-based care and increasing the percent of expenditures for home and community-based services – as of June 30, 2009, 29 persons have been transitioned into the community;

d. Implementation of Enhanced Care Coordination for high-cost Medicaid recipients with multiple medical conditions (preliminary results: there has been a positive trend in the utilization of inpatient hospitalization);

e. Expansion of at-risk managed care to 10 counties;

f. Implementation of Electronic Fund Transfer (EFT) for payments to Medicaid providers – all Medicaid providers are now required to accept payment electronically;

g. Implementation of electronic billing by providers;

h. Implementation of the Radiology Management Program – prior authorization is now required for high tech outpatient radiology procedures, such as CT scans, MRI scans, Nuclear Medicine Cardiology scans, PET scans, and Single Photon Emission Computed Tomography (SPECT) scans; and

i. The Medical Home Pilot program, which will be implemented in 2011, to improve health care access and health outcomes for patients and to contain costs of the Medicaid program.

In addition, the Department has implemented many initiatives intended to increase efficiency and/or reduce costs, including:

a. Reducing printing costs by making publications available on the Department's website;
b. Making use of web-based tools to reduce the number of face-to-face meetings;
c. Implementing KRONOS, an electronic employee time-keeping system;
d. Moving from paper to electronic leave requests;
e. Moving all employees to a biweekly pay period (previously, some employees were paid bi-weekly and others were paid monthly);
f. Using debit cards for payment of benefits (e.g., Child Support payments), saving on monthly mailing costs;
g. Using debit cards for the Supplemental Nutrition Assistance Program (SNAP, formerly the food stamp program), saving on monthly mailing of food stamps; and
h. Reorganizing the Beatrice State Developmental Center, including elimination of the area manager positions.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

C. Reforms Needed to Reduce the Number of Employees and Layers of Management

From December 2005 to December 2009, the number of full-time equivalents (FTEs) in the Department dropped from 5,883.47 to 5,447.98, a decrease of over 435 FTEs (-7.4%). Over half of the drop occurred in 2007.

Agency Efficiency Review Plan
Agency: 025 - DEPT OF HEALTH & HUMAN SERVICES

Between 2007 and 2010, the number of supervisors in the Department decreased 8.1 percent, from 753 to 692. The average number of employees per supervisor increased from 7.7 to 7.9 during that same period.

One way to gauge change in the layers of management is to count the number of positions between each employee and the Department's Chief Executive Officer (CEO). In the past month, the average number of positions between the employees and the Department's Chief Executive Officer dropped 1.9%, from 4.20 to 4.12. The largest decrease was in the Division of Developmental Disabilities where the average number of layers between the employees and the CEO dropped from 4.88 in June 2010 to 4.49 in July 2010, a decrease of 8.0 percent.

MANDATES AND REQUIREMENTS (ERP):

D. Review of All Mandates and Requirements Imposed on the Agency and the Results of Eliminating or Changing the Mandates and Requirements

As of May 12, 2010, the Legal and Regulatory Services unit within DHHS identified 855 powers and duties of the Department as outlined in State Statute. Nearly half of those powers and duties are intended to protect the health and safety of Nebraskans and to provide oversight of the health care system and health care providers in Nebraska.

Included with the 855 State statutes are at least 45 requirements for reports to the Legislature, or data collection activities.

Through the Biennial Budget Request Budget Modification process, the Department has proposed a number of changes to State Statutes, including but not limited to the following:

a. Repeal of the statutes requiring the Disabled Persons and Family Support Program (Sections 68-1501 through 68-1528)
b. Repeal of the statute requiring the Family Navigator Program and its evaluation (Sections 71-823)
c. Repeal of the statute requiring General Fund Medicaid coverage for Legal Permanent Residents (Section 68-1070(1)(a))
d. Repeal of the statutes requiring General Fund support for the Medically Handicapped Children's Program (Sections 43-507 through 43-522 RRS, 1943; Section 43-654 RRS Supp; and Sections 68-717, 68-1401 through 68-1406, 71-1401 and 71-1403, RRS 1943)
e. Revision of the statutes requiring evaluation of the Behavioral Health Helpline and Post Adoption/Post Guardianship Services (Section 71-825)
f. Repeal of the statute requiring the Developmental Disabilities Advisory Committee (Section 83-1212.01)
g. Repeal of the statute requiring the Developmental Disabilities Quality Review Teams (Section 83-1213)
h. Revision of the statute requiring the Department to report Mental Health Board Commitments to the State Patrol, and instead require court clerks to report directly to the State Patrol (Section 69-2409.01)

FOUR-DAY WORK WEEK (ERP):

E. Structural and Operational Changes Needed for the Agency to Move From a Five-Day to Four-Day Work Week

Many states are considering moving from a five-day work week (where employees work five 8-hour days), to a four-day work week (where employees work four 10-hour days). The

rationale for this move is that operating costs, particularly utility costs, can be reduced by reducing the number of days an office is open. However, states such as Utah, which implemented a mandatory four-day work week in 2008 for most state employees, have found that the actual energy cost savings have not materialized as expected.

In changing the work week, it is important to keep in mind the nature of the Department's business. The Department of Health and Human Services has employees in more than 120 locations across the state. Nearly half (46%) work in one of the ten 24-hour facilities operated by the Department (four Veterans' Homes, three Regional Centers, two Youth Rehabilitation and Treatment Centers, and the Beatrice State Developmental Center). These facilities must operate 24-hours a day, seven days a week, every day of the year. Moving facility employees to a four-day work week would have no impact on utility costs since the buildings need to be heated/cooled 365 days a year.

Over 520 employees are Child/Family Services Specialists or Supervisors. These are the staff that investigate allegations of child abuse and work with the courts to help keep children safe. Courts are in session five days a week, so a worker who must appear in court on his or her day off would have to be paid overtime. This could actually increase costs.

The Department has saved money by co-locating employees in buildings that already house government offices (e.g., in County courthouses). Over 450 Department employees are located in buildings that also house other offices. Unless the other offices move to a four-day work week, no savings will be realized by moving Department employees in those buildings to a four-day work week.

Less than 19% of the Department's employees are located in the State Office Buildings in Lincoln, Omaha and North Platte. Only if all Departments with employees located in the State Office Buildings were to move to a four-day work week would any savings in operating expenses be realized.

Utah's experience suggests that the primary benefits of a four-day work week accrue to the individual employees, including a 20 percent reduction in the cost of commuting to work. However, employees who have child care needs, or who depend upon public transportation to get to and from work, may be negatively impacted by a four-day work week if extended child care hours are not available or public transportation schedules cannot be adjusted to fit their new work schedules.

Agency Efficiency Review Plan
Agency: 027 - DEPARTMENT OF ROADS

PROGRAM CONSOLIDATION (ERP):

The consolidation of existing programs within the agency;

The NDOR has consolidated many of its programs and practices over the past several years. NDOR has consolidated their internal programs to the maximum effectiveness based upon current constraints. As the needs of the State evolve the NDOR will continue to evaluate its programs and identify opportunities for further improvement.

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STREAMLINING OF SERVICES (ERP):

The opportunities for streamlining existing services;

The agency is eliminating redundancies in production of documents in hardcopy which are also available on the internet. The NDOR will use technology to a greater degree to reduce travel time and expenses. The agency identified employee programs which will be reviewed further for modification or elimination. The agency has identified contractual relationships which will be further reviewed to determine if the relationship is required to accomplish the mission of the agency and, if required, determine the appropriate scope of services and contract value. The NDOR has identified maintenance activities and practices for buildings and highway rights of way which may be modified. The agency continues to evaluate the most efficient use of its staff resources. This will become increasingly more challenging as state government continues to become leaner and requirements of programs utilizing federal funds continue to expand. A major tenet in the mission of NDOR has been to maintain all roadways on the highway system to a high standard. Based on fixed/decreasing funding and increasing costs, maintaining all roadways to the same high standard is no longer practicable and the agency will be establishing the appropriate service level. The NDOR will continue to evaluate its expenditures for capital equipment and technology to assure that the NDOR can effectively meet the needs of the future.

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EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The reforms needed to reduce the number of employees and layers of management within the agency;

The NDOR continually reviews the staffing and structure of the agency to assure the most effective staff level and structure to meet the ever changing needs of the agency. With the mission of providing and maintaining a safe, reliable, and environmentally compatible highway system as the goal for the agency, the NDOR will continue to review and shift staff resources to most effectively meet the needs of the State's transportation systems for which it has responsibility.

Agency Efficiency Review Plan
Agency: 027 - DEPARTMENT OF ROADS

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MANDATES AND REQUIREMENTS (ERP):

A review of all mandates and requirements imposed on the agency and the results of changing the mandates and requirements;

There are multiple mandates to which the NDOR is subject that if modified or eliminated, could result in savings to the agency and the State as a whole. The NDOR has identified several activities mandated by other State agencies that if eliminated, could result in savings to the NDOR and resource savings to the other agencies. NDOR has identified mandated payments to other state agencies, from highway funds, for services they provide which are part of their mission. These payments should be evaluated. The NDOR believes that appropriate changes in governing documents should be made to encourage expedited retirement of employees similar to practices common in the public sector. The NDOR should increase the fees for permits to occupy or work on the highway system to an amount which covers the cost of the services being provided. The liability for tort claims against the State should be capped at a reasonable amount to allow the NDOR to perform risk analysis on the level of services to be provided to the public. The State statutes that pertain to the acquisition of professional services should be aligned with Federal regulations covering this same activity.

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FOUR-DAY WORK WEEK (ERP):

The structural and operational changes needed for the agency to move from a five-day to a four-day work week;

NDOR has determined that accomplishing the basic mission of the agency makes it impracticable to reduce the department's entire workforce to a four day work week. NDOR already implements a four day work week for certain operations.

Agency Efficiency Review Plan
Agency: 028 - DEPT OF VETERANS AFFAIRS

PROGRAM CONSOLIDATION (ERP):

The Department of Veterans' Affairs, Agency # 028, currently has only two programs.

Program 036 Central Office programs, Administration and the State Veterans Service Office.

The 6 FTE in the administrative office provide all administrative functions as well as all state veteran and dependent programs assigned to this agency. The Veterans Affairs' Service Office is responsible for preparing and presenting meritorious cases of ex-servicemen and ex-servicewomen for benefits before the United States Department of Veterans Affairs. In FY2010, the Veterans' Affairs Service Office received 4,109 new power of attorneys (cases). With just these new power of attorneys , the service officer staff of 5 FTE, each had a caseload of 820 veterans or dependents to assist.

Program 037 Nebraska Veteran Cemetery System which encompasses the Nebraska Veterans Cemetery at Alliance.

The combining of these two programs would allow the Department to manage the total of all appropriated funds to the advantage of both programs and the Department. The ability to transfer funds between programs would assist this small agency in serving veterans and their dependents but may or may not save funds.

STREAMLINING OF SERVICES (ERP):

The Veterans' Affairs Service Office upon completion of their move to the new United States Department of Veterans Regional Office in early September will provide information to County Veteran Service Officers electronically through the use of a scanner and email reducing copy paper and postage costs. The Veterans Home Board is meeting in Lincoln rather than traveling to the four veterans homes each calendar quarter. While this creates a savings in travel expenses for the board it is a disadvantage for members of the home or applicants of the home to have access to the board.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

This is a difficult concept to answer when in a small agency you need every employee and there are few layers of management. In most cases those employees, administrators, managers or supervisors are the individuals providing the service the public expects.

MANDATES AND REQUIREMENTS (ERP):

Article 3, Chapter 80, Section 318 Establishes the Veterans Homes Board for the purpose of recommending matters of policy, rules and regulations, administration, and maintenance pertaining to the Nebraska veterans homes. The Department would save only the cost of the boards travel.

Article 4, Chapter 80, Section 401 – 412 Establishes the Department of Veterans' Affairs, the Nebraska Veterans Aid fund, Director's duties, Veterans Advisory Commission, defines veteran and eligibility for State veterans programs. Also Section 411 establishes the Waiver of Tuition program for dependents of veterans rated total and permanently disabled by USVA, died as a result of military service or disability. Waives 100% of tuition at State supported colleges or universities, no books & fees. Result of eliminating the

mandate: eliminates the program and a portion of a staff member's duties but may continue to be needed based on other programs they may be responsible for.

Article 9, Chapter 80, Section 901 – 903 Established the Tuition Credit Program for Active Selected Reserves.
A 50% tuition credit for enlisted reservists to attend state supported colleges or universities. The elimination of this program would remove a portion of a staff member's responsibilities for administering the program but does not eliminate the need for the position because the staff member has other programs and responsibilities associated with their position.

Article 13, Chapter 12, Section 1301 Established the Nebraska Veterans Cemetery System. The result of eliminating the Nebraska Veterans Cemetery at Alliance would require the State to repay the federal government for the cost of building the cemetery funded at $ 5.5 million dollars.

FOUR-DAY WORK WEEK (ERP):

The Department of Veterans' Affairs administrative office and veteran service office currently have hours from 8:00 a.m. to 5:00 p.m. as established by statute. A change mandating a 4 day work week would reduce access to staff and assisting with benefits. A four day work week would be problematic at the Nebraska Veterans Cemetery at Alliance. Since the USVA currently operates on a five day work week, we would be inherently out of sync to our federal partners who play a role in scheduling funerals.

Agency Efficiency Review Plan
Agency: 029 - DEPT OF NATURAL RESOURCES

PROGRAM CONSOLIDATION (ERP):

DNR management has critically evaluated the nature of agency programs and the related organizational structure currently in place to perform required operations. Due to specific technical requirements and the varied nature of these programs, consolidation is not considered feasible at this time. If changes in requirements or volumes of activity occur, DNR management will assess affected programs and operations to evaluate possible opportunities for consolidation.

STREAMLINING OF SERVICES (ERP):

In 2005, the DNR developed a strategy for integrating water rights and related information across its operating subprograms, and making that data more accessible both internally and to external parties. This plan is being implemented using a phased approach as resources are available. To date, significant progress has been made in integrating operational data pertaining to surface water rights, groundwater registrations, and dams, and providing cross-functional access to facilitate internal operations. These actions have enabled the DNR to deal with workload increases created by more complex transactions and more effectively manage backlogs without having to add more staff. The availability of integrated data, including digitized historical records, has also enabled staff to perform reviews and analysis more efficiently and to make better informed decisions on water rights requests. Further, some of this information has been published on the DNR website to provide access by the public.

Present efforts are directed toward providing expanded document scanning and management capabilities to provide added control and easier access to correspondence and other documents. The DNR will continue to evaluate its strategy and to implement further improvements on a priority basis.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

As part of the initiative to restructure department operations based on operational priorities, DNR management has periodically evaluated both staffing and the supervisory structure across the department. These reviews considered a number of factors including: volume of work; priority of work based on statutory and operational requirements; numbers of staff assigned; unique technical requirements of assigned duties; potential implications of errors; the nature of supervisory duties; and work locations. Fiscal Year 2010 review conclusions and actions are listed below.

- A subsection within the Survey Section (photogrammetry) was eliminated.
- Levels of supervision were deemed appropriate. Conclusions were based on the working-supervisor nature of most assignments, technical requirements, and/or physical work locations.
- Based on evaluation of functional priorities and the staff levels dedicated to each function, a reduction-in-force action was invoked near the end of Fiscal Year 2010. This action involved elimination of three staff-level positions.

At present, DNR management believes the supervision and staffing are appropriate to meet the department's statutory requirements. Both staffing and layers of supervision will continue to be re-evaluated as changes occur in work priorities, volumes of activity, and/or budget appropriations.

Agency Efficiency Review Plan
Agency: 029 - DEPT OF NATURAL RESOURCES

MANDATES AND REQUIREMENTS (ERP):

DNR management believes that the mandates and requirements for which the department is responsible are both necessary and prudent to effectively address the State's water and soil management and conservation needs. Eliminating or changing these mandates and requirements in a manner that reduced DNR operations costs would result in either increased risk to the State or disputes with local governments.

FOUR-DAY WORK WEEK (ERP):

It is assumed that the intent of a four-day work week would be to vacate State offices for three days each week to reduce building operations expenses. In assessing the feasibility and potential impact of adapting department operations to a four-day, forty-hour work week, DNR operations must be considered in terms of office functions and field functions:

- Office functions are largely performed by staff situated in the Nebraska State Office Building (NSOB) and comprise public access, coordination and collaboration with other governmental and private entities, and business transaction processing. In general, these functions could be adjusted to conform to a work week with four 10-hour workdays. Individual work schedule flexibility would be needed to provide for staff that must participate in external meetings scheduled by other entities outside the DNR's normal work week, and to assure that staff can address impacts on child care and other similar arrangements.
- Field functions, typically performed by staff located outside the NSOB, could likely be adapted to a four-day work week, except during irrigation season which extends for about four months. During that season, water administration and stream gaging activities could require access to field office facilities five or more days each week.

DNR management recognizes that employee fatigue could occur as a result of implementing longer workdays. Supervisors would have to carefully monitor productivity to assure that DNR's transaction process and work product delivery timeframes are not impacted.

Agency Efficiency Review Plan
Agency: 030 - NEBRASKA ELECTRICAL BOARD

PROGRAM CONSOLIDATION (ERP):

The division has consolidated an annual code training seminar and our four staff meetings into one, cutting three staff meetings. We will now have a staff meeting the same week and location as our annual National Electrical Code Training Seminar. This will reduce the cost of lodging, travel, and save the division funds. It is optimum to have more than one staff meeting per year but in these depressed times revenue has to be conserved to fund daily essential services. The Chief Electrical Inspector has schedule employee evaluations to coincide with the exam and training sessions conducted across the state.

STREAMLINING OF SERVICES (ERP):

The division is in the process of purchasing data phone, this will allow electrical contractor, homeowners, and engineers to email questions and request to the field inspectors. This will allow the inspectors on the average to gain 4 hours in the field each week, with the large number of permits this will reduce the wait time for inspections.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The electrical division is a small division providing 14 inspection districts across all 93 counties in the state, the removal of one inspector does not eliminate the inspections that need to be performed. This being the case other inspectors would have to travel into these areas, increasing mileage and requiring overtime hours to provide the service. We have an Executive Director, a Chief Electrical Inspector, and 17 employees. The Chief inspector conducts exam training and exams, and investigates electrocutions, and helps Electrical Inspectors solve inspection problems in the field. The Director writes electrical exams, works with the Electrical Board to run the division though legislation, and rule changes. The Director also works with surrounding states in the process of reciprocal electrical licensing.

MANDATES AND REQUIREMENTS (ERP):

The Nebraska State Electrical Act and Board Rules guides the division in its day to day operation. The division exists for electrical safety and removing these requirements would have a negative impact on the State of Nebraska. The division is cash funded and until the legislature transferred $363,00 from our cash fund into the general fund the division was able to provide services with no problems. The board saw bad times coming and with a surplus in our cash fund decided to lower licensing fees by 50% to help the electricians through these bad times. Even with the low balance in our account the board chose to leave fees at this reduced rate and cut everything possible to maintain service to the public.

FOUR-DAY WORK WEEK (ERP):

The electrical division could move to a four day work week with out a lot of problems, the field inspectors would not save a large amount of funds due to driving the same amount of hours and traveling the same areas. The office would save by being able to shut down A/C and reduce the heating and electrical bills for a three day interval. The fact that the office would be open two hours later each day would offset the true savings.

Agency Efficiency Review Plan
Agency: 031 - MILITARY DEPARTMENT

PROGRAM CONSOLIDATION (ERP):

Within the Nebraska Military Department, the Nebraska Emergency Management Agency had previously restricted programming into four functional areas: Preparedness, Response and Recovery, Radiological Emergency Preparedness, and Administration. In doing so, NEMA has gained efficiencies in providing administrative support to the four functional areas by creating pooled support resources rather than uniquely dedicated support staffs. The Nebraska Military Department has also begun to study the feasibility of sharing facility maintenance staff across the service components. It has been determined that one service component (Army or Air) can reimburse the other for maintenance services provided by one program to another. However, yet to be determined is whether demand would exceed resources. Consolidation of functions in one service component may not be sufficient to provide support for all Lincoln area facilities for both the Army and Air National Guard.

STREAMLINING OF SERVICES (ERP):

The primary mission of the Nebraska Military Department is to provide a trained and equipped National Guard force and Emergency Management Agency ready to support and accomplish local, State and Federal military, emergency management, and homeland security missions.

The service of disaster response is a function of the Nebraska Emergency Management Agency (NEMA). When NEMA took on the role of administrative support for the Lt. Governor in his role as state homeland security director and as the state administrator of Federal homeland security grants, this was accomplished without increasing the state portion of the agency budget. The agency Homeland Security program, Federal grant management program, communications grants programs and agency training program were all integrated into existing programs without creating new divisions or layers of employees, thus maintaining service delivery without increasing supervisory or management costs.

Within the military service components of the Nebraska National Guard, the majority of requirements are driven by parent-service requirements, i.e., Department of the Army, Department of the Air Force. The ability to streamline services is limited by the requirements of the federal military mission. However, when called upon by the Governor, the Nebraska National Guard relies on an organizational response that minimizes overhead and maximizes a response force that can be efficiently deployed to meet the needs of the State.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Currently, there are minimal to no redundant layers of management in the Nebraska Military Department. The Nebraska Emergency Management Agency (NEMA) recently eliminated one program section supervisor through re-alignment of responsibilities. Currently, NEMA has an agency Assistant Director and three program section supervisors which oversee multiple programs and are not assigned to just one program. This requires multi-faceted employees that understand a myriad of State and Federal programs and their inter-relationship. As well, it allows the ability to cross support separate programs and have flexibility to adapt from programmatic administrative duties to those of disaster response and recovery during times of activation of the state emergency operations center. For those National Guard areas which have state FTEs assigned in support of military functions, the Department has systematically sought efficiencies in reducing management layers by avoiding the use of parallel supervisory lines of authority where appropriate. This has permitted the Nebraska Military Department to rely on a combination of federally resourced FTEs and State resourced FTEs to efficiently meet mission requirements.

MANDATES AND REQUIREMENTS (ERP):

Agency Efficiency Review Plan
Agency: 031 - MILITARY DEPARTMENT

The Nebraska Military Department has three primary areas requiring State general funds in order to meet requirements to recieve federal funds:

1. Nebraska Emergency Management Agency (NEMA)
2. Nebraska Army National Guard Facilities Cooperative Agreement
3. Nebraska Air National Guard Facilities Operations and Maintenance Agreement.

NEMA administers a variety of federal disaster assistance and training programs which require the State to have in place such programs as the Hazard Mitigation Planning Program, National Incident Management System, Homeland Security Exercise Evaluation Program, State Communication Interoperability Plan, State Emergency Response Commision (SERC), etc. Failure to fund and excute programs and grants associated with these and other federal programs would require statutory changes in some instances (SERC), loss of eligibility for federal distaster relief funds, i.e., Hazard Mitigation Planning Standards, and loss of $10 to $15 million dollars per year. Failure to remain compliant with the National Incident Emergency Management System would result in a loss of 75% to 80% of those dollars which go to local emergency management and first repsonders.

For Army National Guard and Air National Guard facilities maintence and repair funding, the State agrees to meet funding requirements in order to receive federal funds from the National Guard Bureau. Funding responsibilities range from 25% state/75% federal to 50% state/50% federal. Failure to meet those requirements leads to facilitiy maintenance and repair backlogs currently estimated to be in excess of $5 million dollars and the potential return of federal funds to the National Guard Bureau.

FOUR-DAY WORK WEEK (ERP):

The Nebraska Military Departments cannot fully move to a mandated 4-day work week. Operationally the Nebraska Emergency Management Agency would incur increased costs for duty officer compensation and overtime for off hours work (would increase these costs by a third, est.), since local jurisdictions do not necessarily operate on a four day work week. Staff on-call time for agency duty and back-up duty officer would increase by 50% as NEMA would be scheduling three monitoring days instead of the current two days to cover the “three day weekend”.

Several functional areas in the Army and Air National Guard are required to maintain 24/7 response capability. The 155th Air Refueling Wing has a requirement to maintain a 24/7 command post operation in order to support federal mission requirements. . Similarly, the Joint Force Headquarters is required to maintain access to a 24/7 Joint Operations Center that permits ready and timely access to military capabilities in the event of a natural disaster, civic disturbance or other events which might require the rapid mobilization of forces. In addition, 24/7 Army National Guard and Air National Guard installation security requirements would need to be maintained.

Agency Efficiency Review Plan

Agency: 031 - MILITARY DEPARTMENT

Agency Efficiency Review Plan
Agency: 032 - BOARD OF EDUCATIONAL LANDS & FUNDS

PROGRAM CONSOLIDATION (ERP):

The State Surveyor's Office is staffed by 4.0 FTE which operate the following two programs and three subprograms:

1. Program 529-00 (State Surveyor's Office, 3.80 FTE)

2. Program 529-01 (Survey Record Repository, 0.20 FTE)

3. Program 554-00 (Disputed Surveys, 0 FTE)

Operation of Program 529-00 is funded by the General Fund, Programs 529-01 and 554-00 are funded by their respective cash funds.

The State Surveyor manages all programs and subprograms. No duplication of duties exists between programs or subprograms.

STREAMLINING OF SERVICES (ERP):

Since 1903 the State Surveyor's Office has benefitted the public with an important service offering land survey records upon request. In the early years the office hand copied the plats and notes of the original surveys and many of the counties still retain these copies in bound books filed in the courthouse. Over the years other records have been added including work performed by the State Surveyor's Office, General Land Office, Bureau of Land Management and the U.S. Corps of Engineers. In 1982 the Survey Record Repository was created requiring all land surveyors to file survey records for public access.

The advent of personal computers and the Internet changed the model for dissemination of records to the public. The office was quick to embrace the technology and has had a web presence for number of years. The office now offers most of the historical information and all the Survey Record Repository information since April 2000 online. All new records are processed and available online. Not all the records can be digitized. Requests for those records continue to be processed by traditional office methods.

The streamlining of this service alone has contributed to staff reduction. In 2002 the office employed 6.0 FTE and one part-time employee. Between 2002 and 2005 the office did not fill two vacancies and transferred the tasks of the part-time employee to a portion of an existing FTE. The current office staff is 4.0 FTE.

The office strives to respond to all information requests in a timely manner. The implementation of innovative applications and technologies that accelerate and simplify the process for

the public are regularly considered. Current staff processes all direct requests and maintains the web portal for online access. The current operation is very efficient offering up to date information hosted on a stable website (see: www.sso.nebraska.gov). The office is operating with the minimum number of FTE practical. Any FTE reductions would be detrimental to office operation.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The State Surveyor's Office is staffed by 4.0 FTE comprised of the State Surveyor, an Administrative Assistant, a Geodetic Mapping Specialist and a Drafter II\Repository Clerk. Of the 4.0 FTE, 3.80 FTE are paid from the General Fund appropriation and 0.20 FTE are paid from the Survey Repository Cash Fund. The Administrative Assistant is contracted at a 0.10 FTE rate by the Board of Examiners for Land Surveyors for administrative and clerical services. The Board of Examiners for Land Surveyors reimburses the General fund for said services. General Funds expended for costs associated with the administration of school lands are reimbursed, on a quarterly basis, to the General Fund by the Board of Educational Lands and Funds.

The office organization is simple and management is direct. The State Surveyor is in charge of operations and assigns duties to staff as required.

MANDATES AND REQUIREMENTS (ERP):

Secs. 84-407 to 84-415, Neb. Rev. Stat. provide the authority and define the duties of the State Surveyor and the Survey Record Repository. Reference to the State Surveyor may also be found in Secs. 23-302, 23-1907, 23-1908, 23-1911, 72-259.02, 72-259.05, 76-2504, 81-8,110.03, 81-8,113 and 86-570 of the Neb. Rev. Stat. and in Secs. 1-120 and 1-123 of the Appendix of the Neb. Rev. Stats.

The duties and requirements of the State Surveyor's Office include:

1. Take charge of the field notes, maps, charts, records of the US surveys. (84-407)

2. Provide technical assistance, support, and advice to counties, cities and other governmental entities creating and maintaining cadastral or geo-referenced maps. (84-407)

3. Prepare and issue, under the authority and direction of the Board of Educational Lands and Funds, a Circular of Instructions to the county surveyors of the state. (84-408)

4. Settle disputes among owners or between surveyors as to surveys or boundaries within the state. (84-410)

Agency Efficiency Review Plan
Agency: 032 - BOARD OF EDUCATIONAL LANDS & FUNDS

5. Establish and maintain a survey record repository. (84-412)

6. Maintain the abstract of trust lands managed by BELF. (84-408)

7. Review and approve land surveys and legal descriptions required for easements across and trades, acquisitions and sales of trust lands managed by BELF. (84-408)

8. Provide assistance and advice to BELF, other governmental agencies and the public relating to surveys, grievances or disputes growing out of conflicting surveys of lands or lots. (84-408 and 84-410)

9. The State Surveyor is the ex-officio Secretary of the Board of Examiners for Land Surveyors.(81-8,110.03)

10. The State Surveyor is a member of the Geographic Information Systems Council. (86-570)

11. The State Surveyor is a member of the Nebraska Boundary Commission. (Appendix: Special Act 1-120)

FOUR-DAY WORK WEEK (ERP):

The move from a five-day to a four-day work week would not require structural or operational changes. The operations of the State Surveyor's Office could be modified to conform to a four-day work week with minimal inconvenience to the public. The State Surveyor's Office rents office space from the Board of Educational Lands and Funds. Should the Board of Educational Lands and Funds retain the five-day work week and the State Surveyor's Office adopt a four-day work week building operating expenses would increase.

Agency Efficiency Review Plan
Agency: 033 - GAME & PARKS COMMISSION

PROGRAM CONSOLIDATION (ERP):

The Nebraska Game and Parks Commission has been monitoring the status and projected balances of its cash funds and general fund appropriations for a number of years. Internal cost control measures were implemented during the FY07-09 biennium resulting in reduced operations on most park areas, a delay or postponement of equipment purchases, a reduction in temporary employee positions and/or employment terms and the holding open of several permanent positions that became vacant.

Most of these cost saving measures were carried forward into the Agency's FY09-11 biennium budget request which reflected a reduction to the cash funded base of over $5,000,000 within 4 key programs. As part of this measure several programmatic areas were consolidated. Program 617 subprogram 090 –Area Maintenance and 549 012 Park Administration were consolidated under 549-013 Parks Operations & Administration; Program 617-008 Snowmobile Trails was consolidated under Program 550-019 Trails; information technology positions were also consolidated under one divisional structure. In the previous biennium Outdoor Education Program 336-010 had been consolidated under Information and Education Program 336-020.

The consolidation and other cost saving efforts for the current FY09-11 biennium resulted in the elimination of 29 permanent positions (28.63 FTE) as follows: Program 336 (Wildlife Conservation), 1 Fisheries Program Manager, 3 Conservation Officers and 3 (2.63 FTE) Conservation Technicians; Program 337 (Administration), 1 Division Administrator; Program 549 (Parks Administration and Operations), 1 IT Infrastructure Support Analyst, 3 Park Superintendent I's, 1 Park Superintendent II, 3 Park Superintendent III's, 1 Park Worker III, 1 Food Service Leader, 2 Grounds Keeper Leaders, 2 Sign Printers, 1 Office Clerk III, and 1 Accounting Clerk I; Program 617 (Engineering and Operations), 1 Park Superintendent I, 3 Groundskeeper Leaders and 1 Facility Maintenance Specialist.

Additional actions have been taken as a result of general fund reductions imposed during the 2009 Special Session and the regular 2010 Session of the Legislature.

Program 336 (Wildlife Conservation): The Administrative Secretary position in the Law Enforcement Division has been kept vacant and will likely be eliminated in the FY11-13 biennium. Several Conservation Officer positions will be held vacant and possibly eliminated during the FY11-13 biennium as well.

Program 337 (Administration): A Facility Maintenance Technician position has been held vacant at the Lincoln headquarters building will likely be eliminated in the FY11-13 biennium.

Program 549 (Parks Operations and Administration): Several positions are being held vacant during the current biennium with plans on eliminating some permanent positions next biennium based on needs and consolidation/restructure plans. Positions being reviewed and considered include Park Superintendents, Regional Managers, Groundskeeper Leaders and various administrative support staff positions. The agency is also privatizing the food services function at Mahoney State Park resulting in the elimination of 15 positions.

The overall objective of consolidation efforts is to accommodate funding limitation in such a way as to continue to provide quality experiences for guests and to keep as many parks operational as possible, albeit some with severely reduced services and/or operating seasons. The agency began a process, prior to the previous biennium budget cycle, to identify and prioritize specific areas based on numerous economic and resource related criteria. The overall goal is to ensure some representative geographical distribution. Consolidation of services and personnel has occurred in some regions resulting in vacancies eliminated in the current base budget and/or being utilized now. Others are expected over time.

Attempts to partner with local communities and to seek management assistance, financially or otherwise, on areas not owned, but managed by the agency have been made. While not specifically tied to the special session actions, but from the bigger long-term funding strategy, these types of strategies will increase over time. An example of another strategy the agency implemented through Legislative action (LB 743 2010 Legislature), included the transfer of ownership of the Arnold and Atkinson State Recreation Areas to the local communities. These types of transfers will help ensure public access while accommodating local control.

Program 617 (Engineering and Operations): A Supply Worker position has been held vacant during the current biennium and will likely be eliminated during the FY11-13 biennium. This program is also being considered for consolidation which could result in the elimination of a Division Administrator position.

Agency Efficiency Review Plan
Agency: 033 - GAME & PARKS COMMISSION

Additional consolidation efforts are planned over the next several years as employees retire in the ranks. An example can be found in our Fisheries Division where two managerial sections will be consolidated under one upon the retirement of one of the sections managers. The reduction in the number of agency administrative districts is also under review which could result in the reduction in the number of field offices and staff. The administrative operations of 79 park areas are identified for consolidation under a 28 administrative center concept. Additionally development of 8 park units to serve as management hubs, to work as teams, sharing field staff and equipment for operational and maintenance projects, is expected to provide further opportunities for staff reduction through attrition.

STREAMLINING OF SERVICES (ERP):

The food service operation at Eugene T. Mahoney State Park is an important component of the park campus and plays a vital supporting role to overnight guests, group conference attendees and single day visitors who rely on dining opportunities and catered meal options. Park visitors have come to rely upon the availability of a food service when they visit the park, therefore we have remained proactive by continuing to provide a full service restaurant and catering options for those guests, in order to maintain that customer base and hopefully expand it.

Considering that all agencies of state government have been challenged to identify more efficient ways for providing service and conducting day-to-day operations, the Nebraska Game and Parks Commission began a more thorough evaluation of its various agency programs and services. Recognizing that food service operational costs were rising and mindful of impacts to private sector restaurants as a result of a depressed economy, Game and Parks contracted with the Nebraska Restaurant Association for a thorough evaluation of the food service operation with the objective of improving or streamlining that operation.

In 2009 a lengthy evaluation of the food service operation was carried out by the Nebraska Restaurant Association, including menu analysis, pricing structure, purchasing practices, hours of operation, service, and labor costs. The evaluation included interviews with key personnel. At the conclusion of this process the Nebraska Restaurant Association determined that while the overall customer service and quality of food product at Mahoney is satisfactory or above, the operational costs, most notably the labor costs, are disproportional and excessive to industry standards and templates. They forwarded the recommendation that the restaurant and catering aspects of the park's food service be contracted to the private sector. The Association suggested that a private contractor may pay as much as 5 – 10% of the food service revenues to Game and Parks under contract. Considering that the park's restaurant and catering operations suffered net losses in recent years, Parks Division administration was directed by the Nebraska Game and Parks Board of Commissioners to develop a Request For Proposals and investigate options for privatization. The RFP process was implemented and a viable bid was submitted, evaluated by a diverse committee and accepted in July 2010.

All agencies of state government have been challenged to identify more efficient methods of providing services and implement appropriate cost saving measures when those opportunities are practical. While Parks Division staff have made reasonable attempts to address the downward trend of the food service financial reports, those efforts have failed to fully correct the deficit outcome. As prudent stewards of the public funds utilized to operate our park system we must be considerate of options that allow us to minimize expenses and maximize incomes. Privatization of the Mahoney State Park restaurant and catering service appears to be a practical option. The Parks Division as a whole will realize a net gain in revenue by privatizing, which will help offset the impacts of a diminishing budget. With deep regret we acknowledge that this option will negatively impact dedicated food service staff.

The agency continues to migrate much of its printed material and processes to electronic media. We were one of the first Fish and Wildlife agencies in the nation to provide for electronic permit issuance and have recently (2010) converted to fully electronic issuance (only exception remaining is park entry permits). The agency has been making tremendous strides in standardizing its software applications internally and updating its website to accommodate the one-stop shopping model for transactions and public interaction. Additionally the agency has taken steps to formalize its working partnership with the state's Office of the Chief Information Officer (OCIO) to further improve and develop electronic deliverance of services in an efficient manner.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Agency Efficiency Review Plan
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As described under the 'consolidation of existing programs' section, the agency has been proactively accomplishing this measure over the past several years.

The consolidation and other cost saving efforts for the current FY09-11 biennium resulted in the elimination of 29 permanent positions (28.63 FTE) as follows: Program 336 (Wildlife Conservation), 1 Fisheries Program Manager, 3 Conservation Officers and 3 (2.63 FTE) Conservation Technicians; Program 337 (Administration), 1 Division Administrator; Program 549 (Parks Administration and Operations), 1 IT Infrastructure Support Analyst, 3 Park Superintendent I's, 1 Park Superintendent II, 3 Park Superintendent III's, 1 Park Worker III, 1 Food Service Leader, 2 Grounds Keeper Leaders, 2 Sign Printers, 1 Office Clerk III, and 1 Accounting Clerk I; Program 617 (Engineering and Operations), 1 Park Superintendent I, 3 Groundskeeper Leaders and 1 Facility Maintenance Specialist.

Additional actions have been taken as a result of general fund reductions imposed during the 2009 Special Session and the regular 2010 Session of the Legislature. An Administrative Secretary position vacant in the Law Enforcement Division has not been filled and will likely be eliminated in the FY11-13 biennium. Several Conservation Officer positions will be held vacant and possibly eliminated during the FY11-13 biennium as well.

Fisheries Division has reduced the number of districts from six to five and eliminated a vacant District Fisheries Management Supervisor position, filling it with a Biologist II, (housed at the Valentine Hatchery, with both management and fish production responsibilities). Over the past several years the number of permanent personnel at fish hatcheries has been reduced by 6.6 FTEs. For the current biennium three Conservation Technician positions were eliminated at hatcheries. Staff levels at four of our hatcheries are now near critical mass. When the Fish and Wildlife Program Manager position at the Calamus Hatchery becomes vacant, it will not be refilled. The Calamus Hatchery will then be supervised by a Fish Production Manager, like the other four hatcheries.

Out-sourcing of custodial services at the Ak-Sar-Ben Aquarium and other locations will be examined over the next few years as will the replacement of part-time permanent positions with seasonal help.

A Facility Maintenance Technician position vacant at the Lincoln headquarters building will likely be eliminated in the FY11-13 biennium. Several positions in the Parks Division are being held vacant during the current biennium with plans on eliminating some during the next biennium based on needs and consolidation/restructure plans. Positions being reviewed and considered include Park Superintendents, Regional Managers, Groundskeeper Leaders and various administrative support staff positions. The agency is also privatizing the food services function at Mahoney State Park resulting in the elimination of 15 positions. Other opportunities for out-sourcing operations elsewhere in the State Park system will be explored.

A Supply Worker position will be held vacant during the current biennium and likely eliminated during the FY11-13 biennium. The potential consolidation of our Engineering and Operations Divisions would provide for the elimination of a Division Administrator position.

Additional consolidation efforts are planned over the next several years as employees retire in the ranks. An example can be found in our Fisheries Division where two managerial sections will be consolidated under one upon the retirement of one of the section's managers. This would eliminate a managerial position. There is expected to be over 61 employees eligible for retirement by the end of the next biennium (approximately 13% of the current authorized workforce). These positions, as well as any others that become vacant, will be reviewed at the time of vacancy to determine their impact on overall agency effectiveness and necessity for ongoing operations. Positions will be eliminated where possible and/or redescribed and assigned priority duties/locations as appropriate to maximize effectiveness and efficiency of agency operations.

MANDATES AND REQUIREMENTS (ERP):

This review process concentrated on those mandates and requirements that were believed to be the most problematic in achieving the agency's mission in an effective and efficient manner. While there are some specific statutory mandates within the overall Game and Parks Commission chapter (37) that have been identified as being outdated and/or somewhat contradictory or cumbersome in implementation, this venue does not seem appropriate to address them. The agency will continue to review those and will likely work with Senators to clean up language to facilitate improved efficiencies over the next few years.

Agency Efficiency Review Plan
Agency: 033 - GAME & PARKS COMMISSION

The mandates/requirements that have been identified as the most problematic and in need of further review and analysis relate primarily to procurement of goods and services as well as hiring practices for seasonal employees. While there is certainly the need for a degree of oversight in all of these practices, they have appeared to have become overly burdensome and time consuming. It is recommended that the processes be reviewed with input from several agencies, to determine if adequate controls couldn't be achieved through application of more discretion on the agency's part with higher dollar thresholds and fewer levels of review and approval, etc. The procurement of information technology and communication equipment as well as small service contracts were a few particular areas of concern raised by agency staff. Much of the concerns relate to the amount of documentation/processes required to record in the NIS/Edge system.

Implementation of the biweekly payroll, while perhaps a best business practice, has increased the processing workload for agency staff, turning a once a month exercise into a twice a month activity. This mandate was particularly burdensome due to the dispersed geographic placement of staff though out the state with limited internet connectivity and/or access to computer equipment.

The amount of documentation required for personal expense reimbursement, i.e. providing meal receipts, has been a point of concern for several individuals. The time devoted to thorough review of Expense Reimbursement Documents to ensure adequate written documentation for relatively small amounts seems overly burdensome. Quite often the receipts provided by some establishments are not detailed enough to adequately identify the purchased items and/or dollar amounts and or are easily misplaced by employees. Setting specific limits without the need for receipts and or per diem levels for meals would improve processing efficiencies. It is acknowledged that this could also increase cash outflow, but the efficiencies gained in processing are thought to more than offset the increase.

The Nebraska Game and Parks Commission was directed to accept the gift of the Cowboy Trail (the entire right-of-way of the Chicago and Northwestern Railroad which lies between milepost 83.3 and milepost 404.5 in Nebraska) and to keep in good repair all crossings over the trail in accordance with its legal obligations, including all the grading, bridges, ditches, and culverts that may be necessary for such crossings within the right-of-way (37-912) in 1993. Initially the Legislature provided general fund authority for fulfilling this mandate, but removed all general fund support in FY03/04. The flooding events of 2010 will necessitate a review of funding options to cover the significant expenses expected to repair damage to trail crossings since revenues generated by the trail are not adequate to cover all costs.

Currently it is the Legislatures intent (37-803) that this state shall assist in the protection of species of wildlife and wild plants which are determined to be threatened or endangered elsewhere pursuant to the Endangered Species Act by prohibiting the taking, possession, transportation, exportation from this state, processing, sale or offer for sale, or shipment within this state of such endangered species and by carefully regulating such activities with regard to such threatened species. Exceptions to such prohibitions, for the purpose of enhancing the conservation of such species, may be permitted as set forth in the Nongame and Endangered Species Conservation Act. Additionally any funding for the conservation of nongame, threatened, and endangered species shall be made available to the commission from General Fund appropriations, the Wildlife Conservation Fund, or other sources of revenue not deposited in the State Game Fund. With the limited revenues attributed to the Wildlife Conservation Fund and the decreasing general fund support, it is likely time to review other funding sources to continue support of this mandate.

FOUR-DAY WORK WEEK (ERP):

The agency currently has many of its staff members working 4-day work weeks during critical work months to reduce travel time/expense and to ensure time/weather sensitive activities are accomplished in the field as needed. In those instances, no operational changes would be needed.

Shifting operations to a 4-day work week for most office locations would be doable and would result in some savings related to reduced energy usage provided the offices were closed down for three consecutive days and energy saving steps were adhered to (e.g. turning down thermostats, turning off lights and power equipment etc). Setting a schedule that is least disruptive for our customers will be the biggest challenge. In order to facilitate the necessary ongoing coordination of many of our efforts with other state agencies, it is presumed that all agencies would follow the same schedule if implemented.

Agency Efficiency Review Plan
Agency: 033 - GAME & PARKS COMMISSION

Based on the experience of Utah state government, the energy cost savings is not expected to be significant. This action (complete shut down of facility) would not be possible at fish hatcheries where the energy and staffing requirements are dictated by the fish rearing cycle.

Those park areas that provide lodging services year round would need to be assessed to determine whether or not any potential savings would be offset by lost revenues. Individual work schedules could likely be adjusted to accommodate 4-day week schedules, but facilities would likely need to remain open and available for the current 7-day cycle during peak use periods to avoid a loss in revenues and recreational opportunities for the public.

Agency Efficiency Review Plan
Agency: 034 - NEBRASKA LIBRARY COMMISSION

PROGRAM CONSOLIDATION (ERP):

The Nebraska Library Commission's organizational structure includes five functional units: Administrative services, Reference and Information Services, Government Information Services, Technology and Access Services, Talking Book and Braille Services, and Library Development. While distinct, the units are inter-related and work is coordinated between and among them. In practice, the Commission's management approach is team based and flexible. This arrangement supports projects involving staff assigned from work units on an as needed basis. Projects can be long or short term. The flexibility of creating project teams encourages adaptability.

STREAMLINING OF SERVICES (ERP):

The Commission seeks improvements in its services and service delivery on a continuing basis. State agencies have been and are challenged to seek and achieve efficiencies, especially during the past decade when economic downturns resulted in budget cuts. In response to state funds reductions during the recent decade and as a result of the November 2009 and 2010 legislative session, the Library Commission has instituted several actions to achieve cost reductions. These actions were not necessarily the best service delivery choices, but were necessitated by reduced funding support. These actions include:

- Increased use of digital publications and decreased use of hard copy publications (reducing printing and postal expenses)
- Increased use of online training (e.g., webinars) and decreased on-site training and meetings
- Cancelled subscriptions for some electronic resources (which would be renewed if funds were available)
- Budget reduced significantly for in and out-of-state travel (which precludes participation in regional and national professional organizations)
- Budget reduced significantly for purchase of the Commission's reference and library science collection (a resource used extensively by Nebraska library workers and library science students, as well as staff for work related needs)
- Increased access to and delivery of services online

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Commission has retained an agency deputy director position but has left the position unfilled. The position contributed significantly to agency performance, but has remained open due to reduced funding. A result of the vacant position is additional responsibility for the director, business manager, and unit directors.

Employees with management and supervision responsibility have significant functional responsibilities as well. These staff members serve as team leaders and are heavily involved in the execution of program and project tasks.

Agency Efficiency Review Plan
Agency: 034 - NEBRASKA LIBRARY COMMISSION

MANDATES AND REQUIREMENTS (ERP):

The Nebraska Library Commission is the designated state agency for administration of the federal Library Services and Technology Act (LSTA) State Program. The Commission receives, on behalf of the State of Nebraska, an annual formula based allocation through the LSTA. The LSTA includes a state maintenance of effort requirement for receipt of federal program funds.

The Nebraska Library Commission is charged, by statute, with responsibility for statewide promotion, development and coordination of library services. The Library Commission is also charged with responsibility for acquiring publications produced for public use and that are published at state expense. These include publications from Nebraska state agencies. The publications are indexed and made available for public use. This function is managed through the Nebraska Publications Clearinghouse, a unit of the Library Commission. The Library Commission coordinates the state documents program with the Secretary of State Records Management Division and the Nebraska State Historical Society Archives.

FOUR-DAY WORK WEEK (ERP):

As required by state statute, the Nebraska Library Commission maintains public service hours from 8:00 a.m. - 5:00 p.m. Monday through Friday. Commission staff have flexible hours and routinely work outside of the 8 to 5 posted hours, including evenings and weekends. Flexible work times are necessary in order to provide timely and responsible public service. With a change in statutes the Commission's office facility could be closed one day per week (reducing open to the public hours from five to four days). However, it would be detrimental to the agency's services and performance to restrict the work week to four days.

The Commission is located in The Atrium building, a privately owned building that includes a mix of state agencies and private businesses. It does not appear that a change to a four-day week would achieve a cost savings for the Library Commission. Cost savings would depend on Administrative Services - State Building Division negotiating a change in the office space lease agreement to reduce payments in recognition of utility savings resulting from a change from a five-day to four-day work week.

Agency Efficiency Review Plan
Agency: 035 - LIQUOR CONTROL COMMISSION

PROGRAM CONSOLIDATION (ERP):

Consolidation of Existing Programs within agency. Program 73

The Liquor Control Commission has one primary program and one supporting sub-program, the limited cash fund. There appears to be no window open to eliminate any part of the whole program without disabling the agency to provide services to industry members and the general public.

STREAMLINING OF SERVICES (ERP):

Opportunities for streamlining existing services:

The agency's current database was built in 1985 with some continued enhancements along the journey. A new data base system would improve agency efficiencies such as:

- connect all aspects of the commission from receipt of violation reports to semi-automatic processing of the license application.
- electronic submission of license application details to the Nebraska State Patrol Liquor Enforcement Division.

The new data base would promote long term efficiency dividends.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Reforms needed to reduce the number of employees and layers of management within the agency:

The agency is staffed by twelve full time employees and three Commissioners who meet once a month required by Statute. Of the twelve full time employees four are the division managers and one agency director. It should be noted that the division managers are hands on and also supervise the remaining seven union contract employees.

The ten percent cutback or reduction represented in the agency 2011-2013 Biennium Base Budget identifies three union contract employees. The elimination of any one or more positions will cause a hard shift of work performed by union contract employees to the management level. Any reduction in staff will make it extremely difficult to meet agency mandates created by the Nebraska Legislature.

MANDATES AND REQUIREMENTS (ERP):

Liquor Control Mandates and Requirements

A review of all Mandates and requirements imposed on the agency and the results of eliminating or changing the mandates and requirements of Neb. Rev. Statute 53-101.01:

It is the declared policy of the legislature to (1) regulate the transportation or importation of alcoholic liquor into this state when alcoholic liquor is intended for delivery or use within the state, (2) promote adequate, economical and efficient services by licensees selling alcoholic liquor within the state of Nebraska without unjust or undue discrimination, preference or

advantage, (3) generate revenue by imposing an excise tax upon alcoholic liquor, and (4) promote the health, safety, and welfare of the people of the state and encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulations of the manufacture, distributing and sale of alcoholic liquor.

Based upon that policy the legislature formed the Nebraska Liquor Control Commission.

The Nebraska Liquor Control Commission was granted by the legislature the power to regulate all phases of the control of the manufacture, distribution, sale, and traffic of alcoholic liquor. (Neb. Rev. Stat. §53-116)

As the sole agency tasked with the collection of the excise tax, the NLCC collected $27,848,350.06 in calendar year 2009.

As of June 1, 2010, there are a total of 5,777 licensed entities regulated by the Commission. The Commission also issued 3,305 Special Designated Licenses in FY 09.

Currently, the NLCC has two funded programs. The first and largest encompasses almost all of the above duties. It is currently budgeted at $957,770.00 for FY 10-11.

The second program is the education and printing fund which is funded by a five dollar assessment on all licenses. It is budgeted at $70,719.00 for FY 10-11.

If either of these programs where eliminated, there is no other agency able to assume these duties and responsibilities.

FOUR-DAY WORK WEEK (ERP):

The structural and operational changes needed for the agency to move from a five-day to four-day week.

The Nebraska Liquor Control Commission is domiciled in the Nebraska State Office Building. Currently, we are open to business from 8:00 a.m. to 5:00 p.m.

The NLCC has many interactions with the public. Often there are up to 10 “walk-in” applications per week as well as the public meetings held once a month.

The major issue to the Commission in going to a four-day work week would be the access hours at the NSOB.

Many of the Commissions duties are time sensitive and include a date calculation based on “business days”. If the Commission were to adopt a four “business day” schedule than it is possible that the date calculations would become confusing to the regulated industry.

Agency Efficiency Review Plan
Agency: 036 - STATE RACING COMMISSION

PROGRAM CONSOLIDATION (ERP):

The Racing Commission is a one program agency so we have not recommendation for consolidation of programs.

STREAMLINING OF SERVICES (ERP):

The Racing Commission has streamlined their service over the last couple of years. The Commission's license office hours at each racetrack which is holding live racing have been reduced and are only open on live race days.

The Racing Commission is currently a member of the Nation Racing Licensing Compact (State Statue 2-1247). Currently the nation racing industry is working on a brooded compact. This compact would include not only licensing but sharing of databases, purchasing and possibly some personnel. When this broader compact is complete the Racing Commission intends to present this to the legislature. The Commission believes that this compact may new to reduce costs.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Racing Commission currently is operating at its lowest minimum staffing levels. The Commission does not believe there is any need for reform.

MANDATES AND REQUIREMENTS (ERP):

The Racing Commission is mandated by State Statue 2-1202 to employee a secretary and such other assistants and employees as may be necessary to carry out the purposes of sections 2-1201 to 2-1218. Such secretary shall have no other official duties. The secretary shall keep a record of the proceedings of the commission, preserve the books, records and documents entrusted to his care, and perform such other duties as the commission shall prescribe.

The Racing Commission duties are mandated by State Statue 2-1203.01

Agency Efficiency Review Plan
Agency: 036 - STATE RACING COMMISSION

The State Racing Commission shall:

(1) Enforce all state laws covering horseracing as required by sections 2-1201 to 2-1242 and enforce rules and regulations adopted and promulgated by the commission under the authority of section 2-1203;

(2) License racing industry participants, race officials, mutuel employees, teleracing facility employees, telephone deposit center employees, concessionaires, and such other persons as deemed necessary by the commission and approve and license teleracing facilities and telephonic wagering if the license applicants meet eligibility standards established by the commission;

(3) Prescribe and enforce security provisions, including, but not limited to, the restricted access to areas within track enclosures, backstretch areas, and teleracing facilities, and prohibitions against misconduct or corrupt practices;

(4) Determine or cause to be determined by chemical testing and analysis of body fluids whether or not any prohibited substance has been administered to the winning horse of each race and any other horse selected by the board of stewards;

(5) Verify the certification of horses registered as being Nebraska-bred under section 2-1213; and

(6) Collect and verify the amount of revenue received by the commission under section 2-1208.

To carry out these duties the Commission employees at State Steward, Investigators, a Veterinarian, Licensing personnel, test barn personnel, and an administrative assistant

FOUR-DAY WORK WEEK (ERP):

The Nebraska Racing Commission track employees (employees which work on location at tracks running live racing) currently work four days a week. Generally a Thursday thru Sunday schedule. Two employees including the agency director work five days a week at the headquarters office in Lincoln.

Agency Efficiency Review Plan
Agency: 036 - STATE RACING COMMISSION

The only advantage for changing the headquarters office to four days a week would be the savings in utility costs at the headquarters office location. The problem with four days a week at the headquarters office is that it possibly violates State Statue 81-113

Agency Efficiency Review Plan
Agency: 037 - WORKERS COMPENSATION COURT

PROGRAM CONSOLIDATION (ERP):

The Nebraska Workers' Compensation Court is a court of limited and special jurisdiction established pursuant to the provisions of Article V, section 1, of the Nebraska Constitution. As provided in Section 48-152 of the Revised Statutes of Nebraska, the court is charged with responsibility to administer and enforce all of the provisions of the Nebraska Workers' Compensation Act except those provisions which are committed to the courts of appellate jurisdiction or as otherwise provided by law. The Act is found at Chapter 48, Sections 48-101 to 48-1,117.

The court is organized into two operating divisions and seven operating sections. The adjudication division is responsible for the adjudicatory or dispute resolution functions of the court, while the administration division is responsible for the administrative and regulatory functions of the court. The adjudication division consists of the seven judges of the court, the clerk of the court, and ten full time and one part time support staff members. The administration division consists of the court administrator, six section managers, and twenty eight staff members. Therefore, the court is a relatively small entity of state government with a limited number of operating sections or programs. Each of the sections is responsible for implementing one or more provisions of the Workers' Compensation Act, or for the administrative support functions necessary for the operation of the court. Therefore, each section has unique functions and responsibilities, and little would be gained in terms of efficiency or economy by consolidating or reorganizing the existing sections.

STREAMLINING OF SERVICES (ERP):

The judges of the court are officed in Lincoln and Omaha, but by statute are required to travel to any county in the state where an accident has occurred to hear a disputed case. This results in significant travel costs and down time for the judges. Therefore, the court is beginning to explore options for conducting hearings outside of Lincoln and Omaha. Possible alternatives include holding hearings by video-conference, holding hearings at regional locations, or opening additional court offices at other locations in the state. Each of these options involves potential benefits and drawbacks that would need to be carefully considered. These include the availability of necessary technology, the impact on operating costs for the court, and the inconvenience and additional costs to the parties and others attending hearings.

In recent years the court has also engaged in extensive and detailed business process re-engineering efforts across all operating sections and functions of the court, with the goal of establishing an electronic working environment. This in turn will permit the electronic filing and processing of pleadings and other litigation documents. These changes will allow the judges, court staff, attorneys, and the public to access court files and information more quickly and conveniently, and will improve and streamline the process of litigating workers' compensation claims. The court is currently implementing the infrastructure necessary to support these changes, with the goal of accepting electronic filings within the next budget biennium.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

As noted previously, the court is currently engaged in business process re-engineering and automation efforts that will allow the court to operate more efficiently and economically. When fully implemented these efforts could reduce the need for staff or avoid the need for additional staff should the workload or duties of the court increase. However, the impact of such changes in terms of which employees or how many employees may be affected cannot be anticipated at this time.

As also noted previously, the court is a relatively small entity of state government with a limited number of operating sections and minimal layers of management. The adjudication division is under the direction of the presiding judge and the administrative division is under the direction of the court administrator. The remaining court management consists of the clerk of the court in the adjudication division and six section managers in the administration division. Therefore, little opportunity exists to reduce layers of management within the court.

Agency Efficiency Review Plan
Agency: 037 - WORKERS COMPENSATION COURT

MANDATES AND REQUIREMENTS (ERP):

As provided in section 48-152, the court is charged with administering and enforcing all of the provisions of the Nebraska Workers' Compensation Act, except those provisions which are committed to the courts of appellate jurisdiction or as otherwise provided by law. Specific duties and responsibilities of the court are noted below, along with applicable statutory citations. The court's estimate of the potential impact of eliminating or changing these provisions is also included.

1. Adjudicate contested cases in a timely fashion within the formal hearing process and approve settlements. (Sections 48-136 to 48-141, Sections 48-152 to 48-191)

Adjudication of contested cases is essential to the operation of the Workers' Compensation Act. Elimination of this function for the court would either shift the adjudication of disputes under the Act to the state district courts, which are less equipped to deal with this specialized area of the law, or would render the Act completely ineffectual in delivering benefits to injured workers. The latter would either eliminate medical, wage loss, and retraining benefits for such workers or would transfer responsibility for these benefits to other programs within state government. Eliminating court approval of settlements in workers' compensation cases would likely result in inappropriate lump sum settlements for injured workers, which in turn would increase the burden on other state social service programs when the settlement amounts are expended and the worker has not returned to work. Any substantial change in these functions for the court would also impact the ability of the court to fulfill its mission of effectively and efficiently administering and enforcing the provisions of the Act.

2. Provide a program to resolve disputed cases or issues through informal means. (Section 48-168)

This program assists the parties to resolve their disputes mutually and agreeably without resorting to litigation. Elimination or a substantial modification of this program would result in additional litigation which would increase the workload of the judges and staff of the court and result in delays for the parties in resolving their disputes. Litigation is often less satisfactory than a mutually agreed upon solution in that litigation generally results in a loss for one side or the other.

3. Oversee vocational rehabilitation counselors and services that return injured employees to suitable employment. (Sections 48-162-01 and 48-162.02)

This program assists injured workers to return to suitable and gainful employment after a work related injury. Job training services are available if a worker is unable to return to suitable employment for which he or she has previous training or experience. Elimination of this program would shift the burden of providing such services to another program within state government, or would increase the burden on state social service programs if the worker does not return to work after the injury. Any substantial change in this program would also impact the ability of the court to provide such services effectively and efficiently.

4. Administer programs relating to managed care, independent medical examiners, and fees for medical and hospital services. (Sections 48-120, 48-120.02, 48-120.04, and 48-134.01)

Agency Efficiency Review Plan
Agency: 037 - WORKERS COMPENSATION COURT

These programs are all wide ranging and critical to the provision of medical, surgical, and hospital services to workers who are injured on the job, containing the costs of such services, and resolving disputes between service providers and insurers who pay for the services. Managed care organizations certified by the court provide services effectively and efficiently, and have virtually eliminated litigation before the court relating to services provided under an approved managed care plan. Fee schedules established and/or administered by the court operate to restrain the cost of such services. Independent medical examiners certified by the court help to reduce delay in the provision of services and to reduce litigation relating to such services. Elimination or substantial change to any of these programs could increase the burden on state social service agencies, increase the cost of providing such services, and increase litigation and delay relating to such services.

5. Enforce compliance with insurance coverage, claims handling, reporting, and other obligations of workers' compensation insurers, self-insured employers, and intergovernmental risk management pools under the Nebraska Workers' Compensation Act. (Sections 48-144 to 48-144.04, Sections 48-145 to 48-147)

The Nebraska Workers' Compensation Act requires that most employers performing work in this state must cover their obligation for workers' compensation benefits by obtaining a workers' compensation insurance policy, by self-insuring with approval of the court, or by being a member of an approved intergovernmental risk management pool. These entities in turn process and pay claims under the Act for benefits from workers' injured on the job. Therefore, it is essential to the proper functioning of our workers' compensation system that such coverage is in place and that claims are processed in an appropriate and timely fashion. This program is designed to monitor compliance with such obligations and to allow the court's staff to take the necessary steps to ensure compliance. The elimination or reduction of these functions would create a substantial risk of inadequate or unfair claims handling practices or that benefits would not be paid to injured workers due to the lack of required insurance coverage .

6. Inform, educate, and assist workers' compensation system participants. (Section 48-165)

Under this program court staff respond to inquiries from workers, employers, insurers, attorneys and others regarding the operation of the Nebraska Workers' Compensation Act and the rights, benefits, and obligations of injured workers and their employers under the Act. This is accomplished by means of a toll-free telephone line and the court's web site. Court staff do not provide legal advice but their assistance has proven invaluable in resolving problems due to a lack of communication between the parties and in directing the parties to the proper entities and resources for filing and handling of claims for benefits. The elimination or reduction of this service would almost certainly result in unnecessary litigation and system costs due to a lack of understanding by or communication between the parties.

7. Conduct the activities of the federal grant as contracted with the U.S. Department of Labor-Bureau of Labor Statistics. (CFDA #17.005)

The court conducts a survey of work-related injuries and illnesses and a data collection program for fatal injuries pursuant to a grant from the U.S. Department of Labor - Bureau of Labor Statistics (BLS). The Survey of Occupational Injuries and Illnesses is mandated by the Occupational Safety and Health Act of 1970 (P.L. 91-596), and the court has been the designated entity to conduct this survey in Nebraska since 1971. In 1991, the court contracted for the additional responsibilities of conducting the Census of Fatal Occupational Injuries as designated by the BLS. Elimination of this grant would result in another entity or state agency being designated to conduct the survey and census.

FOUR-DAY WORK WEEK (ERP):

A memorandum dated June 30, 2010 from the Legislative Fiscal Office clarified that this item is intended to address the consequences of a four day work week consisting of 10 hour days and a 40 hour work week. Any closing of our court for a day during the regular work week would require approval of the Nebraska Supreme Court, which would likely provide input on at least some operational changes needed to support the closing. Our court would be responsible for developing procedures for notice to the parties, rescheduling of trials and motion hearings, and making adjustments to staff schedules. No changes would be needed in the structure or staffing of the court since the responsibilities of the court and the number of hours worked would remain the same.

Agency Efficiency Review Plan
Agency: 039 - NEBRASKA BRAND COMMITTEE

PROGRAM CONSOLIDATION (ERP):

The Brand Committee Budget consists of one program, 075, comprised of four sub-programs: Administration, 001, Brand Recording, 006, Criminal Investigations, 009 and Brand Inspection, 003.

STREAMLINING OF SERVICES (ERP):

In 1994 the Brand Committee closed the Lincoln brand recording office and moved it to the headquarters office in Alliance. This eliminated two full time employees and one part-time brand recording employee and one administrative employee by consolidating the administration and brand recording duties.

We continue to encourage brand inspection personnel to make every effort to schedule and consolidate brand inspections whenever possible to lessen miles driven. Inspectors travel just under one million miles a year to provide inspection service in the country, at auction markets and at packing plants.

We encourage livestock producers to bring cattle to a central location when possible to lessen the miles driven.

The Committee strives to utilize technology to become more efficient in the production and retention of inspection and brand recording records, revenues allowing (Cash Funded Agency).

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Brand Committee has very few layers of management with five, or 5% of the agency's total employees.

The Livestock Brand Act mandates the Brand Committee to protect livestock producers through a brand recording staff, inspection staff and investigative staff.

State Statutes mandate the Brand Committee to employ a director, assistant director and brand recorder.

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Agency: 039 - NEBRASKA BRAND COMMITTEE

Upper level management is comprised of two individuals or 2% of the overall employees. The brand recording duties are currently performed by the executive director and in his/her absence the assistant director.

Mid-management, or mid-level supervisors within the Committee, is comprised of three individuals or 3% of overall employees, with their main responsibility being criminal investigations. Through attrition, this number has been reduced from five to three over the years.

Except for a couple of exceptions, the Committee has only one full-time inspector assigned to each county. Other than the training centers located in three of the counties with four to five full time inspectors, of the 50 counties in the brand inspection area, 21 counties have only one full-time inspector. Twenty-six of the counties have intermittent inspectors with ten counties that have no inspectors, which inspectors from adjacent counties must cover. With the exception of our agency's three training centers, brand inspection personnel work out of their homes.

Historically, the Brand Committee, through attrition in the last five years, has eliminated two full-time employees and utilized intermittent inspectors and will continue to do so whenever possible. In December 1997, the Committee had 123 employees. As of this date, we employ 101. Approximately the same number of cattle inspections are performed today that were inspected ten years ago, and in some years even more, with twenty-two less employees or an 18% decrease in the number of employees overall.

MANDATES AND REQUIREMENTS (ERP):

Cutting back on any services provided to the cattle industry would most certainly impede commerce. Ownership inspection of cattle is mandated prior to sale, slaughter or shipment out of the the brand inspection area and any changes, reductions in the statutory requirements would lessen the integrity and effectiveness of the brand inspection system. The Brand Committee brand inspects for ownership almost four million head of cattle a year. During this past fiscal year, Brand Committee inspectors recovered 2,422 estrays for their rightful owner valued at $1,693,756.

Brand inspection schedules are dictated by the producers' marketing of their cattle who need to coordinate cattle shipments with trucking firms, auction markets, packers and buyers, not allowing the Committee the advantage of establishing 8 to 5 work days, five days a week.

Ranchers/feeders; buyers/sellers prefer to ship cattle as soon as it is daylight allowing the efficient shipment of cattle as they are a value based, shrinkable/expiring commodity.

With cattle off feed or water, shrinkage increases with the increase in temperatures. Thus, the industry practices of handling and shipping cattle during cooler hours of the day. This

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Agency: 039 - NEBRASKA BRAND COMMITTEE

shrinkage can be as much as a 2% short term shrinkage at 70 degree temperatures.

The Nebraska Brand Committee is a relatively small, non-code self-supporting state agency, and its resources are limited at times given the fluctuating nature of the the cattle industry and the marketing of cattle. Those resources are having to be utilized in time and dollars to complete mandated reviews, reports, plans, and changes in expansion technology without available funding provided by those requesting the mandates.

FOUR-DAY WORK WEEK (ERP):

Due to the nature of the industry the Brand Committee serves, our agency is exempt from a five day workweek, working seven days a week and on holidays.

Cattle may be inspected for ownership during daylight hours eliminating the availability to establish an eight hour or even a ten hour work day. Sale day may begin at daylight and end at 12 midnight depending on the number of cattle consigned for sale on any given day. Also, inspections vary by seasons as well. Inspectors are very busy, sometimes working numerous hours of overtime in the busy season of fall, winter and spring yet during the summer when cattle are on grass and a number of sale barns reduce the number of sales or close completely, inspectors are utilizing vacation leave and compensatory time off.

Agency Efficiency Review Plan

Agency: 040 - MOTOR VEHICLE INDUSTRY LICENSING

PROGRAM CONSOLIDATION (ERP):

The Motor Vehicle Industry Licensing Board only has one program (076). The Board is unable to consolidate any further.

STREAMLINING OF SERVICES (ERP):

The Motor Vehicle Industry Licensing Board has constantly strives to streamline services. The Board is open to suggestions from either outside or inside sources. The Board in the last year has updated from mailing our dealer listing to Nebraska counties, law enforcement and auctions to placing the listing on our website. This update not saved postage and personnel cost but has made the listing of active Nebraska motor vehicle/trailer/motorcycle dealers available and more timely to a larger range of customers. The use of e-mail and facsimile has saved the board postage, mileage and time.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Motor Vehicle Industry Licensing Board is a small agency with an executive director, five investigators and three office staff. There is very little room to consolidate any further. Reducing the number of investigators would severely hamper the ability of the Board to investigate consumer complaints, inspect and monitor new dealers and do routine contacts with previously licensed dealers. Reduction in office staff would slow the handling of all paperwork to include the actual printing of licenses; the review and mailing of new dealer inspections; the review for statutory violation of consumer complaints and handling and mailing to the appropriate investigator. The Board while a small agency must also preform all the functions of a larger agency: payroll, human resources updates, fixed asset reports, payables, receivables, and general correspondence. The Motor Vehicle Industry Licensing Board also conducts several Board meetings each year. These meetings require scheduling, room reservations for the meeting and Board members, preparation of hearing notices, subpoenas, and transcription of minutes. Without these various duties being preformed our agency would not be properly complying with statute or State accounting procedures.

MANDATES AND REQUIREMENTS (ERP):

The Motor Vehicle Industry Licensing Board per statute lis mandated to license and regulate motor vehicle/trailer/motorcycle dealers, salepersons, manufacuter/distributors, representatives, auctions, and wrecker/salvage dealers. It is the Board's responsiblity to instruct and advise licensed dealers regard statutes and rules and regulations that the dealer must comply with. The Board adresses franchise conflects between manufactuer/distrubtgors and their franchised deales in Nebraska. The Board per statute must investigate consumer complaints against dealers. Without the Motor Vehicle Industry Licensing Board their would be no regulation of motor vehicle/trailer/motorcycle dealers, no protection for Nebraska dealers in franchise conflicts and no protection for consumers in conflict with dealers.

FOUR-DAY WORK WEEK (ERP):

The Motor Vehicle Industry Licensing Board could only operate on a four (4) day work week if the work day was a ten (10) hour day. The implementation of ten hour days would be extremely hard on the staff. The concerns would include a drop in performance ability and when handling extremely hostile and upset consumers and dealers to maintain a good level of professionalism after such a long day. The investigators for the Board by necessity must drive extreme distances in one day. A longer day might affect the investigators driving

ability?

Agency Efficiency Review Plan
Agency: 041 - REAL ESTATE COMMISSION

PROGRAM CONSOLIDATION (ERP):

The Nebraska Real Estate Commission has only one budget program.

STREAMLINING OF SERVICES (ERP):

The Commission is looking at ways to use technology to streamline the delivery of services, a major part of our workload in October through January is spent on licensee renewal. We currently have an online renewal function, but it is not highly developed or highly used. We would like to enhance the functionality of the service (it is basically an online filling out of our paper form accompanied by a credit card payment, we have to re-enter all data provided, data fields are not pre-populated). We currently have a plan in place to have the enhanced function in place by the 2012 renewal cycle (Fall of 2011). The implementation of this enhancement will be contingent upon obtaining resources within existing budget constraints to make the necessary database changes to implement the improved online renewal function. Other states that have implemented online renewal have achieved adoption rates of 70% or more in the first year, our current program's adoption rate is in the single digit percentage range.

The Commission also just launched an enhanced website with additional services, functionality and information. We are also working on implementing online reporting of continuing education completion, eliminating manual entry of CE in most instances.

Lastly, we are also looking at subscriptions and publications to eliminate unneeded/unused publications.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Given the size of the agency and the management structure in place it is somewhat difficult to address this issue, as we do not have multiple levels of management in place, we have filled a recently vacated position with a temp from the SOS pool to allow more flexibility in future budget/personnel matters, but we are aware we cannot permanently fill the position in this matter, but it does give us more short term flexibility to deal with budget changes.

The Nebraska Real Estate Commission is committed to achieving greater streamlining of services and efficiency and will continue to work on those efforts through the items identified in our Streamlining of Services section of this narrative.

MANDATES AND REQUIREMENTS (ERP):

1. Licensing and Regulation of Real Estate Salepersons and Brokers--

This is the primary function of the agency and is a function performed with the support of the industry (who have consistently supported the general concept of licensing the real estate profession as well as enhancements to that licensing and regulation over the years) and for the protection of the public. Elimination of this function would eliminate the vast majority of our agencies duties and responsibilities. We would add that the function is self supporting from a budget standpoint, with license fees supporting all activities.

2. Time Share Registry--

This function takes a smaller portion of our time and efforts, but similar to Real Estate licensing is self supporting and done with the general support of the industry required to register.

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Agency: 041 - REAL ESTATE COMMISSION

3. Other Specialized Registrations--

These functions include Retirement Communities, Membership Campgrounds and Subdivided Land Registration. Volume of activity from these registrations is very low (we currently have one Membership Campground and one Subdivided Land Developer registered). Each of these registry functions requires the registering entity to provide financial and other information to the Commission which is available to the public for their review and protection, however, the level of public inquiry concerning these registries is minimal to none. The level of input needed from staff is low, but relatively high related to the volume of filings because the infrequency of activity does not lend itself to economies of scale in processing and review of these matters, which come up so infrequently that review of those relevant policies and procedures is often needed in processing these items.

4. DAS Mandates--

While the Commission understands that the state is one large enterprise and a certain degree of uniformity and accountability is needed in managing this effort, the frequency of changes and complexity of guidelines and reporting requirements and other initiatives from the Department of Administrative Services at times utilize a significant portion of our management resources and distracts from what we view as our primary responsibility and mission, the licensing and regulation of real estate salespersons and other related industries as provided in statute.

FOUR-DAY WORK WEEK (ERP):

It is our understanding from meeting with the State's budget staff with both the Legislature and the Governor's Office that the four day work week proposal would still involve a 40 hour work week, just completed in four day span instead of five.

Licensees and the public expecting services from the Commission would have to adjust to only getting services 4 days a week, savings would be little to none, as we would not anticipate any savings in rent, utilities or operational costs.

If a four day 32 hour week was imposed we would of course see a 20% savings in salaries and related expenditures, but processing times for licensing applications, renewals and complaints would increase, and our availability to answer inquires from licensees and the public would be reduced as well.

Agency Efficiency Review Plan
Agency: 045 - BOARD OF BARBER EXAMINERS

PROGRAM CONSOLIDATION (ERP):

The consolidation of existing programs within the agency;

The agency consist of one program - The Enforcement of the Standards of Barbering. No consideration for consolidation is feasible or could be utilized with success.

STREAMLINING OF SERVICES (ERP):

The opportunities for streamlining existing services;

With successful legislation in 2009 which became effective law August 30, 2009 and July 1, 2010, the following are issues that will alter the services we provide in the most effective and efficient manner possible. Starting July 1, 2010, licensing renewals will be conducted on each even number year. Savings include: postage, renewal notice supplies, etc., and conduct inspections once each licensing period. Previously, both were conducted annually.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The reforms needed to reduce the number of employees and layers of management within the agency;

The agency consists of **a** Director and **a** Staff Assistant.

MANDATES AND REQUIREMENTS (ERP):

A review of all mandates and requirements imposed on the agency and the results of eliminating or changing the mandates and requirements;

Licensing renewals payments are abnormally lagging and individuals that normally renew that are not actively practicing, but continue to keep their licenses current have significantly declined. This agency will continue to be prudent, cautious and conservative in its day to day expenditures as the Board has exhibited in the past.

FOUR-DAY WORK WEEK (ERP):

The structural and operational changes needed for the agency to move from a five-day to four-day work week.

Agency Efficiency Review Plan

Agency: 045 - BOARD OF BARBER EXAMINERS

There would be no structural and operational changes required for the agency to move to a four ten hour work day from the traditional five eight hour work day. The only exception would be one less day of availability of our office personnel to the licensee. The director's days of travel for conducting inspections would not change from previous years schedule. Example, when working western part of the state the average work week consist of 72/75 hours in the work week. (Director is a non-classified position.)

Agency Efficiency Review Plan

Agency: 046 - DEPT OF CORRECTIONAL SERVICES

PROGRAM CONSOLIDATION (ERP):

NDCS examines all of its programs and operations to identify cost savings and efficiencies. For example, in response to LB 1, NDCS consolidated two (2) existing warehouses to achieve a reduction in two (2) full time staff.

No additional opportunities have been identified to consolidate other programs within NDCS to achieve savings while still maintaining public safety. However, efforts to identify and achieve additional savings is continuous.

STREAMLINING OF SERVICES (ERP):

As referenced in the "Program Consolidation" section narrative, NDCS strives to achieve savings and realize efficiencies by streamlining existing services. In addition to the referenced warehouse consolidation, NDCS recently changed the way dialysis services are provided for inmates, so that the treatment is provided at the facility instead of the physician's off-site office. This change increased the quality of medical care and reduced the side effects for those inmates, as well as saved money.

Additional measures to be implemented by June 30, 2011 include the reduction of administrative/support staff with the duties being redistributed to existing positions. NDCS will be reducing its existing staffing level by 25 FTE by June 30, 2011. As NDCS has been proactively planning to respond to the economic challenge facing all of State Government, most of the reductions will be achieved through existing vacancies. By strategically planning for this staffing reduction, NDCS is able to assure its ablity to continue to protect the public.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

NDCS continues to look to ways to reduce the cost of State Government, and pays close attention to staffing. Facility staff make up approximately 77% of NDCS' total staffing. NDCS has reallocated existing staff as vacancies occurred to address priority facility staffing and capacity issues. For example, when NDCS expanded the inmate population at the Work Ethic Camp, the additional staffing necessary to manage the increased population came from existing vacancies within the agency. Also, an existing positon was transferred from Lincoln to the Omaha Corectional Center to address staffing needs. In response to LB 1, NDCS reduced staffing throughout the agency by an additional 28 FTE in FY 2010 while staill maintaining public safety.

MANDATES AND REQUIREMENTS (ERP):

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Agency: 046 - DEPT OF CORRECTIONAL SERVICES

While all of Nebraska's statutes apply to NDCS, those requirements of noteworthy include:

Duties of Divisions enumerated 83-922

Administrative Services Division 83-942

Duties of Administrative Services Assistant Director 83-943

Adult Services Division 83-936

Duties of Adult Services Assistant Director 83-939

Community Services Division 83-931

Duties of Community Services Division 83-932

Office of Parole Administration 83-933

Duties of Department of Correctional Services 83-905

Duty of gather scientific information 83-909

Director's authority to conduct investigations 83-910

Director's duty to provide information to Legislature 83-911

Director and employees may not accept gifts or gratuities 83-912

Department has charge of new buildings and repairs of existing 83-916

Compulsory education of children who have not reached the age of 18 years 79-201

Duties of Assistant Directors 83-924

Division of Community-centered services 83-931

Parole Administrator duties 83-933

Division of Adult Services 83-936

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Duties of Assistant Director of Adult Services 83-939

Division of Administrative Services 83-942

Duties of Division of Administrative Services 83-943

Correctional System Overcrowding Act 83-961 and 83-962

Contracts to implement Crime Victims Reparation act 81-1827

Department of Corrections to provide employment for persons confined 81-1826

Structured Programming for all adult persons confined 83-182.01

Employment for all persons confined 81-183

Person committed allowed to visit outside facility, work at paid employment 83-184

Categories of visitors allowed 83-186

Release procedures 83-187

Substance abuse therapy duties and parole board 83-1,110.01

Prohibited drug offenses, violations and penalties 28-416

Parole Board and its employees access to inmates and access to reports 83-1,113

Inmates shall have the right to file grievances 83-4,135

Incarceration work camp 83-4,142

Eligibility for work camp 83-4,143

Nebraska Correctional Health Care Act 83-4,153 to 83-4,165

Community standard of care required for all prison inmates 83-4,155

Community Standard of Care defined 83-4,156

Medical Director appointment 83-4,156

Duties of Medical Director 83-4,157

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Internal credentialing program 83-4,158

Health care personnel and clinics 83-4,159

Medical treatment protocols 83-4,160

Communicable diseases medical treatment protocols 83-4,161

Drugs, medical treatment protocols 83-4,162

Surgical procedures, medical treatment protocols 83-4,163

Peer review and quality assurance program 83-4,164

FOUR-DAY WORK WEEK (ERP):

As an agency with facilities open twenty-four hours a day and seven days a week, an across-the-board practice of a four-day work week would not achieve cost savings or efficiencies for NDCS. For those few programs not operating twenty-four hours a day and seven days a week, administrative and operational support and oversight is necessary for the rest of the agency.

Agency Efficiency Review Plan

Agency: 047 - EDUCATIONAL TELECOMMUNICATIONS COMM

PROGRAM CONSOLIDATION (ERP):

• **Program Consolidation (ERP)** – The consolidation of existing programs within the agency.

1. **Educational Services**

The Nebraska Educational Telecommunications Act of 1963 was enacted primarily to promote and establish noncommercial educational telecommunications facilities and provide educational programs by any technological distribution system. In 2009, NET successfully completed an historic transition from analog technology to digital. This new digital technology offers the State of Nebraska the opportunity to take a national leadership position in the delivery of educational content. NET has as one of its strategic priorities the deployment of the next generation education service. This service comes at a time when school districts are under increasing financial pressures while at the same time being pressed to show evidence of student achievement through statewide standardized tests. NET's digital capabilities, including the production and delivery of educational content, can assist every school district in the State with valuable supplemental materials to improve education and lower the cost of delivery.

As a critical first step, NET has hired an Assistant General Manager (AGM) of Educational Services to address the issues of organizational consistency and continuity. The AGM is charged with leveraging the state's investment in digital technology to support new learning environments and to serve as a catalyst for innovation. Goals include the preparation of students with new media skills, and the production and delivery of digital educational content through leadership, partnership and collaboration with formal, informal and non-traditional educators.

NET is presently in the process of consolidating its contractual services, interactive media and some graphics personnel and production resources within the new Education structure. The new streamlined management structure should better align customer needs and internal capacity to deliver high quality, timely product. Through internal reorganization and by building stronger external relationships, NET envisions being able to make further improvements and investments in this specific area with non-state supported grants and contracts, and to look for collaborative efficiencies with the Department of Education, Educational Service Units, K-12 consortiums, the University of Nebraska, and other post-secondary institutions involved in educational technology.

2. **Spectrum Management and Satellite Replacement**

NET's current satellite lease that supports the broadcast service interconnection between the NET origination center in Lincoln and the State-owned and licensed transmitters and translators will expire in January 2012. The NETC commissioned a study conducted by Skjei Telecom to analyze current NET television, radio and educational distribution requirements, to investigate available distribution methods (satellite, fiber optic, and microwave), and to recommend a distribution system for the next 10 years.

NET management plans included two strategic decisions: first, to maximize efficiency of the television and radio broadcast spectrum, and - second – to take full advantage of the Network Nebraska partnership, both in terms of controlling costs through Network Nebraska's ability to aggregate costs and in delivering educational services over existing fiber networks instead of by satellite. These decisions reduced the amount of bandwidth NET would need to deliver the broadcast services to NET's transmitters.

Our recommendation is to transition NET's retransmission service from satellite to fiber delivery over the next four years. NET will reduce its satellite capacity by 75%, but will retain all existing television and broadcast services. Existing fiber connections in Lincoln and Omaha will provide further programming streams to be available to the state's two largest communities at no additional cost. The cost of this solution, including approximately $425,000 of non-recurring build-out expenses, is $3,912,100. The ten-year (twelve years of service) price of the previous satellite retransmission contract was over $28 million. By adopting this new strategy, no NET service will be lost and the State will realize over two million dollars per annum in cost avoidance savings. The switch to fiber delivery should also result in reduced maintenance costs and allow for potential efficiencies in collaboration with the CIO's office and the Division of Communications.

Agency Efficiency Review Plan

Agency: 047 - EDUCATIONAL TELECOMMUNICATIONS COMM

STREAMLINING OF SERVICES (ERP):

• **Streamlining of Services (ERP)** – The opportunities for streamlining existing services.

1. Content and Distribution Management

In increasing numbers, Nebraskans are expanding their use of new media to access information important to them as citizens and as individuals. New media venues such as Cable Video on Demand, Internet Video and Audio on Demand, Podcasting, Vodcasting, and mobile platforms such as cell phones and PDA's are becoming as important to Nebraskans as traditional broadcast and cable. To reach Nebraskans on all current and emerging media platforms, it is necessary to increase public access to the existing media created not only by NET but by other government, educational, and non-profit organizations across the state. To maximize the content produced currently and in the past by NET, it is also necessary to streamline routine production and distribution tasks including recording, storing, editing, administering and archiving content.

An enterprise-wide Content Management System will optimize the State of Nebraska and NET's investment in digital technology, and make NET a more effective repository and distributor of information important to Nebraska's civically and culturally-engaged individuals and organizations. The enhanced capabilities will allow state government and other "mission-similar" partners interested in adapting the best of their content for widespread distribution across NET's multicast and broadband services. NET's broadcast and broadband distribution capacity has the potential to raise the profiles of State agencies and other presenting organizations and extend the reach of their programs, making them more cost-effective to the presenters and broadening their service to Nebraska's citizens.

To develop this public media archive and expand its channels of distribution, NET proposes to implement two integrated systems: enterprise content management, which embraces all the content of an organization, from print documents and images to multimedia and audio and video files; and Web content management, including all content made available via the Internet, broadband and portable services.

These new technological approaches will require significant changes in management, skills, and daily workflow processes. NET plans to combine the existing Network Operations Center and Customer Service Center with existing Radio and Television Traffic departments. By defining "traffic" in a broader, non-traditional sense, NET seeks to reduce personnel and management requirements by replacing specialized positions with multi-skilled workers and technology-enabled workflow processes.

Both Network Operations and the Customer Service Center have made strong progress in addressing workflow, schedule efficiencies and staffing overlap issues over the past few years. Both departments have been able to reduce FTEs and overtime. Additional personnel reduction is identified on NET's modification list for the 2012/13 biennial budget. We would note that two open TBA positions that were held in the engineering reorganization (which eliminated six full-time positions) are also on the modification list. These positions were being repurposed to address skill sets that are critical to the content management initiative and are not currently available in the organization.

Agency Efficiency Review Plan
Agency: 047 - EDUCATIONAL TELECOMMUNICATIONS COMM

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

• **Employee and Management Reforms (ERP)** – The reforms needed to reduce the number of employees and layers of management within the agency.

1. **Integrated Content Creation and Production Services**

More affordable technology and cross-training efforts among radio and television journalists presented the opportunity to merge NET Television Public Affairs with NET Radio News into NET News. Television producer/reporters are filing stories for NET Radio and radio reporters are producing video piece. All have been trained on using, small, light weight and inexpensive video cameras and desk top editing. The result is much more efficient production and scheduling of journalists and crews and better coverage for the state across all platforms. Content is created for NET Television, NET Radio, and NET Interactive from the same team. The quantity of the unit's output has increased without additional increases in operating budgets or staff. A single manager - the NET News Director - now can work across a merged department and can examine other efficiencies in the future.

NET is also developing - with private foundation funding - a new approach to science information, journalism and education. A multimedia team drawn from all disciplines will be developing a range of science news stories for NET Radio, a television special for general audiences on NET Television, and STEM curriculum materials for school districts across the state. In partnership with educators, museums, research centers, the approach is to identify important science being done in Nebraska and finding ways to tell engaging stories for all age groups and demographics. A single unified team "pre-purposing" content will deploy the most efficient staff and technology to cover various aspects of science. In many cases, they will create web and mobile content, which does not need the highest video quality and which can be completed by a single producer/writer. Other stories may require a larger production team - drawn from the same pool - to videotape in High Definition for a broadcast television special. The same science journalist will head into the field with both audio and video recording technology and will return with enough material to create stories and elements for all the media and service platforms: radio news, television, online and for the classroom. This approach shows promise in other content areas, including history, humanities, and other educational disciplines.

These new production models, augmented by investments and workflow changes supporting a file-based production system that allows content to be shared across all of NET media platforms, decreases production costs and increases content for Nebraska audiences.

2. **Studio and Remote Production**

NET is making technology investments that will replace current studio production control equipment with less expensive and more flexible content gathering systems. These new systems will require changes to work flow that will result in more efficient studio and remote productions. Simultaneously, this change in production models and technology will create opportunities for distributing more content through NET's television, radio and broadband channels.

The current video and audio systems require an independent operator for specialized functions. NET is replacing these systems with advanced control interfaces that allow a single operator to manage multiple responsibilities. These systems will include a consolidated switching/control interface and robotic cameras. These integrate HD video storage, HD animation players, HD graphic systems, high resolution multi-view players displaying video and files, macros for file-based effects, and watch-folders that streamline file import from NET's editing and graphics systems. The new HD robotic cameras which will replace the existing studio cameras can deliver HD video capturing capability with remote control pan tilt and zoom to each camera. Portable units will available for use in conjunction with NET's satellite/microwave remote unit, allowing greater flexibility and mobility with fewer personnel resources.

In the current configuration each of these functions required separate devices and operators. Once a change in work flow is implemented these systems will allow NET to realize staffing efficiencies for studio and some remote productions.

3. **Student Intern and Worker Programs**
NET, in cooperation with UNL Department of Journalism and Mass Communications, the Hixson-Lied College of Fine Arts, and the Institute of Agriculture and Natural Resources is entering the fourth year of a formal internship program where selected UNL students receive professional training in media production. NET is planning to enhance the intern concept and expand the program to include part-time, temporary student worker opportunities across all areas of the organization. NET anticipates short- and long-term benefits from such a program. A skilled student worker base reduces overtime and permanent staffing pressures as production capacity increases. In the long-term, the program will create a succession plan to replace higher paid permanent staff who retire or leave the organization with lower-cost entry level positions. The program is envisioned to be funded with self-generated grant and contract funds, and – in the case of UNL's formal intern program – with endowment funds raised through the University Foundation.

MANDATES AND REQUIREMENTS (ERP):

• **Mandates and Requirements (ERP)** – A review of all mandates and requirements imposed on the agency and the results of eliminating or changing the mandates and requirements.

The 1997 Revised Statutes of Nebraska requires the Commission to promote and sponsor no fewer than two general originating broadcast production facilities (one of which shall be located in Omaha). The NETC, in previous budget cuts, eliminated all financial support for UNO operating costs. UNO continues to make capital requests for the facility through the NETC biennium budget process. The Legislature could consider eliminating the language that requires an originating broadcast production facility be located in Omaha.

FOUR-DAY WORK WEEK (ERP):

• **Four-Day Work Week (ERP)** – The structural and operational changes needed for the agency to move from a five-day to four-day work week.

A four-day work week would impractical for NET because of the seven days a week, 365 days a year requirements of television and radio broadcasting. The continuous presence of network operations staff, traffic personnel, and IT support to maintain FCC licensing requirements are significant barriers to implementation of a four-day work week.

Four-day work weeks would severely affect NET's ability to maintain local content production. The nature of sports production and news coverage do not comply with a four-day structure, and would probably negatively impact production budgets with additional overtime and contractual labor costs.

A four-day work week would restrict NET's ability to self-generate critical funding. Nearly half of NET's existing budget is generated from sources other than State appropriations, of which NET's ability to generate funds through production contracts and partnerships is a critical component. As a four-day work week would reduce existing production capacity, these associated revenues would also be reduced.

NET has vigorously addressed other service areas where personnel savings could be achieved by changing full-time positions to part-time positions. This practice will continue to be pursued as budget constraints, reorganizational opportunities, and as retirements present themselves.

Agency Efficiency Review Plan

Agency: 047 - EDUCATIONAL TELECOMMUNICATIONS COMM

Agency Efficiency Review Plan

Agency: 048 - COORDINATING COMM FOR POSTSECONDARY EDUCATION

PROGRAM CONSOLIDATION (ERP):

Because the Commission has a very small staff, almost the same number as it had in 1992 when it began, and has had additional duties and responsibilities added to its operations, the Commission has continually evaluated its programs and staffing. Each employee has one or more major program areas of responsibility along with other duties and responsibilities designated by the Constitution or statute or necessary for the continued operation of the agency. The Commission does not have the luxury of having one person assigned to each program or operational duty and has always had to consolidate programs and functions to fit within the existing staff resources.

As an example, the Commission has a staff member who is assigned the constitutionally directed responsibility to review, monitor, and recommend approval or disapproval of each public postsecondary educational institution's existing and new programs to provide compliance and consistency with the Comprehensive Statewide Plan (another constitutional directive) and to prevent unnecessary duplication. In addition, the same staff member has the statutory program responsibility to review participation of public postsecondary institutions in proposed or existing education centers and approval of off-campus programming in an education center. Further, the same person has the responsibility to review requests from out-of-state institutions for authorization to offer courses and degree programs in Nebraska. This person also handles requests for authority to establish new private colleges in Nebraska. In addition, this person is responsible for the federally funded Improving Teacher Quality program. Even though this person has numerous programmatic responsibilities, she also assists the Commission in maintaining its operationally required segregation of duties by providing approval authority for accounts payable transactions.

This kind of effort and consolidation of programs is typical of most of the Commission's 12 staff members. As is evident from its inception, the Commission has evaluated programs, duties, and responsibilities to consolidate functions and programs, where appropriate, to fit the available staff resources.

STREAMLINING OF SERVICES (ERP):

There are limited opportunities for the Commission to streamline its existing operations. Many of the Commission's programs (services) are designated by the Constitution and the Commission is required by law to follow the constitutional directives.

The Commission does review its current operations and the services it provides on a continual basis. Most of the services provided are outlined in statute and the Commission carries out those statutory requirements in the most expeditious manner possible while still maintaining statutory integrity. It is also important to note that the Commission does believe that what it is directed to accomplish in the Constitution and statutes is appropriate and necessary. The Commission has in prior years identified programs that were not working well and either requested the Legislature to change the programs or eliminate them.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Commission does not have numerous layers of management within the organization. The management staff of the Commission consists of an Executive Director who has four state-funded people reporting to him and an Associate Director who has six state-funded people reporting to her and one federally-funded person. There is only one layer of management consisting of the Executive Director and the Associate Director. The remaining employees are the professional staff of seven and three administrative assistants.

Agency Efficiency Review Plan

Agency: 048 - COORDINATING COMM FOR POSTSECONDARY EDUCATION

Our recent review of Commission staffing indicated that the Commission should have 15 employees to carry out the breadth of responsibilities identified by the Constitution and Nebraska statutes. Because of budgetary cuts, the Commission has already had to reduce staff from 13 to 12 and additionally combine statutory duties among those remaining staff to continue to fulfill constitutional and statutory directives.

At present, the only reform that would reduce the number of employees would be a constitutional amendment or major statutory changes to decrease the scope of the Commission's responsibilities.

MANDATES AND REQUIREMENTS (ERP):

The existence of the Commission is based on the directives spelled out in the Nebraska Constitution. It is possible to change the Constitution by a vote of the people. If Nebraska voters passed a constitutional amendment to eliminate the Commission, there would not be a statewide comprehensive plan for higher education; there would be no entity to review public postsecondary institutional programs except the institutions themselves; there would be no entity to review capital construction projects submitted to the Legislature for funding except the institutions themselves; and there would not be an analysis of budget requests in relationship to a statewide plan for higher education. If a constitutional amendment was passed to eliminate the Commission, all the statutory responsibilities would also be eliminated such as financial aid administration, reporting of educational progress, database analysis, and other duties that are important to higher education.

If a less dramatic approach to eliminating requirements and responsibilities was utilized in an effort to decrease Commission staff and save money, the financial aid program could be eliminated in statute. Since one person at the Commission is responsible for all the state-funded financial aid programs benefiting low-income students in the state, this would save one FTE at $56,132.00 and state-funded financial aid of $6,683,000.There is also $7,750,000 of lottery funds that is required by the Constitution to be allocated to financial aid, so the $7,750,000 would not be saved and would have to be expended for financial aid to low-income students. Not expending the state-funded $6.6 million for financial aid would result in many of our low-income, higher education students being disadvantaged and not being able to attend college. This would also result in the state losing about $550,000 of federal funds for low-income students. While the state financial aid dollars could be sent directly to the public institutions to help low-income students, state dollars cannot be sent directly to private, independent institutions nor to for-profit higher education institutions, according to Article VII of the Nebraska Constitution. Low-income students would be further limited in their choice of postsecondary education.

Another statutory responsibility that could result in a decrease in staff and funding would be the elimination of database management. By statute, the Commission is required to maintain and report on two databases. One database contains data submitted to the U.S. Department of Education by Nebraska's higher education institutions. The Commission uses this database to provide reports on education outcomes and educational progress as specified in Nebraska Statutes 85-1421 to 85-1427. The data is also used for new and existing program reviews and capital construction evaluations. The second database is used by the Legislature to evaluate public higher education faculty and staff. Removing all references to educational databases would eliminate three people at the Commission for a total dollar savings of $158,899. However, not having data and the evaluation of the data would complicate and compromise the performance of the Commission's constitutional duties and eliminate a valuable, unbiased resource for tracking Nebraska's higher education progress and outcomes.

Other statutory duties and responsibilities could be eliminated, but they would not result in a decrease in staff because of the many responsibilities each employee has and the tie those responsibilities have to the constitutional duties and directives.

Agency Efficiency Review Plan

Agency: 048 - COORDINATING COMM FOR POSTSECONDARY EDUCATION

FOUR-DAY WORK WEEK (ERP):

The Commission first would need a ruling on whether the office would remain open five days a week from 8:00 a.m. – 5:00 p.m. as per statute. If that were the case the Executive Director would need to create a work schedule for employees that would be both fair to employees and also provide the best environment for both office coverage and completion of projects that require teamwork.

Due to the fact that each Commission employee has a full work load, the Executive Director, with counsel from the Commission, would have to adjust deadlines and priorities and perhaps request statutory changes to deadline requirements. Most of the work of the Commission is required by the Nebraska Constitution or State Statutes and is deadline driven.

Early in the current state budget crisis Commission staff discussed and researched the idea of a four-day employee work week. It was determined that a four-day workweek was not a good fit and did not save much money for the Commission for the following reasons:

-The Commission has a limited number of staff members, each working at capacity**.** The Commission does not have more than one person assigned to each responsibility.

-The 12 state-funded staff members each have specific duties, therefore, staggering the employees' work schedules would not allow for full expertise in the office during regular business hours.

-There would be no savings in operating expenses, i.e. rent, utilities, supplies, communications, etc.

Although the Commission continues to seek budget economies, it does not believe that a four-day work week is a viable approach for the agency.

Agency Efficiency Review Plan
Agency: 050 - NEBRASKA STATE COLLEGES

PROGRAM CONSOLIDATION (ERP):

"(a) The consolidation of existing programs within the agency"

The Nebraska State College System (NSCS) has been working on budget reduction planning, including considerations of program consolidation and streamlining of services, for the past two years. Considerable time has been spent, both at the College and System level in this planning. In response to the requirements of LB935, Section 7 (2010) and the Legislative study established in LR542, the Board of Trustees established a system-wide Efficiencies Task Force to consider ways that the NSCS can expand the ways in which the Colleges and System work together to obtain even greater efficiencies. This is in addition to planning that was already underway individually at Chadron State, Peru State, and Wayne State Colleges and the System Office. A description of the process used is included in the Streamlining of Services section of this document.

As noted above, the Colleges and System Office have already undertaken **program consolidations** and **streamlining of services**. Budget reductions have been required as the result of the legislature's Special Session 2009 budget reductions. These reductions are on top of those required by the NSCS to meet unfunded "core needs" increases of the System, which include increases in salary, health insurance, and utility costs. The budget reductions implemented during the current biennium total $5,623,688. A copy of the Nebraska State College System Report to the Appropriations Committee of the Legislature with Specific Actions and Plans To Implement Budget Actions Pursuant to LB1, First Special Session, 2009 dated January 15, 2010 is attached.

In addition to collective bargaining Agreements negotiated with professional and support staff, the NSCS, as a result of a recent Supreme Court decision, must now provide faculty with a salary increase of 11% over the current biennium. In addition, any overloads, summer session appointments, promotions, and new hire salaries must be recalculated based on the Court's decision. Over 80% of the NSCS full-time workforce is covered by a collective bargaining Agreement, making their salaries subject to the **State of Nebraska Collective Bargaining Act,** which requires bargaining to comparability regardless of ability to pay. In the current economic climate, without additional state support to cover these mandated additional costs, the NSCS must look to students to bear substantial additional costs through tuition and fees, or we must continue to reduce operating budgets, generally through the eliminations of programs and/or positions.

Unfortunately, given the budget reductions of the early 2000's, combined with those of the current biennium, the NSCS has moved beyond looking at **program consolidations** and **streamlining of services** and has been forced to begin eliminate programs and reduce services. Many student support services have been reduced, a few academic programs have been eliminated, and administrative staffing has been reduced to a level that requires many remaining administrators to work evenings and weekends to meet the requirements of their areas and cover for positions that are no longer budgeted. A total of 50.4 FTE have been eliminated in during the current biennium, which translates to nearly 10% of the state-supported positions in the NSCS.

Agency Efficiency Review Plan

Agency: 050 - NEBRASKA STATE COLLEGES

Attachments:

BUDGET REDUCTION PLANNING Update to Legislature.docx

STREAMLINING OF SERVICES (ERP):

"(b) The opportunities for streamlining existing services"

In response to the efficiency study mandated for all state agencies in LB935 (2010) and the Legislative study established in LR542; and in preparation for the potential upcoming budget challenges, several initiatives are underway and/or just being completed. Each College has prepared a contingency plan for an additional 5% reduction. It is important to note that this reduction may be required even if the state appropriation level remains constant. Increased operating costs related to salaries and health insurance, utilities, and new software operating costs will have to be provided for regardless of funding provided. While tuition may be able to assist with some of these increased costs, it will be difficult to consider the level of tuition increase that might be necessary to entirely cover these cost increases.

While, for obvious reasons related to identifying potential employees whose jobs might be eliminated, the 5% reduction plans cannot be disclosed. The types of reductions the next 5% will require cause a great deal of concern. The very services and support that make the NSCS successful in assuring that students can meet their educational goals and make it to graduation will be impacted. Successful, high performing programs may be at risk. Some student support services will be reduced or eliminated. Building maintenance will be impacted. Fewer full-time faculty will be available to teach our students. As a result of these adjustments, students who would otherwise succeed will not make it beyond their first year. This is not just speculation, but a fact known through studies nationally as well as internal studies done by the Colleges evaluating support programs over many years.

With additional cuts to full-time faculty positions, more adjuncts will be teaching NSCS courses. Students will less often be able to connect with a full-time faculty member. Reducing the level of services provided to students means that there is not always a person available to assist students. This is challenging with today's students who are really not self-actualized. The so-called "helicopter parents" of recent years continue to hover over their students at college and are now beginning to spill over into graduate programs. Students are requiring more service than before – not less. The NSCS serves an important niche for students who may not otherwise succeed. Due to the NSCS's mission as open

Agency Efficiency Review Plan
Agency: 050 - NEBRASKA STATE COLLEGES

enrollment institutions, students are not as prepared as at some other institutions and often may not be successful at other institutions. If we reduce services to the point that these students are not successful, the State will have fewer college-educated citizens and students will be saddled with debt, without the earning power to repay that debt. Fewer students will be retained beyond their freshman year.

In addition to the planning work at the Colleges and the System Office individually, a system-wide Efficiencies Task Force (ETF) with key leaders from across the NSCS has been meeting to look at ways that we, as a system, may be able to operate even more efficiently. While the items we are currently working on will not result in a large amount of dollar savings, they may provide more efficient processes and procedures, which could result in more time available to provide service to students and better meet our core mission.

The attached "Chancellor's Report on the Efficiencies Task Force" describes the process undertaken and was provided to the Board of Trustees at their September 10, 2010 meeting as an update to the work of the Task Force. The results of that work, as with the other reduction plans, remains confidential as it has the potential to impact jobs, and therefore individuals, within the NSCS.

Some examples of already-existing system-wide cooperation include the shared Masters Degree in Organizational Management offered on-line with concentrations in Entrepreneurial & Community Development, Human Services, Natural Resources, Information Technology Management, and Sports & Recreation Management. The NSCS Advantage Program (where students who are receive Pell Grants pay no tuition at the state colleges) and the Yellow Ribbon Program (a tuition matching program with the Department of Veteran Affairs) were both implemented system-wide in a very short time frame with the full support of administrations at all three Colleges. A new high-deductible health insurance option, paired with a Health Reimbursement Arrangement (HRA) is being implemented January 1, 2010 that has the possibility of being a win-win for employer and employees and result in savings for both the NSCS and the employees who choose this option.

Attachments:

8.1 Chancellors Report Board Meeting 2010 09 10.docx

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

"(c) The reforms needed to reduce the number of employees and layers of management within the agency"

Agency Efficiency Review Plan
Agency: 050 - NEBRASKA STATE COLLEGES

The Nebraska State College System has a very lean administrative team. Staff at all levels are hands-on. With reductions that have already been made, many administrators are working evenings and weekends to accomplish the goals and tasks necessary to meet the needs of the institution, provide support necessary for faculty, staff, and students, and meet the ever-increasing mandates in place as well as ever-increasing requirements for accountability and transparency. The number of state-supported employees has already been reduced by nearly 10% in the current biennium. Management is working to its capacity. Throughout the past two years of budget reduction planning, the Colleges have continued to ask the question of "what tasks, processes, reports, etc. are we doing that do not further the mission of our institutions?" As a result, actions have already been taken during the current biennium and any identified reforms have been made through the implementation of budget reductions already completed.

MANDATES AND REQUIREMENTS (ERP):

"(d) A review of all mandates and requirements imposed on the agency and the results of eliminating or changing the mandate requirements"

At the request of the legislature, personnel in the NSCS System Office and each of the NSCS Colleges have identified mandates that require the allocation of staff time and institutional resources. As a point of reference, there are at least 115 mandates imposed on the NSCS by outside sources.

The material is divided into four categories: Nebraska State College System, Chadron State College, Peru State College, and Wayne State College. Mandates from the state and the federal government reach wide and deep. There is not one mandate included in this report that does not affect the NSCS System Office and the 3 (three) Colleges in some way.

Points to Ponder
1. In exploring the impact of complying with the mandates, the most common element is the demand on staff time and resources. Even though technology helps sort and maintain information, staff time is needed to input and manage the data, interpret the data, and report the data in an understandable and useable manner. Keep in mind that in most areas at all three colleges, there are a limited number of staff members. It is not uncommon to find that only one person is responsible for managing his/her particular area and that one person manages more than one area. The NSCS is proud of having a lean workforce; however, the number of requests for information at various times of the year is so numerous it is difficult to meet the demands on staff and resources.
2. The mandates come from two main sources, the federal government and state government. The focus on accountability and transparency and the need for data often redirects the workforce energy from our mission of access for quality postsecondary education to responding to requests for information/data.
3. Even though the NSCS System Office and the Colleges have submitted mandates for inclusion, available staff limits the amount of time and resources available to spend completing the project. This material should be viewed as representative of the on-going demand placed upon NSCS personnel. It is estimated the 200 to 250 hours have been spent in preparing and collecting the information for this mandate section of the efficiencies report.
4. Inclusion of the mandates in this report does not necessarily mean the NSCS would like to see them changed. There are mandates in place that benefit the Nebraska State College System and its employees and we would not be in favor of abolishing them

The full report with mandate information is provided in the attached file.

Attachments:

NSCS Mandates_1.pdf

Agency Efficiency Review Plan
Agency: 050 - NEBRASKA STATE COLLEGES

FOUR-DAY WORK WEEK (ERP):

"(e) The structural and operational changes needed for the agency to move from a five-day to four-day work week"

A four-day work week is not a possible consideration for the Nebraska State College System. Reasons include:

*Class schedules

*Classroom/facility limitations

*Residence Halls

*Energy Operations (energy plants including a woodchip plant)

*Connections to K-12's, other institutions of higher education

*College visits by potential students

*Student and intercollegiate activities

*Services to our rural service regions

Unlike agencies whose mission is met by establishing "office hours", the Colleges are 24/7 operations that are an embedded component of the regions we serve.

Chancellor's Report
Efficiencies Task Force

An Efficiencies Task Force was appointed, as requested by the Board of Trustees, to conduct a system-wide efficiencies review in response to LB 935 (2010), Section 7 (Appropriation Bill) and LR 542 (2010). The Task Force met three times, June 3, 2010; June 23, 2010 and August 9, 2010 and included Board members, as well as, participants from each College and the System Office.

The participants included:

Bill Roskens, Board of Trustees
Michelle Suarez, Board of Trustees
Stan Carpenter, Chancellor, NSCS Office
Kristin Petersen, General Counsel and Vice Chancellor for Employee Relations, NSCS Office
Carolyn Murphy, Vice Chancellor for Finance and Administration, NSCS Office
Janie Park, President, CSC
Dan Hanson, President, PSC
Rick Collings/Curt Frye, President/Interim President, WSC
Dale Grant, VP Administration and Finance, CSC
Ann Burk, Director of Computer Services, CSC
Todd Drew, VP Academic Affairs, PSC
Michaela Willis, VP Enrollment Management & Student Affairs, PSC
Jeff Carstens, VP/Dean of Students, WSC
Cheryl Waddington, Director of Human Resources, WSC

The overall charge to the Task Force was ***to identify ways of strengthening the Nebraska State College System through collaboration and cooperative efforts that result in efficiencies and streamlining of offerings and operations, while maintaining and improving the quality of programs and services to our students.***

During its first meeting, the Task Force was asked to "brainstorm" responses to the following two questions, which are directly related to the charge above. Each individual was provided a couple of weeks to respond by e-mail with their ideas on each.

1) How are we in the NSCS already collaborating and cooperating in a manner which results in efficiencies and streamlining of offerings and operations?
2) What are additional ideas for collaboration and cooperation that could result in additional efficiencies and streamlining of offerings and operations?

The second meeting was a full day "retreat". At that meeting, break-out groups were assigned a portion of the ideas received as a result of the brainstorming exercise. Each group was given an opportunity to present the pros and cons of the ideas to the entire Task Force. The group went through an exercise to "prioritize" the ideas with the most potential. Following the second meeting, additional work was done to further explore the eight ideas identified as having the most potential.

8.1.-2

Finally, at the third meeting, the findings of the additional research on the ideas identified at priorities were presented to the Task Force. The group then determined which efficiency ideas that should be brought forward to the Board and/or looked at for implementation regardless of monetary savings or costs.

Documents included an overview, identified advantages and disadvantages, challenges, thoughts on timeline for implementation, staff involvement required, and other information related to each of the eight priority initiatives identified at the ETF's last meeting were given to the Task Force.

The group reviewed each of the initiatives and discussed additional thoughts and ideas. After the discussion, the group rated the initiatives using the following information and grid:

1) Potential for Efficiencies and/or Cost Savings (Eff/CS)
    a. High
    b. Middle
    c. Low

2) Time and Effort to Implementation
    a. High
    b. Middle
    c. Low

Resulting Overall Priority for System

HIGH	High Initial Time & Effort Low Potential for Eff/CS	High Initial Time & Effort High Potential for Eff/CS
Initial Time & Effort	Low Potential for Eff/CS Low Initial Time & Effort	High Potential for Eff/CS Low Initial Time & Effort
LOW		HIGH

Potential for Efficiencies/Cost Savings

From this ranking of priorities, five efficiency ideas were identified for additional work a list of those responsible for looking at implementation strategies was identified.

We will find time to have further conversations about the process and resulting recommendations.

NEBRASKA STATE COLLEGE SYSTEM
REPORT TO
APPROPRIATIONS COMMITTEE OF THE LEGISLATURE

SPECIFIC ACTIONS AND PLANS TO IMPLEMENT BUDGET ACTIONS PURSUANT TO LB1, FIRST SPECIAL SESSION, 2009

January 15, 2010

The Nebraska State College System (NSCS) has experienced significant challenges over the past year in assuring that budget reductions were implemented to deal first with internal reductions required to cover the "core needs" of the System, including negotiated salary increases, health insurance increases, utility cost increases, initial operating costs related to the implementation of the new financial (SAP) and student (NeSIS) information systems – even before the budget cuts related to the Special Session (2009). In summary, the required reductions during the current biennium for the NSCS are as follows:

FY10 (Internal Phase I)	**$2,509,528**
FY11 (Internal Phase II)	**$1,468,922**
FY10 (Special Session Cuts)	**$ 838,880**
FY11 (Special Session Cuts)	**$ 806,358**
Total Base Reductions	**$5,623,688**

The NSCS summary below includes the total impact for the current biennium, including both internal reductions required to cover the core needs, and the special session cuts. All of the budget reductions noted above have been made equitably across the system, with Chadron State, Peru State, Wayne State, and the System Office all sharing proportionately in the reductions based on total operating budget as approved by the Board of Trustees.

Expected Impact on Staffing

A total of 50.4 FTE faculty, professional staff, and support staff positions have been eliminated system-wide. This represents 9.4% of the total state-supported positions in the NSCS. The breakdown of position eliminations is as follows:

Faculty	**23.0 FTE**
Professional Staff	**14.4 FTE**
Support Staff	**13.0 FTE**
TOTAL	**50.4 FTE**

These position eliminations are all BASE adjustments. The positions are permanently eliminated and are not considered vacant or positions held open. The FTE and respective salary & benefit amounts are permanently removed from the College's and System Office's operating budgets.

Of these position eliminations, 20.3 FTE positions were vacant, 11.7 FTE positions were eliminated through retirements and resignations, 4.4 FTE positions were transferred to the non-state supported portion of the budget, and 21.7 FTE positions required displacement of existing employees. Through

reorganizations related to the above position eliminations, 7.7 FTE new positions were created, often combining critical responsibilities of other positions being eliminated. This results in the total 50.4 FTE as noted above.

The total savings represented by the 50.4 FTE positions is $3,400,000. In addition, other personal services reductions, including hourly temporary workers, stipends, and overloads resulted in an additional $250,000 in reductions, for a total reduction in the personal services area of approximately $3,650,000.

Estimated Impact on Operating Budgets Other than Staffing

In addition to position eliminations and other personal services reductions, the Colleges and System Office also reduced operating budgets significantly. These reductions include general operating supplies and expenses, travel, and special projects budgets. Utilities budgets, in some cases, were reduced, as a result of energy savings initiatives as well as a reduction in square footage in service.

Use of Reappropriation Funds

Funds that the Colleges and System Office were allowed to carry over from FY 2008-09 to FY 2009-10 were critical in achieving the base adjustments required each year of the current biennium, allowing time to provide the required notices for lay-offs and non-renewals in identified positions.

Expected Impact on Services

Obviously, reductions of this magnitude cannot be made without an impact on services. All reductions, however, were made with a focus on our core mission of providing an affordable, quality higher education to our students.

College operations throughout the System have been significantly impacted by the series of budget cuts during FY 2009-11biennium. These budget reductions have impacted all areas of the Colleges, including academics, administration, facilities, finance, maintenance, operations, and student services. A variety of options have been examined in an attempt to deal with these significant budget cuts.

Reductions in budgets in the academic areas have resulted in the loss of faculty and staff positions as well as the elimination of academic programs. Students are impacted with fewer courses and course sections offered and offered less frequently; lengthening the time it may take to earn a degree. Fewer full-time faculty members mean existing faculty have more advisees, making it more difficult for students to get timely advising and/or the mentoring they need. This can negatively impact graduation rates, student success rates and retention rates. Larger class sizes distract from the learning for many of the students who benefit from small class sizes.

Student services have also been negatively impacted. With a reduction in the number of staff members, students often find themselves waiting longer to get help. Fewer staff members also means it takes longer to process student financial aid applications, transcript requests or scheduling changes and to provide counseling or advising services.

The Colleges are now deferring maintenance, repairs and projects due to the loss of positions in maintenance and facilities. The remaining custodians, computer staff members, mechanics, and administrative staff have taken on additional duties and responsibilities to keep things running as smoothly as possible. As in the academic areas, students and staff are waiting longer to get the service they need to take care of business, e.g., fixing a computer with a virus; repairing leaking faucets; repairing broken windows, doors, and railings and/or replenishing the paper towels in the restrooms or science labs, etc.

Chadron State College

Eleven FTE faculty positions have been eliminated in addition to a number of academic programs. Five academic minors (Sociology, Humanities, Spanish, Geography, and Political Science) were eliminated at CSC. The Information Science and Technology (IST) program, the Specialist Program for School Superintendents and the Museum Studies program were eliminated as well. As indicated, eliminating faculty adds to the workload of remaining faculty in areas related to advising and mentoring students, course development and preparation, committee work, and service to the college, the community and the region. Eliminating academic programs reduces the number of undergraduate and graduate programs available students.

Several positions have also been eliminated in areas related to student services and facilities/maintenance. These reductions cause a substantial strain on the remaining employees who now have added responsibilities. As stated above, students can now expect to encounter delays in services and a reduction in the time staff members can spend with them.

Peru State College

The College has eliminated three faculty positions. This reduction has resulted in a growing number of courses taught by adjunct faculty and an increase in the workload of full-time faculty and staff. Adjuncts do not participate in the many responsibilities – advising, mentoring, research, and service – required of full-time faculty.

In addition to faculty cuts, a number of other positions have been eliminated. Budget cuts have reduced the College's ability to fund special maintenance requests, minor construction, and new technology initiatives. Any future cuts may force the College to consider the reduction of academic programs. Any academic program cuts would have an impact on enrollments, future growth, and ultimately PSC's mission of providing access to quality postsecondary education.

Wayne State College

Nine faculty positions were eliminated at WSC. The budget reductions affected the College's academic areas in a variety of ways, including limiting professional development travel for faculty and administrators while protecting course related travel for students. Internal funding for instructional projects and grants was eliminated. Academic and other equipment purchases were substantially reduced.

With the elimination of a number of positions, WSC has reduced hours of operation for the Student Center and now offers fewer freshman orientation activities and transition to college support services (e.g., First Year Experience or Orientation for new freshmen, non-traditional students and transfer students.) The College has also been forced to reduce student leadership development training and activities and offers fewer intramural sports programs. Students are also finding increased wait time in several student service areas, including disability services, academic advising, mental health counseling, and substance abuse evaluation services. Because of the Nebraska State College System's open admission role, a good number of our students require academic and support services in order to be successful. The service reductions identified above will have a direct and tangible impact on student learning, development, retention and time to degree completion.

Foreseen Impact on Federal Funds

The NSCS does not anticipate any impact on federal funds.

Outlook for Tuition & Fees

The internal reduction amounts included at the start of this report already assumed a moderate tuition increase for FY 2009-10 and again for FY 2010-11. Tuition increased by 5% for FY 2009-10. The Board of Trustees will not establish tuition rates for FY 2010-11 until later this spring or most likely June, 2010.

As a note of interest, if tuition were increased to cover the impact of all of the budget reductions during the biennium, it would have resulted in a tuition increase over the biennium of approximately 25.5% beyond the already-anticipated moderate tuition increases. A 25.5% increase in the current tuition rate would result in an undergraduate, non-resident tuition rate of $153.75 per credit hour as compared to the FY 2009-10 tuition rate of $122.50 per credit hour. This would add nearly $1,000 per year to the average full-time student's tuition bill (assuming 15 credit hours per semester).

Conclusion

The Nebraska State College System remains strong and vibrant. Our core mission remains central when making decisions during the budget process. Our students can depend on the NSCS to provide quality higher education now and into the future. The System operates with very lean staffing levels

which makes budget reductions in all areas difficult and painful. We know that the NSCS is prepared to meet the challenges that lie ahead by working together to make a difference.

Agency Efficiency Review Plan
Agency: 051 - UNIVERSITY OF NEBRASKA

PROGRAM CONSOLIDATION (ERP):

Prefer to the University's September 15, 2010 Agency Efficiency Review Plan (attached and also posted at www.nebraska.edu).

Attachments:

2010.9.15 NU Agency Efficiency Review.pdf

STREAMLINING OF SERVICES (ERP):

Prefer to the University's September 15, 2010 Agency Efficiency Review Plan (attached and also posted at www.nebraska.edu).

Attachments:

2010.9.15 NU Agency Efficiency Review.pdf

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

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Attachments:

2010.9.15 NU Agency Efficiency Review.pdf

MANDATES AND REQUIREMENTS (ERP):

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Attachments:

2010.9.15 NU Agency Efficiency Review.pdf

FOUR-DAY WORK WEEK (ERP):

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Attachments:

2010.9.15 NU Agency Efficiency Review.pdf

UNIVERSITY OF Nebraska

OFFICE OF THE PRESIDENT

September 15, 2010

Senator Lavon Heidemann
Appropriations Committee
Nebraska Legislature
State Capitol
District 1
Lincoln, NE 68509

Dear Senator Heidemann:

Enclosed is the University of Nebraska's "Agency Efficiency Review Plan" for FY2010-11 and FY2011-12, pursuant to LB 935. As you know, the budget reduction process for public universities differs from that of other state agencies, and is based on a system of shared governance. The University of Nebraska is no exception. Nonetheless, following the adoption of LB 935, we began preparing for the anticipated fiscal challenges facing our state. LB 935 requires a review of: "(a) The consolidation of existing programs within the agency; (b) The opportunities for streamlining existing services; (c) The reforms needed to reduce the number of employees and layers of management within the agency; (d) A review of all mandates and requirements imposed on the agency and the results of eliminating or changing the mandates and requirements; and (e) The structural and operational changes needed for the agency to move from a five-day to four-day work week."

It is clear our state faces a difficult fiscal period, and we share the expectation that all recipients of state funding will be affected. We believe that the University of Nebraska is among the highest priorities of the state and that should be reflected in budget decisions that will have far-reaching implications. We have had a flat state budget for two years and have provided no general salary increases for our employees, who are our greatest resource. While this is not sustainable over the long term if we want to be competitive, we have understood that we needed to be conservative in order to emerge in a strong position as the economy and state budget recover.

We hope that the budget challenges of the next biennium will not force the state to diminish the high quality of education provided by the University, and the opportunities that education brings, for many Nebraskans. I am hopeful that the Governor and members of the Legislature will agree that our state benefits tremendously from a strong University of Nebraska, and that we must continue to provide affordable access to a high quality education, conduct research that is critical to the future of Nebraska, and engage in outreach with citizens across the state.

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The next few years will be challenging, and they will provide a test of our commitment to education and to the future of Nebraska. At a time when the rest of the world has recognized the advantage the U.S. has enjoyed largely because of higher education, and is pulling ahead of us in our own game, we must recommit ourselves to providing affordable access and timely completion of a college education. And while we understand that there are other important and worthwhile state priorities, I question whether Nebraska can afford to make budget decisions that limit access to higher education and its personal and societal benefits as well as its impact on the long-term prospects for Nebraskans and our economy.

I look forward to working with you to address these challenges.

Sincerely,

James B. Milliken
President

JBM:jbs

cc: Clerk of the Legislature
Attachment

Appendix 1: University of Nebraska Agency Efficiency Review Plan - 2010-2012

September 15, 2010

Introduction

It's clear that the state of Nebraska faces a difficult fiscal period, and the University of Nebraska shares the expectation that all recipients of state funding will feel the impact of these challenging times. The University is committed to doing its part but asks to be treated equitably and fairly. We have lived with a flat state budget for two years and have provided no general salary increases for our employees. While this is not sustainable over the long term if we want to be competitive, we understand that we need to take steps now to emerge in a strong position as the economy and state budget recover. This plan describes the steps we are taking to identify areas of potential savings across the university system that will help us manage our budget in the coming biennium.

As the Appropriations Committee develops biennial budget priorities, we would ask that you seriously consider the role public higher education (and particularly the University of Nebraska) plays in our state, the importance of a college-educated workforce, and the personal and societal benefits of educational attainment. In terms of the economic future of our state and nation, there has never been a more important time to invest in higher education and to encourage college-going and degree completion. If Nebraska is serious about providing an education that will prepare our citizens for the 21st century workplace, we need to be serious and consistent about how we fund it. It is important to remember that while K-12 education is funded in large part at the local level, it is exclusively the responsibility of the state to provide public funding for higher education.

Context for Investment in Higher Education

A recent report issued by the College Board shows that the U.S. has fallen from first to 12th in the world in the percentage of adults ages 25 to 34 with postsecondary degrees. Only about 40 percent of young Americans have earned an associate's, bachelor's or advanced degree – well behind Canada, which leads the world with 56 percent, and also lagging behind Korea, Japan, Germany and other nations. Why should this concern us? Because today, more than at any time in our history, it is understood that a college-educated workforce is an essential ingredient for a competitive economy.

The returns from a college education, to the individual and to society, are significant. An earlier College Board report, "Education Pays," demonstrates the positive impact of educational attainment. Compared to high school graduates, individuals with a bachelor's degree:

- Earn nearly $20,000 per year more;
- Have significantly lower rates of unemployment and incarceration;
- Rely far less on public assistance;

- Enjoy better health;
- Are more likely to vote, volunteer and participate in their community;
- Have children who have better cognitive skills as pre-schoolers and a greater likelihood of going on to college after high school

Regaining our competitive advantage in higher education is a clear national priority. That's why the President and a number of national organizations focused on competitiveness have outlined a strategy to help the United States regain its leadership position in the world. In addition, the National Governors Association, of which Governor Heineman is the new vice chair, announced that its primary initiative for the next year focuses on college completion; it's called "Complete to Compete."

Nebraska faces higher education challenges that mirror those of the nation. While Nebraska ranks second in the nation in high school graduation rates, it is 18th in college-going rate, with fewer than 65 percent of our high school graduates going on to college. Only about 36 percent of Nebraskans hold an associate's degree or higher and only 27 percent have a bachelor's degree or higher. College completion rates are an additional challenge, and we are working to address this on statewide and university-wide levels. More than 265,000 Nebraskans have some college experience but have not earned a degree.

One additional statistic is especially compelling. A new report from Georgetown University assessing the level of education that will be required to fill new jobs through 2018 ranks Nebraska 7th in the nation in the percentage of jobs (66 percent) that will require post-secondary education.

Most leaders, including those in Nebraska, have recognized that the standard of competitiveness for a region or a nation is no longer a high school education but some level of post-secondary completion. Nebraska's P-16 Commission, chaired by the Governor, has advanced an agenda that begins with a strong public school curriculum and concludes with timely completion of college. And the NU Board of Regents has adopted strategic priorities with accountability measures regarding access, affordability, enrollment growth and timely degree completion.

Notwithstanding these philosophical commitments, postsecondary education in Nebraska has clearly not been a top priority in the state's budget. Higher education funding in Nebraska has grown much less rapidly over the last decades than other state expenditures and at a rate ***40 percent less*** that the growth rate of all of state government *(chart 1).* As a result, the University is now a much smaller part of state government than it has been in the past *(chart 2).*

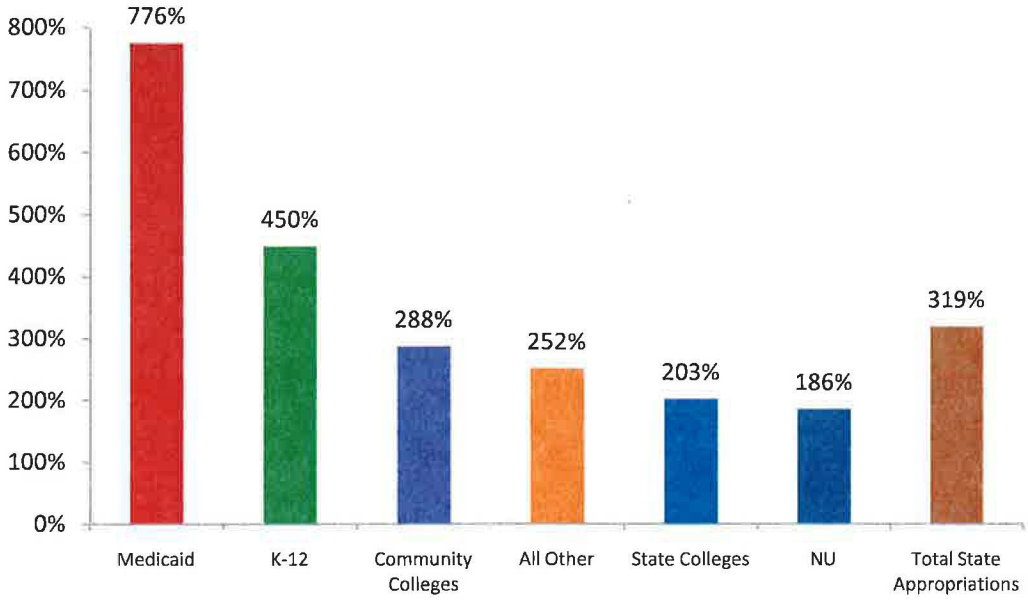

Chart 1: The University's growth in state appropriations, 1986-2011, is 40% less than overall growth.

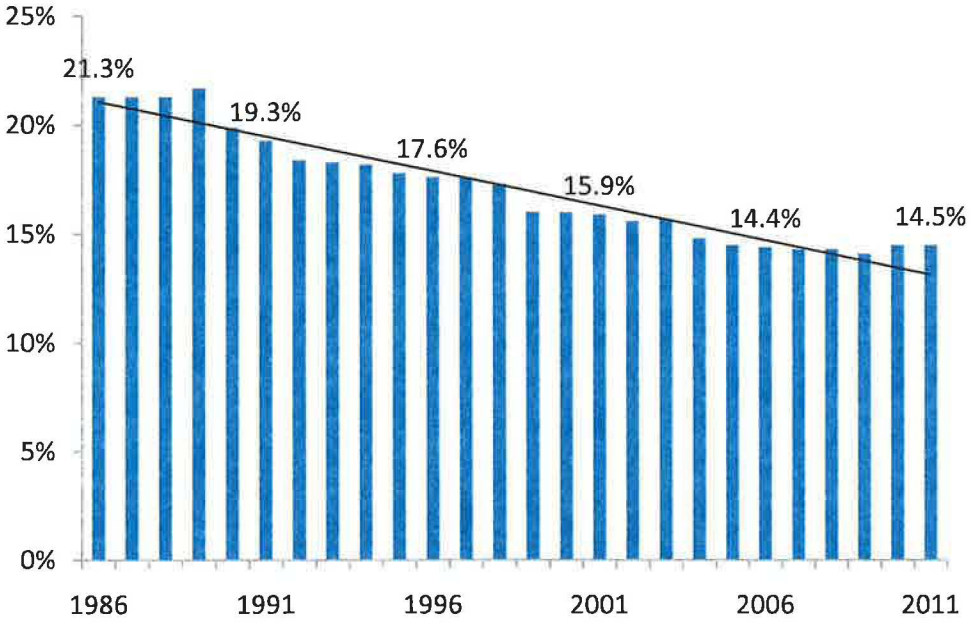

Chart 2: The percent of state budget appropriated to the University of Nebraska continues to decline.

Focusing on our Strategic Framework as the foundation of our planning

The University of Nebraska's strategic framework, adopted in 2005, guides the actions and priorities of the Board of Regents and University leadership. The basis of the framework is this:

The University of Nebraska is a four-campus, public university which was created and exists today to serve Nebraskans through quality teaching, research, and outreach and engagement. We strive to be the best public university in the country as measured by the impact we have on our people and our state, and through them, the world. To do that, we must compete effectively with other institutions around the world for talented students and faculty. The future of Nebraska is closely tied to that of its only public university, and this framework guides university-wide and campus planning to help build and sustain a Nebraska that offers its citizens educational and economic opportunity and a high quality of life.

The framework centers on six overarching goals:

1. Access and affordability
2. Quality academic programs
3. Workforce and economic development
4. Research growth
5. Engagement with the State
6. Cost-effectiveness and accountability

Each goal includes specific objectives and measurements of progress, serving as a valuable guide for the University's deliberations relative to the annual operating budget and any reductions that are required. We publish our progress towards University goals, including dashboard indicators of performance relating to 16 metrics set by the Board of Regents. The report is available at www.nebraska.edu/framework .

Consolidation, Streamlining and Reforms

LB 935 specifically asks agencies to identify opportunities to consolidate existing programs and streamline existing services, and to determine any reforms that are needed to reduce the number of employees and layers of management within the University.

Nebraska's fiscal condition has required the University to make $58 million in budget cuts and reallocations over the last decade, with an additional $10 million to be made this fiscal year. These reductions have resulted in a number of changes in business practices and have had a significant impact on our campuses and in communities across the state. Throughout Nebraska, programs and services have been reduced, eliminated or outsourced. A summary of previous budget cuts and their impact is attached (Appendix 1).

Together with the Board of Regents, Chancellors and other University leaders, President Milliken has been discussing the state's budget challenges for some time. The University's goal is to achieve cost-effectiveness and savings, while preserving the integrity of important University programs in teaching, research and engagement. Its objective is to find ways to reduce

costs and be more efficient in order to invest our limited resources in the priorities identified through our strategic planning. In complex, relatively decentralized organizations such as large, modern universities, this is labor-intensive and time-consuming work. A recent study conducted for the University of California, for example, identified a timeline of nearly three years including "diagnosis" of issues, development of solutions that capture savings and implementation of solutions. We understand we do not have the luxury of that much time.

Fortunately, we have the benefit of some past good work done at the University of Nebraska and more recently at other major universities. At Nebraska, we have had a number of task forces and commissions review University operations and make recommendations, some of which have been adopted and others which may provide guidance now. Our new distance education structure, for example, is consistent with recommendations made in the 1999 Burns Commission report. These studies can be found on our website at www.nebraska.edu/efficiency. Some core principles from these recommendations that merit serious consideration today include:

a. The importance of viewing the University of Nebraska as a single system so that cost-effective changes in operations are carried out across the university, not just on an isolated basis, and so that each campus can maintain focus on priorities that advance its unique mission without having to provide "all things to all people;"
b. Potential economies that can be gained by streamlining and simplifying the University's business processing linkages with other state agencies, including the Nebraska Department of Administrative Services;
c. Reductions in administrative bureaucracy;
d. More unified management of information technology; and
e. Need for a mechanism to capture and mandate best practices.

University leaders have also reviewed a number of recent high profile (and high cost) studies conducted at other public universities by external consultants who identified areas that could yield significant potential savings. It is important to note that implementing some of these suggestions can result in significant long-term savings, but may require investment in new processes that may offset some short-term gains. Among the suggestions made in those reports that are relevant to Nebraska are these:

a. A more strategic rather than transactional approach to procurement including negotiation of university-wide contracts;
b. A more streamlined human resources organization;
c. Increased shared services for academic centers and institutes;
d. Restructuring of research support offices to reduce redundancies and improve support for all campuses;
e. Better utilization of existing classroom space to support more students;
f. Consolidation of information technology infrastructure;
g. Reduced energy consumption;
h. Increased automation of processes and more effectively leveraging technology to reduce costs in areas such as printing.

Recent successes in consolidation and cost-effectiveness contemplated by LB 935 include:

- A new Student Information System serves not only the University of Nebraska's four campuses but also the three institutions in the Nebraska State College System, providing an efficient and cost-effective platform for management of student activities, including application, enrollment, financial aid and academic reporting.
- The University brought the state colleges into our SAP and ESS systems, saving them from having to purchase and implement a separate system; the implementation of a single system for payroll, which the University has used since 1999, is among the recommendations now being made by outside consultants to other public universities.
- We save money by purchasing property insurance through a consortium of universities.
- We have outsourced some services previously based on the campuses such as laundry and painting, eliminated motor pools at UNO and UNMC, and consolidated printing services at UNO and UNMC.
- Our Online Worldwide platform for distance learning adopts an approach recommended by University task forces and external consultants to more effectively pursue revenues and consolidate unnecessarily redundant cost centers. As the fastest-growing segment of higher education, online education represents a significant opportunity for revenue enhancement.

A systemic approach to cost efficiencies

Traditionally, the process of determining budget reductions and identifying potential cost efficiencies has been a campus-specific activity. This year, we have taken a more systemic approach. With the active support of the Chancellors, President Milliken initiated a cross-campus budget process, with campus academic and business administrators working together to identify programs, services, procedures and approaches that can be better or more efficiently delivered through a cooperative, shared services or other alternative model.

Academic and business leaders are assessing whether there are new ways to collaborate or share resources across campuses to be most cost effective. In other words, looking collectively, are there ways to reduce costs university-wide that would leave each campus better off than simply allocating separate reduction targets to each campus? Can we find unnecessary duplication in either academic or business areas? Are there specialized resources that can be shared? Are there capacities at one campus that could be utilized at another? Can we learn from other universities' initiatives with shared services? Can we identify new opportunities to generate additional revenue?

In the academic areas, the emphasis is on meeting student needs by combining efforts. Deans of colleges with similar missions have been asked to assess areas for collaboration and new opportunities and delivery models. This provides a real opportunity available to those colleges that exist on more than one campus to explore efficiencies through collaboration and achieve savings while still serving students across the University.

In the business areas, university-wide teams of subject-matter experts are analyzing potential savings in six major expense categories: travel, procurement, information technology, facilities, human resources and benefits, and marketing and printing. As work on these areas continues, we also plan to identify additional business areas and processes for University-wide review.

The University's academic and business officers and other senior leaders will evaluate the university-wide ideas generated and develop recommendations that will be considered by the President and the Chancellors for final recommendation and action. Any areas recommended for reduction on a campus will be considered on that campus as part of its established budget process.

Each campus also has planning under way for campus-specific reductions. This is an extension of the work they have done to make reductions in each year of the current biennium. While some recommendations may be implemented immediately, others, particularly those directly affecting academic programs, will require more time. Unlike most state agencies, universities operate under principles of shared governance in which faculty and staff participate along with administrators and governing board members in significant decisions concerning the operations of the university. Thus, campus-specific decisions on major budget reductions involve, at a minimum, the following steps:

a. Assignment by the President to the Chancellors of a required level of budget reduction.
b. Preparation of specific reduction recommendations by the Chancellors after consultation with pertinent groups on each campus.
c. Finalization of plans to reduce the budget, including President's and Board's approval where appropriate.

Each campus has been asked to carefully consider a number of tools and data available as they approach budget planning including (1) annual reviews of academic programs, which provide detail on degree and credit hour production; (2) workload or productivity analysis of programs, which includes not only degree and credit hour production, but success in attracting research funding and valuable outreach activities; and (3) facilities utilization in order to be most effective in managing our building and operations and maintenance budgets.

The Board of Regents approved funding in the 2010-11 budget for one-time strategic investments that will result in long-term savings, such as energy efficiencies and essential deferred maintenance.

Review of Mandates and Requirements

The Education Committee of the Legislature, pursuant to LB 542, has done an important service in identifying statutes and mandates that have an impact on Nebraska's educational institutions. The University is working with Chairman Adams and the Committee on a comprehensive review of areas in which changes in existing statutes might result in cost savings. This section represents a preliminary report of those statutes and mandates affecting the University.

The state's expectations of the University of Nebraska are outlined in a number of statutes that define our role, mission, priorities and responsibilities:

85-942. University of Nebraska; mission; priorities.

It is recognized that as the state's land grant institution the University of Nebraska is engaged in instruction, research, and public service, and that these three parts of the university's mission are interdependent. However, when viewed in its entirety, the university's first priority shall be undergraduate instruction, the university's second priority shall be graduate and professional instruction and research, and the university's third priority shall be public service.

85-102.02. Universities; program responsibilities.

(1) The University of Nebraska-Lincoln shall have responsibility for operating comprehensive programs of undergraduate instruction and primary responsibility, except in the health-related disciplines, for operating comprehensive programs of graduate, postgraduate, and professional instruction, research, and public service as authorized by the Board of Regents of the University of Nebraska consistent with the role and mission assignments provided in Chapter 85, article 9.

(2) The University of Nebraska at Omaha shall have responsibility for operating general programs of undergraduate instruction and programs of graduate instruction, research, and public service as authorized by the Board of Regents consistent with the role and mission assignments provided in Chapter 85, article 9.

(3) The University of Nebraska at Kearney shall have responsibility for operating general programs of undergraduate instruction and programs of graduate instruction, research, and public service as authorized by the Board of Regents consistent with and limited by the role and mission assignments provided in Chapter 85, article 9.

(4) The University of Nebraska Medical Center shall have primary responsibility in the health-related disciplines for operating programs of undergraduate instruction and comprehensive programs of graduate, postgraduate, and professional instruction, research, and public service as authorized by the Board of Regents consistent with the role and mission assignments provided in Chapter 85, article 9.

85-1,104. University of Nebraska Institute of Agriculture and Natural Resources; established; administration.

A University of Nebraska Institute of Agriculture and Natural Resources shall be established at the University of Nebraska-Lincoln which shall embrace but not be limited to the following divisions or administrative units: (1) College of Agricultural Sciences and Natural Resources; (2) Agricultural Research Division; (3) Cooperative Extension Service; (4) Conservation and Survey Division; and (5) a veterinary medicine and surgery program as a cooperative program only as provided in section 85-180.13. The University of Nebraska Institute of Agriculture and Natural Resources shall be headed by a vice chancellor and each division or administrative unit shall have a dean, director, or other chief administrative officer

85-121. Nebraska College of Technical Agriculture at Curtis; creation; location; purpose.

For the furtherance and promotion of agriculture and stockraising interests of this state, a technical college of agriculture is hereby established near the town of Curtis in Frontier County, Nebraska. Such college shall be maintained under the conditions prescribed in this section and sections 85-121.03 and 85-121.04 and shall be known as the Nebraska College of Technical Agriculture at Curtis. Such college of agriculture shall be under the control and management of the Board of Regents of the University of Nebraska.

The Nebraska College of Technical Agriculture at Curtis shall be devoted to a statewide mission of instruction relating to food and agriculture at less than the baccalaureate degree, with concentration on the applied associate degree. The program shall be organized to provide expedient response to the changes needed in technical education to serve the agricultural industry of the state.

Additional mandates and requirements

In addition to these statutes describing the purpose of each administrative unit of the University, there are a number of specific mandates and state requirements, whether created by law or by practices over a period of years, that have a financial or management impact on the University. Some of these are clearly essential. University activities are listed below, pursuant to the directive of LB 935, not because we are necessarily advocating elimination of the activity. Some of these requirements, however, may no longer be considered priorities of the state, while others may contribute to unnecessary duplication of effort and cost. In such cases, the Legislature may determine that elimination of a mandate may lead to reduction of the number of employees and layers of management, not only within the University, but throughout state government.

Statutory provisions that impact the University: (note that this is not an exhaustive list)

- Statewide responsibility for public service activities §85-936
- Statewide responsibility for continuing education services §85-939
- Research and extension centers, agricultural lab and sub-station and testing stations established §85-201, 206, 209, 212, 216

- Statutes and policies related to the Commission of Industrial Relations impact the Board of Regents' ability to set salaries for faculty at UNK and UNO
- Medical research centers – Eppley Institute for Cancer Research §85-801 and Regional Radiation Health Center §85-805
- Nebraska Safety Center established at UNK for training and research §85-1003
- Nebraska Business Development Center established at UNO to provide a statewide network for assisting new and expanding businesses §81-1273
- Tuition reductions or waivers for dependents of veterans who are killed or permanently disabled in the line of duty; for dependents of firefighters and police officers who are killed in the line of duty; and for spouses and children of National Guard members killed in the line of duty; §85-411, 504, 2307
- Deferred maintenance initiative, LB 605, requiring NU matching funds of $121 million over 12 years §85-419, 421
- Requirement that at least one percent of appropriation for any public building must be used for acquisition of works of art §85-106.1
- Nebraska Optometry Education Assistance Contract Program §71-1,136.06-08 requires $618,555 per year of University state appropriations.
- Nebraska Forest Service State Forester program §85-161 and 162 requires approximately $1.5 million per year of University state appropriations
- Requirement of receipts for reimbursement of travel meal expenses §81-1174
- Requirement to employ an aquaculturist within IANR §85-1,104.01
- Requirement that the University participate in the State's workers' compensation pool rather than a self-funded pool
- Regulations impacting the State fire marshal that changed the delegation of authority to local fire officials in metropolitan class cities
- The Coordinating Commission for Postsecondary Education (CCPE)'s role in oversight of bond issues and approval of programs and facilities that duplicates the role of the Board of Regents
- The practice of not allowing carry forward of fund balances at the end of each biennium
- Requirement that financial transactions be recorded on both the state and University accounting systems
- Requirement that all property must be tagged, regardless of value, and must be inventoried annually
- Fixed bids are not required on audit services by the State Auditor, thus precluding comparison to alternatives in the private sector
- Unclear statutory language regarding the University's administrative role in its health trust account
- Requirement for timesheets to be prepared for all for salaried personnel
- Requirement that claims arising in the normal course of university business such as student accounts must go through the State Claims Board
- Statutes prohibiting favorable co-pay arrangements for less costly pharmacy by mail
- Cash fund has statutorily fixed dollar limits which would be more effective as percentages
- The University lacks receipting powers for grants, contracts

These process and mandate reviews could create opportunities to significantly reduce costs, but are unlikely to entirely address the significant fiscal challenges the State faces next biennium.

Four-Day Work Week

We do not believe that a four-day work week at the University of Nebraska is practical. Campuses are communities, serving a variety of constituencies 24 hours a day, seven days a week. In this regard, the University is very different from other state agencies with standard office hours. And while some administrative and support offices may be able to adjust to such a schedule, the likely energy savings would be modest compared to the disruption and inconvenience it would cause, particularly to students. Over the past few years, a small number of higher education institutions have attempted longer days and shorter weeks, but most are community colleges, which often do not have residential populations or students who enroll in classes five days every week.

This is not an approach we would recommend at the University of Nebraska. We would note, however, that several decades ago each of our campuses except the Medical Center implemented an extended holiday close-down during the period between Christmas and New Year's. Our employees "bank" several paid holidays that state employees take over the course of the year. These holidays are observed in late December and early January, allowing the University to suspend all but essential operations for nearly a two-week period each winter when students are not on campus. This was originally implemented to save energy, and it continues to be successful practice today.

Summary

The leaders of the University of Nebraska recognize the significant budget challenge on the horizon and are prepared to do our part. However, we must not allow current fiscal challenges to diminish educational opportunity for Nebraskans or reverse the impressive gains at the University that hold so much promise for our state. This is not the time for Nebraska to make decisions that limit access to higher education and its personal benefits as well as its impact on the long-term prospects for our state and our economy.

The next few years will provide a test of our stated commitment to education and to the future of Nebraska. At a time when the rest of the world has recognized the advantage the U.S. has enjoyed largely because of higher education, and is pulling ahead of us in our own game, we must recommit ourselves to providing affordable access and timely completion of a college education. We ask the Legislature and Governor to keep this context in mind as they make spending decisions for the state's budget.

Appendix 1: Summary of Impact of Budget Cuts 2000-2010

University of Nebraska-Lincoln and Institute of Agriculture and Natural Resources

Cuts in academic programs

- Eliminated Museum Studies program (2-year graduate program)
- Eliminated Department of Industrial Systems Technology (8 faculty, 60+ students)
- Eliminated Department of Health and Human Performance (10 faculty, 200 students)
- Reduced summer sessions, UNL (reduced course offerings, increased student fees)
- Closed Grand Island, Lincoln and North Platte Learning Centers (served non-traditional students)
- Eliminated Veterinary Student Contract Program with KSU (later partially restored by legislature)
- Law Library – shift to student fees

Cuts in service programs

- Closed Veterinary Diagnostic Laboratories, North Platte and Scottsbluff
- Closed South Central Research and Extension Center, IANR (reduced to research farm)
- Eliminated Engineering Extension Service (assisted manufacturing companies)
- Eliminated Bureau of Business Research (partially restored with grant and state funds)
- Eliminated Council on Economic Education (economic education to K-12, partially restored with state funds and donations)
- Eliminated Nebraska Forest Service and Statewide Arboretum (restored by legislature)
- Eliminated state funding of Lentz Center for Asian Culture

Cuts to achieve efficiencies

- Merged UNL Teachers College and College of Human Sciences
- Eliminated Division of Continuing Studies (reassigned some functions, eliminated others)
- Closed three branch libraries, consolidated collections
- Closed Kellogg Conference Center
- Closed Research Division of Museum (reassigned functions to academic departments)
- Restructured IANR's communication and information technology services into UNL's Communications and Information Services Department
- Reorganized administrative oversight of Extended Education and Outreach, International Affairs

University of Nebraska at Omaha

Academic Restructuring

- Eliminated College of Continuing Studies
    - Eliminated Dean and Associate Dean positions
    - Vacated leased space in Peter Kiewit Conference Center
- Integrated Fine Arts, Communication and Radio/TV under one college
- Eliminated Learning Center
- Eliminated Office of Faculty Development
- Merged Distance Education with Academic Computing

- Eliminated Bachelor's Degree program in Public Administration
- Eliminated the Education Specialist degree and related faculty position and staff support
- Combined three academic programs (IT Innovation, Information Assurance, and Bioinformatics) into a School of Interdisciplinary Informatics, which resulted in administrative savings
- Integrated some satellite operations (e.g. NBDC) into new College of Business Administration Building, Mammel Hall, and eliminated related rental costs

Administrative Restructuring

- Eliminated two Vice Chancellor positions
- Merged Academic Affairs and Student Affairs
- Eliminated Assistant Vice Chancellor for Student Services
- Eliminated Purchasing Office
- Eliminated Audio Visual Department
- Outsourced Carpentry, Painting, Printing, and Physical Cable Plant Maintenance services
- Merged New Student Orientation and Recruitment Services
- Merged Telecommunication Services with Information Technology Services

Other Efficiency Achievements

- Aggregated campus computer and related technology purchases through Information Services division to leverage cost savings
- Eliminated or reallocated over 200 faculty and staff positions

University of Nebraska at Kearney

Cuts in administrative programs

- Eliminated vice chancellor for student affairs, dean of continuing studies, special projects director
- Eliminated state funding for Student IT workers
- Reduced staffing and support of printing office
- Reduced staffing of groundskeeping, custodial, and clerical/office support
- Reduced travel

Cuts in academic programs

- Eliminated Mathematics MS program and Statistics and Actuarial Science majors
- Reduced course offerings in Adaptive PE, German, music, chemistry, physics, computer science, mathematics, sociology, management/marketing, education, communication disorders, e-campus, summer school
- Reduced staffing and support for libraries
- Reduced support for Center for Teaching Excellence
- Eliminated Center for Excellence in Leadership
- Reduced support for Research Services Council, Graduate College
- Reduced support for Instructional TV
- Reduced support for academic equipment and computer replacement

Cuts in service programs

- Eliminated direct support for College Park and North Platte continuing education centers

- Reduced support for Center for Rural Research and Development
- Eliminated support for Public Policy Center

Other

- Reduced support for Intercollegiate athletics
- Reduced staffing and support for counseling in student career services, learning center, and counseling center

University of Nebraska Medical Center

Cuts in academic programs

- Reduced faculty positions in Colleges of Medicine, Dentistry, Public Health, Eppley Institute and Munroe Meyer Institute
- Reductions in Library, including 3 FTEs and operating funds
- Reductions in graduate student stipends
- Eliminated the Dermatology Clinical Section within the College of Medicine
- Eliminated $1,000,000 of state funding for the School of Allied Health Professions
- Eliminated $1,000,000 of state funding for the College of Medicine

Cuts in service programs

- Eliminated state funding for Health Professions Tracking
- Eliminated state funding for International Studies
- Eliminated state funding for Biomedical Communications
- Eliminated state funding for Biosafety Office
- Eliminated state funding for Alumni Affairs Office
- Eliminated printed version of UNMC Today, daily campus newsletter

Cuts in administrative programs

- Reduced staff positions in Colleges of Dentistry, College of Medicine, Vice Chancellor for Research office, Mail Services, Printing, Cashiering, Inventory Control, Alumni Association, Facilities, Vice Chancellor for Academic Affairs office, Sponsored Programs Administration and Accounting offices, and Student Services
- Eliminated $1,000,000 of state funding for the Institutional Review Board, Sponsored Programs Administration and Sponsored Programs Accounting

Other Measures to achieve savings and efficiencies

- Reduced state funding for purchased utilities by $1,000,000 to be recovered by converting to electrical boilers, recommissioning HVAC in new and existing buildings, renegotiating maintenance contracts and installing heat recovery chillers
- Consolidated Purchasing departments with UNO

Agency Efficiency Review Plan
Agency: 052 - STATE BOARD OF AGRICULTURE

PROGRAM CONSOLIDATION (ERP):

The State Fair Board operates currently under one budget program. The program is used to pass through $2,500,000 of lottery funds to aid in the operations of the State Fair.

STREAMLINING OF SERVICES (ERP):

This does not apply to this agency, since funds are passed through.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The funds passed through to the State Fair Board are used to aid in defraying the fair costs. It is up to the non-state entity to manage the human resources.

MANDATES AND REQUIREMENTS (ERP):

A new set of legislated mandates were enacted by the legislature that resulted in the movement of the fair from Lincoln to Grand Island. The Board just completed the first year of hosting the State Fair in Grand Island.

FOUR-DAY WORK WEEK (ERP):

This does not apply to this agency since they do not pay any salaries for employees.

Agency Efficiency Review Plan
Agency: 053 - REAL PROPERTY APPRAISER BOARD

PROGRAM CONSOLIDATION (ERP):

The formal name for Agency 53 is the Nebraska Real Property Appraiser Board. The purpose of this agency is to regulate and support appraisers in this state in compliance with Nebraska law as well as federal mandates for the benefit of citizens who need appraisals related to real property transactions in this state. The agency is mandated by federal law to ensure that federal financial and real estate appraisals for these transactions are performed in writing, in accordance with uniform standards by individuals with demonstrated competency and whose professional conduct is subject to effective supervision.

The authorization citation Nebraska Revised Statutes §§76-2201-2250 and federal mandate, Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") 12 U.S.C. 3348(a)(2), 56 FR 20002 (May 1, 2991). The Board was officially created in 1990.

The Board consists of five members who are appointed by the Governor (§76-2222). "The Board shall consist of five members, one member who is a certified real pro0perty appraiser shall be selected from each of the three congressional districts, and two members shall be selected at large. The two members selected at large shall include one representative of financial institutions and one licensed real estate broker who also holds a credential as a licensed or certified real property appraiser. The Governor shall appoint the members of the Board . . . the terms of the Board shall be five years . . . and no person shall serve as a member of the board for consecutive terms . . . the Governor may remove a member for cause."

The Board serves to date 659 Nebraska appraisers and extends reciprocal credentialing to 152 appraisers residing in a state other than Nebraska who holds a valid credential in good standing in their resident state. The total of 811 real property appraisers credentialed by the Appraiser Act is affected directly by regulations and enforcement of the Act and the *Uniform Standards of Professional Appraisal Practice* (USPAP). The *Uniform Standards of Professional Practice* are developed, interpreted and amended by the Appraisal Standards Board (ASB) of the Appraisal Foundation. Nebraska appraisers are required to understand and adhere to the uniform standards and it is the responsibility of the state and federal regulatory authorities to enforce the content of the applicable edition of USPAP. USPAP requires that all credentialed appraisers, Nebraska or otherwise, are responsible in completing specific education requirements annually in regard to the acceptable methods and techniques expected of a professional appraiser and for providing appraisal services according to the ethical rules of practice. The Appraiser Board is responsible for developing rules and regulations, supporting quality appraisal performance and professional conduct of every appraiser. The significant duties of the Appraiser Board are granted under §76-2223 in giving the Appraiser Board the responsibility of administering and enforcing the Real Property Appraiser Act.

The powers and duties cited in §76-2223 in the following programs and services are as follows:

1. Receive applications for credentialing under the act, process such applications and regulate the issuance of credentials to qualify applicants . . . This office processes applications for all qualified candidates resident and nonresident. The process consists of education, experience and the random selection of reports to demonstrate the required abilities relevant to each credential. The Trainee and Registered credentials are a "training" type credential and consists of merely processing education requirements as prescribed in the core curriculum requirements as mandated by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation and examination.

2. Hold meetings, public hearings, informal conferences, and administrative hearings, prepare or cause to be prepared specifications for all appraiser classifications, solicit bids and enter into contracts with one or more testing . . . The Appraiser Board schedules a monthly meeting which is held in adherence to the Public Meetings Law. All meetings are advertised in the local newspaper and open to the public. The Board does notify the public of the closed session to discuss applicants as well as enforcement cases and disciplinary actions. The Board has adopted a set of procedures for enforcement actions with the sole purpose of respecting the rights of due process.

3. & 4. Develop the specifications for credentialing examinations . . . the examination is a federally mandated requirement but states have the option of contracting with a testing company as approved by the Appraiser Qualifications Board. The Board has the right to negotiate the timing, locations, and security necessary to maintain the integrity of the examination process.

5. Collect all fees required or permitted by the act . . . As a credentialing board the guidelines for the collection of fees and the deposit to the state treasurer for credit is outlined. In addition, the Board must collect and transmit to the appropriate federal authority the $25.00 fee established under the Financial Institutions Reform, Recover, and Enforcement Act of 1989, as the act existed on January 1, 2010. The current rate due the Subcommittee is set at $25.00 for each federally recognized credential but a warning has been distributed to state regulatory agencies that the FFIEC rate would be increasing.

6. Establish appropriate administrative procedures for disciplinary proceedings conducted pursuant to the act. . . administering disciplinary actions and enforcement proceedings is a big part of the responsibilities of the Board. The Board is here to protect the public as much as they are established to regulate the appraiser. The Board has adopted

procedures for consistency and ensuring the rights of due process.

7. Issue subpoenas to compel the attendance of witnesses and the production of books, documents, records, and other papers, administer oaths, and take testimony and requires submission of and receive evidence concerning all matters within its jurisdiction. The Board carries the responsibilities of procedures for enforcement and disciplinary actions with full knowledge of its commitment to the public and the appraiser.

8. Deny, censure, suspend, or revoke an application or credential if it finds that the applicant or credential holder has committed any of the acts or omissions set forth in section §76-2238 or otherwise violated the act. Any disciplinary matters may be resolved through informal disposition pursuant to section 84-913.

9. Take appropriate disciplinary action against a credential holder if the Real Property Appraiser Board determines that a credential holder has violated any provision of the act or the Uniform Standards of Professional Appraisal Practice.

10. Enter into consent degrees and issue cease and desist orders upon a determination that a violation of the act has occurred.

11. Promote research and conduct studies relating to the profession of real property appraisal, sponsor real property appraisal educational activities, and incur, collect fees for, and pay the necessary expenses in connection with activities which shall be open to all credential holders . . . The Appraiser Board holds, at option, an education offering to inform appraisers of changes that will affect the profession or the procedures for which the profession is carried out. The education offering has proven our most successful means of communication by implementing effective time management and comprehensive information. The costs for the education offerings are offset by a fee paid by the appraisers as well as credit for the time spent for each credentialed participant.

12. Establish and adopt minimum standards for appraisal as required under section §76-2237 . . . our minimum standards are actually established by the Appraisal Foundation. The Appraiser Qualifications Board establishes the minimum requirements for credentialing and regulation and the Appraiser Standards Board establish the minimum standards for ethics and report development. The Appraisal Subcommittee audits each state every other year to maintain credibility and conformity to federal oversight.

13. Adopt and promulgate rules and regulations to carry out the act. . . the rules and regulations shall be adopted pursuant to the Administrative Procedure Act. The requirement speaks for itself in establishing the guidelines to carry out the act.

14. Do all other things necessary to carry out the Real Property Appraiser Act.

With establishing the guidelines for which the statutes and rules permit this agency to regulate the appraisal profession the following are deemed the most appropriate answers to the Legislature's questions:

(a) Consolidation can address only the existing program in establishing the criteria and well as regulation and enforcement of the appraisal program. The basis of the regulation is simply conducting business under the mission of the Appraiser Board to protect the public by regulating appraisers; ensuring there is quality education available to appraisers; that work is performed in writing, in accordance with uniform standards; that appraisers have demonstrated competence at a designated level; and appraisers are subject to effective supervision and oversight. The tedious review process for core education now resides with the AQB in adopting a policy to accept only Appraiser Qualifications Board, Course Approval Program offerings to render consistency and quality of education for qualifying purposes. Only activities which the Board determines will protect the public by improving the competency of the credential holder are considered for continuing education submissions. Applicants are required, under federal guidelines to complete a 7-hour National USPAP Update Course at least once every two years. The Update Course is part of the required 28 hours of education due every two year continuing education period. This is a federal requirement and not state.

The Board must regulate the five recognized credentials. Each credential has a respective set of requirements established by statute found in §76-2229.01 through §76-2232 as well as guidelines for nonresident and temporary credentials established in §76-2233 and §76-2233.01. Section §76-2228 recognizes the five classes of credentials used to real property appraisers. Section §76-2228.01 recognizes the qualifications for the real property appraiser trainee credential.

The regulation of the five credentials includes the qualifications to apply for the credential by completing the required core curriculum education, required post secondary education, examination, and experience requiring the random selection and review of appraisal reports from a log whose content is adopted under the federal guidelines. The procedures adopted for processing for each credential strive to consolidate the required steps toward credentialing and enforcement. The Board has adopted procedures for processing application candidates to assure consistency and eliminate duplication of processing procedures.

A review of the appraiser program would indicate no redundancy or oversight in the adopted procedures for processing a credential as well as enforcing the disciplinary responsibilities of the Board.

Agency Efficiency Review Plan
Agency: 053 - REAL PROPERTY APPRAISER BOARD

Consolidation of the administration of credentialing, education, or disciplinary action cannot always be implemented but the adopted procedures strive to eliminate the costs to administer each action separately. For example, informal conferences for disciplinary proceedings are held prior to meetings or after meetings in order to pay the transportation and expenses for one trip instead of additional expenses for trips not already obligated for reimbursements. The goal is to strive to make efficient use of members for actions by the Board. If the opportunity exists to consolidate actions related to more than one program, the Board would take action to implement procedures to make efficient and effective use of time and expense. The Real Property Appraiser Board is a cash funded agency and the funds paid by the appraisers are the responsibility of the Board. The administration of the program by the Board strives to effectively and with transparency spend the hard earned dollars of the appraisers for whom this agency is here to regulate and support. Effective and efficient use of the available resources has been the foundation of a successful program.

STREAMLINING OF SERVICES (ERP):

The opportunities for streamlining existing services are always a consideration of this office and the Board. This office is stretched to the limits with only two individuals serving the needs of 811 appraisers and five members of the Board. Streamlining of services is always a goal. The services involved in the credentialing and oversight procedures have been manipulated and adjusted to a science through twenty years of experience.

For fiscal year 2010-2011, the process of renewing a credential has been modified to become effective for credentials with a continuing education period of 2009-2010 to give them the option of renewing for two years instead of one year. The procedure must follow the requirements of a continuing education period so the offering will not take place all at once. Credentials such as appraiser trainee and registered will not have such an opportunity and must renew on an annual basis. The state and county appraisers have not been given sufficient time to adjust to the biannual renewal because of budget periods and limited allocations but they will qualify all the same. Future considerations for state and county appraisers can be made for the next budget periods. In addition to the change in the number of years you can renew a credential this administration has set a goal for the 2011-2012 renewal program to offer an online renewal process. Negotiations are in progress to change our IT support from the state Communications Division to Nebraska.Gov simply because we simply cannot afford the extravagant rates for development and adjustment from state services. Although Communications may be cash funded just as this agency, this agency is a public service and should remain a public service that can be afforded by those who require the services.

This agency continues to streamline our services by not publishing newsletters in paper form as well as all other common paper communications. All notice of changes to programs or requirements and communications to appraisers is done electronically. No paper or postage is utilized for communication and the timeliness is valuable to the program. The only process that remains in paper form is the obligation under the rules and regulations, Chapter 2 . . . “A copy of such standards will be supplied with the issuance of each new registered, licensed residential, certified residential or certified general credential.” A copy of the current Uniform Standards of Professional Appraisal Practice (USPAP) is distributed on a biannual basis to each Nebraska resident credential.

All remaining documents such as the rules and regulations, statutes, minutes, USPAP Q&A, etc are distributed electronically which has added up to a substantial monetary savings and timely communication. All forms necessary for application, log tracking, upgrade information, etc. is accessible electronically for the convenience of the appraiser community.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Employee and Management Reforms are not a consideration for a two-person agency and a five member Board appointed by the Governor. The director is selected by the Board and the only employee is selected by the director with the assistance of the Board. The services by this agency are extensive. The demands and responsibilities have long passed consideration for additional employee assistance but the financial environment is not conducive to the expense for additional assistance. Streamlining services electronically has greatly eased the demands for 811 appraisers. Delegation of responsibilities is by statutes and rules. The only viable reforms are rewriting an extensive list of responsibilities to

improve services with what is available.

MANDATES AND REQUIREMENTS (ERP):

A review of all mandates and requirements is virtually a review of our statutes as well as rules and regulations. Our mandates and requirements are basically all federally generated with federal oversight and audit for compliance. Nebraska may establish the means by which it conducts business, but the federal oversight of the appraisal credentialing program as well as the oversight of the enforcement program is federal. Noncompliance with federal mandates and regulations would virtually affect the means by which Nebraska conducts business in the real estate and financial sector by not permitting Nebraska credentialed appraisers to perform federally-related transactions. This agency is mandated by federal law to ensure that federal financial and public policy interests in real property and well as real estate transactions will be protected by requiring that real estate appraisals for these transactions are performed in accordance with uniform standards by individuals with demonstrated competency and whose professional conduct is the subject of public accountancy under federal and state requirements. Nebraska regulations are permitted to strengthen the federal mandates and requirements but Nebraska cannot change the impact of the federal mandates and requirements. Nebraska will not be subject to disciplinary action for supporting a credentialing program that does not meet the federal standards.

FOUR-DAY WORK WEEK (ERP):

The structural and operational changes needed for the agency to move from a five-day to four-day work week would be minimal. This agency simply needs to know what guidelines to impose to carryout this request. This office would simply need notice to make the appropriate changes.

In closing, it is imperative to understand that this agency and Board attempts to apply common-sense procedures, as well as long-term, systematic changes. This program does not have the options, under federal mandate, of originating drastic changes, but consideration of efficiency and savings as well as the service to the appraiser and appraiser community when structuring an approach to meet requirements is priority. The services of this agency could be performed utilizing a four-day work week or the traditional five-day work week.

Agency Efficiency Review Plan
Agency: 054 - STATE HISTORICAL SOCIETY

PROGRAM CONSOLIDATION (ERP):

Brief Background on the Nebraska State Historical Society (NSHS)

The NSHS is established in the Revised Nebraska Statutes, Section 82-101. A non-code agency, the NSHS is governed by a 15-member Board of Trustees, of whom twelve are elected by the NSHS membership and three are appointed by the Governor. The trustees are divided equally between the three Congressional Districts and each Trustee serves a three year term, renewable one time before a required hiatus.

The Mission of the NSHS is to collect, preserve, and open to all the histories that we share.

The public purpose called for in that mission is to document the changes that have occurred and continue among the people of Nebraska. The NSHS gathers historical materials and provides for research and dissemination of Nebraska history in the museums and historic sites it operates, in its publications and films, in its historic markers, and in the assistance it provides to researchers. The NSHS assists state agencies, local governments, museums and historical societies, the media, schools, and individuals in collecting, preserving and developing the historical stories of the past. The NSHS provides for our collective and individual histories without which Nebraska and its people would be adrift in an ever-changing present, a world without precedents or context.

Program Consolidation

The Legislature has, of course, the prerogative of combining programs. If requested in terms of a specific proposal or proposals, we can provide information on how that might affect the services provided by the NSHS. Our response here, however, examines internal consolidation in the NSHS. We address the factor of geography, both our state-wide service area and the dispersed location of the state-owned historical museums and buildings; the already flat and lean structure of the NSHS; and housing the collections of historical materials owned by the people of Nebraska and assigned to the NSHS for management, the one area where consolidation would permit some significant savings. We will discuss each in turn.

Geographic Issues:
At present, the NSHS is responsible for the management and well being of a wide range and large number of state resources including over thirty buildings (all but three of them historic in nature); extensive collections of records, documents, and three-dimensional objects; and computer equipment, office furnishings, etc. Broad-based programs like historical markers, publications including Nebraska Trailblazer for Nebraska school students, the historic preservation program help us serve all 93 Nebraska counties each year.

The NSHS has seven historic sites, of which it directly operates five; the management and operations of two are contracted out while NSHS retains major maintenance responsibilities. Scattered from Bancroft to Neligh, Lincoln, Red Cloud, McCook, Bayard, and Crawford, the sites are spread across a geography that mitigates strongly against sharing staff between them. We do, however, provide major maintenance for all of these locations using two staff positions stationed in Lincoln who are responsible for the maintenance of our Lincoln and Omaha facilities as well. Our Lincoln historic site, the Kennard House, has a site director who also has two other major responsibilites on the staff of the Nebraska History Museum.

Current Organizational Structure (Please see the attached organizational plan for the NSHS.)
None of the divisions of the NSHS (the Nebraska History Library/Archive, Archeology, Historic Preservation, the Nebraska History Museum, Research and Publications, and administrative units including the Landmark Stores and Budget and Finance) has a leader who is solely a supervisor. All leaders are lead workers. In most cases they have the most education, training, and experience in the specific historical work or specialty support that the division or unit provides and they contribute actual hands-on and direct person-to-person contact work for the people the NSHS serves. Combining units would not in itself provide savings in terms of the reduction of middle management. In fact, it would have the opposite effect in that the leader would have to begin to dedicate a portion of his or her most productive service time to purely supervisory oversight of another division within the NSHS. The alternate to consolidation would be reduction in services by reducing staff within divisions.

Agency Efficiency Review Plan
Agency: 054 - STATE HISTORICAL SOCIETY

The Collections (Housing the Things of Nebraska's History): The historical collections owned by the people of Nebraska and managed by the NSHS are located in four separate buildings in Lincoln, two owned by the State (our Headquarters Building and the Nebraska History Museum). The NSHS also occupies part of two leased buildings, the K Street Records Storage Facility and two levels of the Lincoln Children's Museum on P Street.

Looking long-range, one of the most appealing and ultimately most efficient actions would be consolidating the collections of the Nebraska History Museum, the government records, archeological collections, and more rarely used archival materials into a central collections storage facility where the staff members that work with and care for these materials could be consolidated. This would replace rent currently paid for government records and archeological storage, provide more room for public services in the Nebraska History Museum, free up space in the NSHS Headquarters building and provide better control for objects now stored but not displayed at the historic sites managed by the NSHS. Cross training of collections staff could ensure maximum efficiency.

STREAMLINING OF SERVICES (ERP):

Streamlining of Existing Services

The NSHS provides one-to-one services delivered directly to users and patrons. Those services include responding to research requests, presentations to school classes, offering an exhibit for visitors at Chimney Rock, resolving issues posed by the discovery of unidentified skeletal remains, requests for a tax credits on historic preservation projects, conducting research and preparing answers, conserving damaged historical materials, and much more. They are all handled by the NSHS staff members at the front line level. There is no inefficient higher level review, second guessing by supervisors, etc., in this operation. We do not see a savings through streamlining.

Replacing people with electronic service providers is another current streamlining method. We have expanded our electronic communications capabilities in every aspect of our work today. Greater access to historical resources online, however, only serves a portion of public need. A research request to the Archives, a request for an interlibrary loan of a book from our Nebraska History Library or a request for information to the Historic Preservation Office delivered electronically still requires the same effort in response on the part of the NSHS staff as does a mailed or in-person request.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Employee and Management Reforms

Current Structure and Management of the NSHS

While the NSHS of the 1980s and early 1990s may have reflected the expected structure with top management, middle management and a lower layer of service providers and support personnel, the reductions in force experienced by the NSHS as part of Nebraska State Government in the past twenty years have led to a new organizational structure. It is, frankly, a flat organization.

Agency Efficiency Review Plan
Agency: 054 - STATE HISTORICAL SOCIETY

The NSHS today has a Director/CEO, appointed by and responsible to the Board of Trustees. It has a Deputy Director who has a variety of content-area supervisory responsibilities including budget, Information Technology, public relations, the Gerald R. Ford Conservation Center, and certain project management duties.

Reporting to the Director/CEO are the NSHS's Deputy Director, Chief Financial Officer, its Human Resources Director, the Facilities Manager, the manager of the Landmark Stores and five Associate Directors (one each for Archeology, Historic Preservation, Library/Archives, Publications and the Nebraska History Museum and sites). Each of these Associate Directors is both an active service provider and one who also supervises his or her areas of expertise. None of them has a supervision-only position. They do archeology, edit our publications, serve patrons in our Library/Archives Reference Room, etc. They contribute directly in the services provided by the NSHS. This fact is important in the responses below.

Like all state agencies, the NSHS must meet accounting and auditing requirements designed to protect the state's financial resources. The NSHS brings in cash each day in the form of membership dues, Landmark Store receipts, admission fees, and more. Handling these funds requires strict separation of duties, pre-audit checks and balances and other procedures designed to ensure the integrity of the funds. This requirement also drives the organizational and staffing aspects of the NSHS.

The wide range of related but distinct services offered by the NSHS, many of them tied to specific facilities (in Lincoln or at historic sites) and to specific collections (archives, government records, the history library, museum collections or archeological collections), and the flat staffing structure without a middle supervisory management layer leaves only the reduction in services as the model for savings in the agency. Those reductions in services could mean closing whole divisions, reducing schedules seasonally or on weekly or daily bases, or reducing staffing of divisions and thus lengthening response time in the area of public services. We could, for example, operate the library/archives reference room fewer than the current five days a week, require state agencies to provide greater lead times when requesting government records from the K-Street records center, slow responses to requests for historic preservation related tax reduction programs, or limit the number of school classes that can be accommodated at the Nebraska History Museum.

MANDATES AND REQUIREMENTS (ERP):

Mandates and Requirements

The work of the Nebraska State Historical Society (NSHS) is set out in over sixty sections of the Revised Statutes of Nebraska and, in terms of historic preservation and archeology, in federal statutes and rules. The Nebraska statutes can be sorted into two general categories: first, mandates or requirements and second, authorizations.

The mandates or requirements include:

- Establishment and operation of the state archives to preserve the historical record of state government under the direction of the State Archivist.
- The appointment of a State Archeologist and his/her duties for protection of archeological resources.
- Establishment and operation of a number of the historic sites including the Kennard House (Lincoln), the Senator George Norris House (McCook), the Neligh Mill (Neligh), the Willa Cather Memorial (Red Cloud), and the John G. Neihardt Memorial (Bancroft).
- Operation of the Nebraska Historic Preservation program pursuant to the federal statues and procedures.
- The establishment of a program to provide public historical markers and the requirement for the NSHS to approve as to accuracy the text of any marker placed on public land in the state.

Authorizations include:

Agency Efficiency Review Plan
Agency: 054 - STATE HISTORICAL SOCIETY

- Collecting non-governmental historical records in print form, such as newspapers, and holding them in the State Archives.
- The operation of the State's historical library.
- Collecting the three-dimensional historical record and interpreting it for public education through operation of the Nebraska History Museum in Lincoln, the Fort Robinson Museum,and the Chimney Rock National Historic Site.
- Publishing the *Nebraska History* journal along with a newsletter, books, etc.

The services and programs being provided by the NSHS in 2010 represent both the statutory provisions and the development of activities over the past 132 years that have proven effective in assisting and encouraging the people of Nebraska to respect and preserve their history and to ensure it is transmitted from generation to generation.

FOUR-DAY WORK WEEK (ERP):

The Four-Day Work Week

The NSHS could operate on a four-day work week (four ten-hour days). There would be a resulting inconvenience to the public and a loss in earned revenues to the state. Savings would derive from closing buildings three days a week, thereby reducing utility expenses to an unknown degree, affected of course, by revenues not collected.

At this time, the NSHS facilities operate as follows:
Nebraska History Museum, 7 days a week
Headquarters/Library & Archives, 6 days a week
K-Street Records Facility, 5 days a week
Leased space in the Lincoln Children's Museum, 5 days a week
The five historic sites vary with Chimney Rock Visitors Center operating 7 days a week year round; Fort Robinson Museum and the Neligh Mill, each 7 days a week in the summer; Norris House on a reduced schedule; the Kennard House by appointment year round.
The Gerald R. Ford Conservation Center, Omaha, normally operates 5 days a week.

To coordinate with other agencies in State government, with the federal agencies, schools and most private entities, the NSHS Lincoln facilities would probably operate Monday through Thursday, thereby giving up weekend hours for the Library/Archives reference room and the Nebraska History Museum. This, along with shorter operating schedule for the historic sites, would mean a loss in revenues from admissions, store sales and service fees. That amount is not calculated here. Adjustments in accounting regulations would also be needed in the requirements for timely deposit of revenues generated at facilities.

Agency Efficiency Review Plan
Agency: 056 - NEBRASKA WHEAT BOARD

PROGRAM CONSOLIDATION (ERP):

The NWB operates under one budget program. While this one program has a wide variety of responsibilities and duties requiring a number of contracts and many contracts require multiple years of data in order to make the best decisions and provide wheat producers with valuable information. The NWB has approached other wheat producing states to compare contracts and research projects in order to diminish duplication. The NWB would be willing to look at consolidation opportunities with comparable state agencies to share resources and gain efficiencies.

STREAMLINING OF SERVICES (ERP):

Programs are delivered through a number of direct programs and national cooperators. These cooperators generate matching dollars from other states and from the Federal government. State government requires a number of checks and balances that require additional contracts for services at the current staffing level.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The NWB has 2.75 FTE's. This staff is very dedicated and goes above and beyond the call of duty. Any reduction of staff without additional contracts for services with other state agencies would diminish the statutory duties of the NWB.

MANDATES AND REQUIREMENTS (ERP):

The statutory authority of the NWB requires a diverse staff that is dedicated to the producers and their mission. The mandates are in tune with producer needs and the NWB currently has 2.75 FTE's which is minimal when compared to other states wheat commissions and other Nebraska state agencies. The NWB would be willing to discuss the possibly sharing support staff with another similar non code state agency.

FOUR-DAY WORK WEEK (ERP):

Due to the variety of meetings and events it would be challenging to operate on a four-day work week. The NWB would be willing to try to stagger hourly employees in order to provide maximum service to producers. This move could increase comp/overtime in some cases when there are multiple meetings in a month or the office would operate unstaffed.

Agency Efficiency Review Plan
Agency: 057 - OIL & GAS CONSERVATION COMM

PROGRAM CONSOLIDATION (ERP):

The Commission has only one federal program that can not be consolidated. The program is the Underground Injection Control (UIC) Program for Class 2 water injection wells in the oil field.

STREAMLINING OF SERVICES (ERP):

At the present time, the Commission is a 'one-stop shop' for the state's oil and gas operators. We do not believe that we can provide any better or timely service than we are now.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Commission has eight employees at the present time with a 'flat' management style. Each employee is responsible for his or her area of our operation and there is no redundancy of duties.

MANDATES AND REQUIREMENTS (ERP):

The Revised Statutes of Nebraska provide the legal framework for our Commission and serve as the only 'Mandates and Requirements' that affect the regulation of oil and gas operations in our state. The UIC program is a federal program and is operated under an agreement with USEPA. The Commission has been granted primacy by USEPA to regulate the water injection wells in the oil field.

FOUR-DAY WORK WEEK (ERP):

A reduced number of workdays would not save the Commission any significant funds. We are a 'main street' business and our constituency expects our availability at all times during the regular work-week as well as the requirement to be on-call at all times.

Agency Efficiency Review Plan

Agency: 058 - BOARD OF EXAMINERS-ENGINEERS & ARCHITECTS

PROGRAM CONSOLIDATION (ERP):

The Board of Engineers and Architects has only one program to administer: the Engineers and Architects Regulation Act (Neb. Rev. Stat. §§ 81-3401 to 81-3455). The Board performs the following functions:

- Oversee the licensing process for architects and professional engineers;
- Oversee the examination process for architectural and engineering interns;
- Educate the public regarding the provisions of the E&A Act; and
- Enforcement and administration of the Act.

STREAMLINING OF SERVICES (ERP):

Identified areas which may allow opportunities for streamlining services may include:

- Reduction in travel for Board members and staff;
- Reduction in the number of Board meetings per year;
- Utilization of electronic communication to reduce postage fees and paper usage;

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

It will be challenging to identify and implement reforms needed to reduce staffing of this agency. Currently, the Board has a staff of 7 full-time employees and 2 part-time student interns, who handle the administrative tasks of the Board of Engineers and Archtiects and, through a memorandum of understanding, the Board of Geologists and the Board of Landscape Architects.

MANDATES AND REQUIREMENTS (ERP):

The Board of Engineers and Architects is charged by the Legislature with administering and enforcing the Engineers and Architects Regulation Act (Neb. Rev. Stat. §§ 81-3401 to 81-3455). In addition, Board staff perform the administrative duties of the Board of Geologists and Board of Landscape Architects.

Changing the requirements of the Act would initiate a review of current staffing levels.
Eliminating this state mandate would effectively remove the need for the agency's existence.
The agency does not have any federal mandates or requirements.

FOUR-DAY WORK WEEK (ERP):

The structural and operations changes needed for the agency to move from a five-day to four-day workweek are:

- Notifications to our administered licensees and examinees, the general public, and partner organizations of the change;

Agency Efficiency Review Plan

Agency: 058 - BOARD OF EXAMINERS-ENGINEERS & ARCHITECTS

- Coordination between the Board and staff regarding the determination of which day to conduct Board meetings, which are currently done one Friday each month on average;

There would be a significant impact to our licensees and examinees and the general public as the change to a five-day to a four-day workweek would effectively reduce access to Board staff.

Agency Efficiency Review Plan
Agency: 059 - BOARD OF GEOLOGISTS

PROGRAM CONSOLIDATION (ERP):

The Board of Geologists has only one program to administer: adminstration and enforcement of the Geologists Regulation Act (Neb. Rev. Stat. §§ 81-3501 to 81-3541). The Board also performs the following functions:

- Oversee the licensing process for geologists;
- Oversee the examination process for geologist-interns; and
- Educate the public regarding the provisions of the Act.

STREAMLINING OF SERVICES (ERP):

The Board of Geologists currently has in place a memorandum of understanding (MOU) with the Board of Engineers and Architects. Under the MOU provisions, the Board of Engineers and Architects provides complete adminstrative services to the Board of Geologists. As the Board of Geologists currently adminsters only one program, opportunities for streamlining existing services are extremely limited. The submitted budget for the 2011-2013 biennium is considered at or near the minimum level necessary to continue all operations of the Board.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The agency has no management or staff. All adminstriative services are provided through a memorandum of understanding with the Board of Engineers and Architects.

MANDATES AND REQUIREMENTS (ERP):

The Board of Geologists is charged by the Legislature with administering and enforcing the Geologists Regulation Act (Neb. Rev. Stat. §§ 81-3501 to 81-3541).

Eliminating this state mandate would effectively remove the need for the agency's existence.
The agency does not have any federal mandates or requirements.

FOUR-DAY WORK WEEK (ERP):

The agency has no management or staff. All adminstriative services are provided through a memorandum of understanding with the Board of Engineers and Architects.

Agency Efficiency Review Plan
Agency: 060 - NEBRASKA ETHANOL BOARD

PROGRAM CONSOLIDATION (ERP):

To increase efficiency, the Ethanol Board has consolidated all previously existing programs into one, Program #516. Within that program, the agency groups operations into the five general categories previously described. In the spirit of the question, the categories are ranked in their order of perceived importance to the NEB's mission and goals: Market Development - Legislative/Regulatory - Industry Assistance Program - Education/Promotion - Research.

Agency Efficiency Review Plan
Agency: 060 - NEBRASKA ETHANOL BOARD

STREAMLINING OF SERVICES (ERP):

The NEB continues to monitor and review employee and management functions to streamline agency operations and reduce expenditures. Examples of reforms currently underway are: 1) Cross training of staff to eliminate previously outsourced IT functions. 2) Increased video / phone conferencing to reduce personnel and travel expenses. 3) Insisting, when possible, on reimbursement of travel expenses from outside sources for all agency personnel. 4) Utilizing geographically dispersed Board members to provide educational and promotional outreach functions across the state. 5) Eliminating a personnel presence at the State Fair to avoid travel and overtime costs.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

As the NEB operates with a four person staff, reducing the number of employees and layers of management would be catastrophic to Agency operations. Recognizing current economic conditions, the NEB continues to reduce costs and improve efficiencies wherever possible. Staff reductions would eliminate the NEB's ability to accomplish its mission and make it impossible meet statutory responsibilities.

MANDATES AND REQUIREMENTS (ERP):

As stated earlier, the Ethanol Development Act directs the Ethanol Board to establish necessary procedures and processes to manufacture and market ethanol; to promote the use of ethanol as a partial replacement for imported oil; establish necessary procedures and processes to manufacture and market co-products; analyze marketing processes and procedures to assure market acceptance; sponsor appropriate research to develop industrial and commercial uses for ethanol and it’s co-products; Promote state and national air quality programs; and to influence federal legislation encouraging the use of ethanol.

FOUR-DAY WORK WEEK (ERP):

There would be few, if any, structural or operational changes required if the Ethanol Board switched from a five-day to a four-day workweek. The NEB concludes there would be little, if any, savings accomplished by switching to a four day workweek. Any saving from this policy would likely come in the form of reduced energy costs if NEB offices facilities were closed for an additional day each week and those savings were passed along by the Department of Administrative Services.

Agency Efficiency Review Plan

Agency: 061 - DAIRY INDUSTRY DEVELOPMENT BOARD

PROGRAM CONSOLIDATION (ERP):

The Nebraska Dairy Industry Development Board (NDIDB) is made up of one program, governed by one Statute.

STREAMLINING OF SERVICES (ERP):

The Nebraska Dairy Industry Development Board (NDIDB) contracts with American Dairy Association/Dairy Council of Nebraska (ADA/DC) for program and administrative services. ADA/DC is currently in discussions to combine its operations with Midwest Dairy Association effective January 1, 2011. The combination of these two dairy promotion organizations will result in the elimination of duplicate administrative services and overhead. The cost savings will be re-directed to activities to further NDIDB's purpose, which is to increase the consumption of milk and dairy products.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

NDIDB operates with no personnel services or FTE's. Reference streamlining of services relative to reorganization/consolidation that will result in less management overhead cost.

MANDATES AND REQUIREMENTS (ERP):

The Board operates on an industry supported checkoff on all milk produced and sold in Nebraska. Expenditures of funds are to promote consumption and utilization of milk. The NDIDB is in support of the need for this checkoff and statutory utilization of the funds received.

FOUR-DAY WORK WEEK (ERP):

The Dairy Board has no employees.

Agency Efficiency Review Plan

Agency: 062 - BOARD OF EXAMINERS-LAND SURVEYORS

PROGRAM CONSOLIDATION (ERP):

The Board of Examiners for Land Surveyors, Agency 62, Program 083, is a single cash funded program with no subprograms.

STREAMLINING OF SERVICES (ERP):

The advent of personal computers and the Internet changed the model for dissemination of information to the public. The Board was quick to embrace the technology and has had a web presence for number of years. The public may conveniently obtain the Annual Report, the land surveyor roster, applications for registration, the Complaint Form, Board meeting minutes, the Continuing Education form, and general Board information online from www.nbels.nebraska.gov. Online access has increased public awareness of the Board and reduced clerical workload.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Board consists of five members, appointed by the Governor, who are not paid a per diem. The Board has no full-time employees. The Nebraska State Surveyor is ex officio secretary of the Board (Neb. Stat. 81-8,110.03).

The records of the Board are held within the State Surveyor's Office. All clerical services for the Board are performed by the State Surveyor's Administrative Assistant. Currently payment for these services is at a rate of 0.1 FTE and refunded to the General Fund.

The elimination of the clerical services is not a viable proposition. The Board would be required to contract the services from the private sector and find an alternate site for record retention.

MANDATES AND REQUIREMENTS (ERP):

Secs. 81-8,108 to 81-8,127, Neb. Rev. Stat. provide the authority and define the duties of the Board of Examiners for Land Surveyors. The agency has filed a complete set of rules and regulations with the Revisor of Regulations.

The duties and requirements of the Board include:

Agency Efficiency Review Plan
Agency: 062 - BOARD OF EXAMINERS-LAND SURVEYORS

1. Safeguard life, health and property by determining the qualifications of those applying for registration as a land surveyor. (81-8,108)

2. Examine, test and interview persons aspiring to become registered as a land surveyor. (81-8,110)

3. Issue registrations and renewals to all qualified persons. (81-8,110.13)

4. Investigate any land surveyor suspected of fraud or deceit in obtaining a registration or for negligence, incompetence or misconduct in the performance of duties. (81-8,123)

5. Conduct a hearing to determine Board action against any land surveyor charged with fraud or deceit in obtaining a registration or for negligence, incompetence or misconduct in the performance of duties. (81-8,124)

6. Audit biennium renewal requests for continuing education compliance. (81-8,119.02)

FOUR-DAY WORK WEEK (ERP):

The move from a five-day to a four-day work week would not require structural or operational changes. The Board of Examiners for Land Surveyors holds four or five meetings per year and administers ten to fifteen examinations to reciprocity applicants per year. The board meetings are generally scheduled on Thursdays and require four to six hours of meeting time and the reciprocity examinations are scheduled by the office. A four-day work week would not interfere with either function.

Agency Efficiency Review Plan

Agency: 063 - BOARD OF PUBLIC ACCOUNTANCY

PROGRAM CONSOLIDATION (ERP):

The Nebraska State Board of Public Accountancy (Board) currently has one Program/ Enforcement of Standards. To operate the Program the Board employs six internal committees consisting of the Education & Examination, Legislative, Licensing, Continuing Education, Quality Enhancement (QEP), and Enforcement programs. The Committees meet before Board meetings to discuss issues assigned in detail and prepare to make formal recommendations to the Board when necessary. Obviously, the Board cannot consolidate the one assigned Enforcement of Standards Program, however, continues to review current internal committees. In the past the Board did combine the Education Committee within the Examination Committee. Currently, the Board is in the process of reviewing the Quality Enhancement Program. The program was developed to help educate and assist Nebraska Certified Public Accounting (CPA) firms by requiring review of attest work by volunteer CPAs within the Board offices under blind samples with strict confidentiality. Upon completion of several reviews by the QEP Committee a report is issued to the CPA firm indicating approval or requiring additional continuing education or other areas of review. CPA Firms can opt out of the program if they complete another review program. Due to several factors, the Board is considering several changes to the QEP program and a Task Force has been appointed to recommend any changes and report back to the Board sometime in 2011. The recommendations could include possibly consolidating (ending) the program.

STREAMLINING OF SERVICES (ERP):

The Board continues to review and streamline the services and processes employed to complete the Board's mission and goals. Within the last several years the Board has developed several strategies to streamline the licensing processes. Utilizing a grant from the Nebraska State Records Board along with developing a solid partnership with Nebraska.gov, the Board developed an online computer renewal license process and continuing education reporting system. Less paper, office filing, mailings, and review of paper applications have all contributed to less staff time and money spent in this process. The goal is to employ staff time in more important identified areas and save money. Additionally, it is anticipated less hours will be needed by the Board intern to process paper applications. Future enhancements to these services and the additional creation of other online applications are anticipated to assist in streamlining these processes. The Board also has developed computerized summary sheets for its enforcement program to assist in the monitoring of complaints filed with the Board to ensure timely follow up and to keep Board members abreast of enforcement activities.

The Board will continue to monitor other state agencies and Boards of Accountancy to assist in developing ideas to streamline services with the goal of saving money. It is helpful to be active in agency and national meetings to observe ideas developed in other agencies in streamlining services. It should be noted to develop areas to streamline, such as the example above, in some instances requires upfront costs especially with information technology costs. Longer term cost savings can then be anticipated.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Board currently employs three full time employees and utilizes an internship program through the University of Nebraska. Board position responsibilities are detailed in job descriptions. Licensee surveys completed over the last eight years indicate a high level of satisfaction with the Board's employees. Employees are directly accountable to the Board Committees.

Current Board programs are well managed with various projects under construction as assigned by Board Committees. The Board is generally pleased with current operations and thier employees and see no need for reform.

Agency Efficiency Review Plan
Agency: 063 - BOARD OF PUBLIC ACCOUNTANCY

MANDATES AND REQUIREMENTS (ERP):

The Board's mandates and requirements are stated within the Pubic Accountancy Act 1-105.01. They include..."It is the purpose of the Nebraska State Board of Public Accountancy to protect the welfare of the citizens of the state by assuring the competency of of persons regulated under the Public Accountancy Act..."

It is simply the Board's mandate to protect the public through various regulations placed on certified public accountants (CPAs) and CPA firms within the state. Regulations placed on CPAs and CPA firms should be reasonable and well discussed and vetted before the Governor, Legislature, the Board, CPAs, and the public before being adopted. Mandates placed on the Board to carry out responsibilities should also be reasonalbe and attainable through the Board's Vison, Mission and Principles, and its goals. To carry out Board mandates requires CPAs to complete an extensive examination, have two years experience under a current CPA, and complete 80 hours of continuing education every two years for renewal licensure. CPA firms must complete a Peer Review Program every three years and complete license renewal annually. All must meet character and fitness standards and other obligations to obtain an active permit to practice public accountancy within Nebraska as required by law and regulations.

FOUR-DAY WORK WEEK (ERP):

The ability for Board staff to work a four-day work week is attainable, however it appears there would be minimal cost savings. Additionally, the service provided to the public and CPAs would probably diminish as they could not contact the Board office during a week day. Cost savings could include office heating/cooling, electricity, and commuter costs for staff. The Board's staff, to provide current basic services, would have to continue to generally work a 40 hour work week, thus a 4-day/ 10 hour work week would need to instituted. If mandated, the Board would research the best ways to implement a four day work week.

Agency Efficiency Review Plan
Agency: 064 - NEBRASKA STATE PATROL

PROGRAM CONSOLIDATION (ERP):

The Nebraska State Patrol currently utilizes the following programs:

Program 100 Public Protection, which is the umbrella budgetary program which includes Program 189 Command and Support, Program 190 Investigative Services, and Program 195 Traffic Division.

Program 205 Carrier Enforcement

Program 325 Operational Improvements

Program 575 Byrne Grants

Program 630 Capitol Security

Program 850 Public Safety Communications System

These programs are separated for budgetary purposes, but are all integrated into the overall operation of the Nebraska State Patrol. These various programs could easily be incorporated into one budgetary program. Budgetary information could easily be separated through the use of sub-programs as required to maintain integrity of the budgetary information.

STREAMLINING OF SERVICES (ERP):

Technology

Overview

Just as technology provides new ways of committing crimes, so does it provide new ways of fighting crime. The past decade has provided remarkable technological advances impacting nearly every facet of law enforcement, including advances in computers, software, uniforms, body armor, radios, communication technology, vehicles, forensics, training, weapons, tactical equipment and digital imaging. These advances play a vital role in the field of law enforcement and although many tools are becoming more affordable, it is difficult for law enforcement agencies to keep pace with the ever emerging technologies.

The Nebraska State Patrol has identified some of the more high profile technology related initiatives to pursue over the next few years:

- The agency is in the process of replacing obsolete in-car analog video cameras with a new state of the art digital video recording system. The Patrol is the first agency to deploy the new Digital Ally DVM750 digital in-car cameras and, as often happens with new technology, there have been some teething problems. Due to software issues with the DVM750 cameras, temporary in-car digital cameras have been installed and once the software issues have been resolved, the DVM750 model in-car cameras will be installed statewide.

Agency Efficiency Review Plan
Agency: 064 - NEBRASKA STATE PATROL

- The agency's six communications centers operate independently of each other. If one or more dispatch centers were to be rendered inoperable, large portions of the state would be left without NSP communications. Networking the six communications centers will allow one center to assume operation if another center should experience a failure. With the installation of the new digital Motorola radio consoles for the new radio system, the Patrol will be able to perform remote dispatch from any of the six dispatch centers for any part of Nebraska. All six dispatch centers should have their new digital consoles installed by late 2009.

- Nebraska's law enforcement and public safety agencies currently utilize four different radio frequency bands to communicate. When agencies from multiple jurisdictions need to mount a coordinated response to an incident, real time inter-agency communications are currently impossible. The Nebraska Emergency Management Agency or NEMA and NSP are working to develop Mutual Aid frequencies through regional interoperability projects, to provide interoperable communications between state and local public safety agencies. This is being funded through federal grants and is projected to be completed in late 2010.

- Enhancing the communication infrastructure through utilization of wireless technology which will provide connectivity to mobile devices such as in-car computers, allowing them real time access to critical systems. NSP is in the process of installing Blue Tree modems in marked units to provide cellular connectivity for the new Mobile Data Computers. This should be completed by early 2010. Investigators will receive air-cards along with their MDCs. The air-cards will not have the cellular range of the Blue Trees but will allow the investigators to use their MDCs outside their units, in Sheriff's offices or at crime scenes. MDCs have been deployed in some Troop Areas and the deployment will be completed statewide in early 2010.

- To support the installation of the new radios and MDCs, NSP is in the process of installing new vehicle consoles along with mounts and docking stations in all marked cars. The arm rest holds the paper and printer to facilitate the issuance of printed citations as part of e-citation. The forward part of the console serves as the base for the MDC mount. The consoles are designed to protect the officer in the event of a collision by bending instead of breaking. Installation has been completed in Troop E and C and should be complete statewide by early 2010.

- The Patrol is constructing a 15,000 square foot vehicle installation building at Lincoln Air Park, adjacent to the Carrier Enforcement headquarters, to support the installation of law enforcement equipment for NSP, State Fire Marshall and Game and Parks. The building will also be shared by the Department of Roads as a support center for the new radio system. It is anticipated that the Patrol will take possession of the new building in November 2009.

- Nebraska's Automated Fingerprint Identification System (AFIS) will continuously develop through the installation of additional fingerprint capture devices in Nebraska's jail booking facilities and through implementing a regional AFIS Network.

- The efficiency of commercial motor vehicle laws and regulations will be enhanced through the expanded use of weigh-in-motion technology at both fixed sites and portable scale sites. The agency will also begin to explore the possibility of virtual weigh stations.

- Further development of the Electronic Data Management System (EDMS) will provide more efficient collection, storage and management of information and data. Extending the system agency wide will require additional staff, training and electronic storage.

- The agency's Air Wing Division is hoping to facilitate the ability of aerial and ground personnel to monitor activities (such as suspect movement and search and rescue operations) simultaneously through the downlinking of video and thermal images from the aircraft to a fixed or portable site such as the Mobile Command Post (MCP) or officers' MDCs.

- Enhancements to forensic video/audio editing and analysis capabilities may be achieved through updating and acquiring cameras and other necessary equipment.

- Technology is essential to the agency's ability to deliver services to the public. To enhance efficiency through the use of advanced technology, NSP will establish a routine hardware replacement cycle, migrate data off legacy systems, expand the use of the Traffic and Criminal Software (TraCS) to include both driving under the influence (DUI)

and accident reporting modules, increasing the deployment of laptop computers, upgrade line speeds, implement Automatic Vehicle Locator/Global Positioning Systems, upgrade the state message switch, research video conferencing and on demand webcast, enhance business continuity/disaster recovery operations and work in conjunction with DMV on the initiation of REAL ID in Nebraska.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Nebraska State Patrol is constantly monitoring and evaluating the operations and staffing requirements of the agency. All positions within the agency are evaluated annually as part of the inspections process. Effective supervision and management of a public safety agency requires that a proper span of control be implemented and maintained. There are a number of factors which influence the proper span of control within a law enforcement agency. A narrower span of control is required because the work is constantly changing, as each duty performed can require a completely different set of actions on the part of the officer. The greater geographic distances between State Patrol Officer can require a narrower span of control. The greater the administrative burden on each level of management, the greater the need for a narrow span of control. Administrative burden is placed on the officers in completing reports of activities performed. The higher the employees' expectations for feedback, career and development coaching, and management interaction, the narrower the requirement for supervision. Many observe that the new workforce entering policing today looks for immediate feedback from management on their progress.

The Nebraska State Patrol has completed a number of initiatives which are designed to assist the employees of the agency with completing the overall mission. Some of these initiatives are: eliminated an administrative Captain in the Field Services Division; consolidated Mobile Field Force Teams throughout the state, decreasing the number of officers assigned to these teams, thereby decreasing the time spent in training and also reducing the requirement for the various items of equipment; consolidated SWAT teams, also reducing equipment and training; consolidated Drug Investigative units in Headquarters Troop.

MANDATES AND REQUIREMENTS (ERP):

The primary mandates and requirement imposed on the Nebraska State Patrol are contained in the following sections of the Nebraska Revised Statutues:

81-2004. State patrol; duties in general; Nebraska State Patrol Criminal Investigation Cash Fund; created; use; investment.
The Nebraska State Patrol, its subordinate officers such as lieutenant colonel, majors, captains, lieutenants, sergeants, corporals, patrolmen, and other employees shall be used primarily for the enforcement of the traffic and motor vehicle laws of the State of Nebraska and the handling of traffic within the state, except:

(1) The Superintendent of Law Enforcement and Public Safety, with the approval of the Governor, may designate such personnel of the Nebraska State Patrol to qualify and act as his or her deputies or investigators to assist him or her in the enforcement of the laws of the state relating to felonies, and the superintendent shall designate and train fifteen investigators in addition to those authorized on September 2, 1973, to assist in such law enforcement;

(2) The superintendent shall designate and train ten special investigators in addition to those authorized on July 12, 1974, to assist him or her and all other law enforcement agencies in this state with enforcement of drug control legislation. As an aid to such special investigators, the superintendent shall appoint two stenographers and one laboratory technician in addition to those authorized on September 2, 1973; and

(3) The Nebraska State Patrol shall provide security for all buildings and grounds owned or leased by the State of Nebraska in Lincoln, Nebraska, except the buildings and grounds described in subsection (5) of section 81-1108.15.

Agency Efficiency Review Plan
Agency: 064 - NEBRASKA STATE PATROL

81-2005. State patrol; powers and duties enumerated.

On and after July 20, 2002, the Superintendent of Law Enforcement and Public Safety and all officers of the Nebraska State Patrol, except all carrier enforcement officers assigned to the carrier enforcement division, shall have the power:

(1) Of peace officers for the purpose of enforcing the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, the Nebraska Rules of the Road, and any other law regulating the registration or operation of vehicles or the use of the highways;

(2) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, the Nebraska Rules of the Road, or any other law regulating the operation of vehicles or the use of the highways, if and when designated or called upon to do so as provided by law;

(3) To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of the state relating to misdemeanors or felonies, if and when designated or called upon to do so as provided by law;

(4) At all times to direct all traffic in conformity with law or, in the event of a fire or other emergency or in order to expedite traffic or insure safety, to direct traffic as conditions may require notwithstanding the provisions of law;

(5) When in uniform, to require the driver of a vehicle to stop and exhibit his or her operator's license and registration card issued for the vehicle and submit to an inspection of such vehicle and the license plates and registration card thereon and to require the drivers of motor vehicles to present such vehicles within five days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that such motor vehicle is being operated in violation of the statutes of Nebraska or the rules and regulations of the Director of Motor Vehicles;

(6) To inspect any vehicle of a type required to be registered under the Motor Vehicle Registration Act in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking;

(7) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways;

(8) To investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and highway safety laws; and

(9) To operate weighing stations and portable scales and to perform carrier enforcement powers and duties prescribed in sections 60-1301 to 60-1309.

Carrier enforcement officers appointed to the carrier enforcement division before July 20, 2002, shall have the powers and duties prescribed in sections 60-1301 to 60-1309.

There are numerous more statutes which guide the Nebraska State Patrol, however, they are basically further refining and defining the statutes list above. These statutes are detailed in the Statutory Authority section of the Agency Narrative.

FOUR-DAY WORK WEEK (ERP):

The Nebraska State Patrol is a public safety agency which operates twenty-four hours a day seven days a week. Unlike numerous other state agencies, the Nebraska State Patrol is

not able to completely close down to create a three day weekend period. Officers are on duty at all times of the day and night, and need the communications centers to be operational and functional during all the same time periods. The buildings which house these communications centers cannot be closed down, and the utilities cannot be shut down over the weekend.

Agency Efficiency Review Plan
Agency: 065 - DEPT OF ADMINISTRATIVE SERVICES

PROGRAM CONSOLIDATION (ERP):

ADMINISTRATIVE SERVICES

The agency is currently organized by core functions; therefore, the agency has no specific recommendations for further consolidation or reorganization.

OFFICE OF THE CHIEF INFORMATION OFFICER (CIO)

A useful definition of consolidation is “Removing common technology functions from separate operating divisions and combining them to form a shared services entity that acts as a service provider back to the original divisions.” (Center for Digital Government, “Cracking the Consolidation Code”, 2010)

Consolidation of information technology services offers significant benefits. These include:

- Better staffing through specialization and depth of support;
- Greater efficiency by standardizing on fewer technologies, aggregating resources, and achieving economies of scale;
- Improved security that comes from having better management and fewer points of vulnerability, and
- Savings that stem from eliminating duplication.

The Office of the Chief Information Officer (OCIO) offers a full range of information technology and telecommunications services.

The Information Management Services Division provides centralized management of the state’s mainframe services, application development, and computing resources for Nebraska State Government. The single mainframe service is a consolidation of three systems that existed before the Legislature created the IMServices Division in 1965. Many other states have merged mainframe data centers in recent years and reported large savings, accomplishing what the State of Nebraska implemented forty years ago. In addition to the on-going savings of operating a single system instead of several, the Office of the CIO is able to obtain better pricing from hardware and software providers through economies of scale.

In a similar manner, the Division of Communications provides centralized management of the state’s data network and voice and wireless communications. Over the past four decades, this has produced significant savings through aggregation of buying power and sharing resources. The latest example has been combining Internet access for all of state government, most K-12 schools and many higher education institutions, including the University of Nebraska. Just two years ago, the cost for Internet access was $58 per Mbps/month in Lincoln and $26 per Mbps/month in Omaha. Aggregation has dropped those costs to $6.10 per Mbps/month, effective July 1, 2010.

The Intergovernmental Data Services Division manages a single statewide network for supporting multiple state functions in county offices, rather than funding separate networks for county courts, child support activities in district courts, and motor vehicle titling and registration. The single network avoids the creation of separate systems serving three agencies: Supreme Court, Department of Health and Human Services, and the Department of Motor Vehicles..

In 1998, the Legislature enacted LB 924 which established the Nebraska Information Technology Commission (NITC) and the position of Chief Information Officer. Both had the assignment of coordinating the often overlapping and duplicative activities in state government, the education sector and communities. The NITC has been instrumental in several consolidation projects by promoting the statewide distance education network, e-health initiative, and public safety communications.

In recent years, the Office of the CIO has added or expanded many shared services in an effort to reduce the amount of duplication across state and local entities and generate savings. These include:

- Consolidation of email systems for all of state government. A single system replaced over 20 email systems in as many agencies and now supports about 16,500 email accounts.
- Statewide Distance Education Network ("Network Nebraska"). Serving 228 K-12 school districts and higher education entities. Network Nebraska replaced 8 regional systems that had limited ability to share services across regions.
- Network support services (switches, routers, wireless connections, firewalls, and aggregation of circuits);
- Voice and wireless communications;
- Mutual assistance for disaster recovery preparations with the University of Nebraska;
- Consolidation of contractual services (Covendis). The new contract is saving agencies $275,000 per year.

OFFICE OF THE CAPITOL COMMISSION

Since the creation of the Office of the Capitol Commission in July, 2004 nearly each year since, the Office has submitted a flat budget for our agency. Programmatically, consolidating or merging aspects of our mission has been accomplished during this period as part of our budget process. Due to the diversity of our agency mission ranging from providing promotion of the Capitol ie. public tours, brochures, website and public presentations; to preservation of the Capitol accomplished physically by our four conservation shops ie. carpentry; custodial; grounds; mech/elect. maintenance; to restoration of the Capitol ie. architectural renovation/ restoration done with in-house architects & shops also with private contractors; to documentation of the Capitol (ie. archive collections and research for building projects) and the two staff providing administrative and accounting support for all these programs, we have and continue to work on ways to complete our mission with the fewest staff and lowest funding possible.

STREAMLINING OF SERVICES (ERP):

ADMINISTRATIVE SERVICES

Over the past few years AS has implemented the following efficiencies:

- Increased electronic deposit for employees and vendors payments
- Elimination of printed pay stubs resulting in reduced printing and mailing costs
- Reduction in the number of pay periods
- Offered optional electronic W-2's
- Enhanced employee self service
- Improved job application system
- Reduced agency-wide printing and mailing costs
- Reduced janitorial services in facilities managed by State Building Division

Last year, following the special session, AS issued credits/refunds to all state agencies and these combined efforts have allowed AS to reduce or maintain the "cost of doing business" where possible.

Further efficiencies that involve the agency may also cross into all other agencies. Additional efficiencies might be gained by realigning and centralizing some of the human resource and accounting functions within AS. This would be a large initiative that would involve a detailed review of every state agency's budget and staffing levels to determine whether additional reorganization, by government function, would be warranted.

Agency Efficiency Review Plan
Agency: 065 - DEPT OF ADMINISTRATIVE SERVICES

OFFICE OF THE CHIEF INFORMATION OFFICER (CIO)

“Streamlining” existing services means improving their efficiency. This requires finding ways to accomplish more with fewer resources. Key strategies for streamlining services include automating manual processes, curtailing unproductive activities, and matching the right resources to each project.

The Office of the CIO has improved its own internal processes and has looked for opportunities to offer systems that support automation for our customers. Examples of efforts to improve our own processes include:

- Providing blanket approval of a list of routine and non-controversial purchases of information technology items in order to avoid the time involved in reviewing and approving each individual request submitted by agencies.
- Automating our internal system for budgeting, cost allocation, and cost recovery modeling, instead of manual spreadsheets that are time-consuming and subject to error.
- Making better use of the statewide accounting system (NIS) rather than depending on manual spreadsheets for tracking finances.
- The Office of the CIO is collaborating with the Department of Motor Vehicles and the Supreme Court on a project to create a new centralized architecture that would replace and consolidate most of the existing servers (IBM AS/400) currently located and maintained in each of the 93 county courthouses. This more efficient architecture would allow a single server to serve multiple counties, which would reduce our capital investment as well as ongoing support and maintenance costs. It would also enable agencies to more efficiently develop, maintain and support their own applications.
- The Data Networks team has dropped maintenance on switches and routers, because it is more economical support that equipment with state staff.

In addition, the Office of the CIO has participated in several projects that will allow agencies to operate more efficiently. These include:

- Developing applications that automate administrative functions. One example is the Budget Request and Reporting System. Another example is the Game and Parks Commission’s permit system. The Office of the CIO Web Design and Development Team also developed an application for the Department of Health and Human Services that is used to gather reportable disease information from emergency rooms from across the State on a daily basis and then sharing that data with the Centers for Disease Control’s BioSense Project. The Office of the CIO also completed a rewrite and enhancement of the Department of Labor’s UIConnect system which allows employers to access their unemployment insurance accounts online.
- The Office of the CIO now offers agencies the convenience of desktop video conferencing and conducting webinars. This technology has the potential to save travel time and costs.
- Providing electronic access to our billing detail saves paper and eliminates the need for expensive microfiche copies while improving the ability to present information in more usable formats.
- The Office of the CIO developed and offered agencies a lower cost thin client technology, enabling agency staffs and county personnel to access state network and agency applications more efficiently and more cost effectively.
- The Office of the CIO worked with the Department of Motor Vehicles to implement one-stop service in counties where vehicle title and registration process previously involved both the County Treasurer and County Clerk offices.

More efforts to consolidate IT services are in progress. Significant initiatives that are underway include:

- The Public Safety Communications System will provide statewide radio communication for the State Patrol, State Fire Marshal, Game and Parks Commission, Department of Roads, and other state agencies. The system is designed to provide interoperability with regional systems serving local agencies.
- A new Interactive Voice Response System will provide support for call centers at NDOL, DHHS, and the Department of Revenue.
- Centralization of private branch exchange (PBX) systems will provide telephone service for large offices of state agencies located in areas where this technology is needed.

- The Office of the CIO is working with the Douglas – Omaha Technology Commission (DOTCOM) on providing them with disaster recovery capabilities for their mainframe system.
- The Office of the CIO is collaborating with other agencies on developing an Enterprise Content Management system for automating inefficient paper processes in multiple agencies.
- Aggregation of hardware and software purchases often provides price breaks that are not available to individual agencies. Each year the Office of the CIO coordinates all purchases of IBM licenses and maintenance. This includes software, software maintenance and hardware maintenance. Savings for FY2011 and FY2012 will be $601,000.
- Server consolidation and virtualization. The industry trend is to consolidate multiple, single-purpose servers and to replace separate, physical servers with ones that operate in a virtual environment. This strategy provides savings in hardware, software, energy, and support costs. The Office of the CIO helps agencies to analyze their server requirements and is moving several agencies to its virtual environment.
- Sharing statewide video conferencing systems. The Office of CIO is partnering with the Department of Education, Vocation Rehabilitation to share video conferencing locations throughout the State. Voc Rehab had submitted a request to purchase video conferencing equipment for their remote offices in order to conduct training and rehabilitation services for their customers. After reviewing this request, the OCIO decided to coordinate the equipment needs of its own video conferencing network with those of Voc Rehab. The result was a plan to share sites, equipment, scheduling, circuit costs and maintenance. Equipment is being installed starting August 2010 and over the next 12 months, our goal is to begin sharing those locations and associated costs and closing down any unused duplicate sites in those cities.

The Office of the CIO will continue looking for opportunities to achieve greater efficiency and savings through consolidation of IT resources. Specific areas for further investigation include:

- Several state agencies and many county governments own and operate IBM i-series (AS/400) computers. This involves duplication of hardware, software, and skilled technical resources. As a step to encourage greater collaboration with county governments, the Office of the CIO has adopted a more attractive rate structure and worked with the Nebraska Association of County Officials (NACO) to promote this option among its membership. Several state agencies also operate separate AS/400s. This involves duplication of expertise, and support costs. Central management of AS/400s would also allow adoption of cost-saving technologies, such as virtualization of AS/400 servers.
- Currently, Nebraska taxpayers support four mainframe data centers located within 60 miles of each other – City of Lincoln, University of Nebraska – Lincoln, DOTCOM in Omaha, and the Office of the CIO in Lincoln. Consolidation of these data centers would face major technical challenges but holds the potential for significant savings. The Office of the CIO has met separately with representatives of both DOTCOM and the City of Lincoln to establish lines of communication and lay the groundwork for future collaboration.
- During the era of proliferation of server-based computing, many agencies established small data rooms located in their offices. These mini data centers often occupy spaces that were originally intended for offices and require expensive electrical and air-handling modifications. They involve duplication of resources for staff support and create additional burdens for assuring business continuity in the event of a disaster. As opportunities arise and especially if large investments in new electrical or HVAC (heating, ventilating and air conditioning) systems are needed, these mini data centers should be eliminated, by consolidating servers and moving them to the state's data center at 501 South 14th. The energy conservation plan for Administrative Services calls for "eliminating computer servers located in office buildings."
- Server consolidation and virtualization is a viable option as agencies replace existing servers or request additional servers for new applications.
- Centralization of desktop support also offers opportunities for significant efficiencies through standardization of hardware, software, and procedures.

The Office of the CIO is working with four other state agencies and the City of Lincoln to implement an enterprise content management system (ECM). When implemented, the new ECM will provide the tools for automating many functions and achieving paperless processes.
By statute, the Office of the CIO must recover all of its expenses through charging rates and fees for its services. The rate structure we have developed gives agencies exact information each month on the quantity of specific services being used. This provides an economic incentive to use only those services needed and the quantity needed. A charge-back system such as the one in use helps to control demand and discourage waste. It also gives agencies information on ways to save money by canceling services.

OFFICE OF THE CAPITOL COMMISSION

Agency Efficiency Review Plan
Agency: 065 - DEPT OF ADMINISTRATIVE SERVICES

Our services are provided as much as possible, in a ‘paperless process’. We are currently updating our <capitol.org> website is an attempt to communicate our services and program with the public and reduce the need for communication via telephone or paper media. Our ‘Capitol Sower’ newsletter initially a quarterly publication, is now produced three times annually and this year only in electronic format. Our maintenance shop balances all HVAC systems via a computer network (MedaSys by Johnson Controls) saving significant energy, and countless man-hours plus providing electronic record keeping. This year, an archival software program (PastPerfect) was instituted for tracking on-going maintenance and location of original Capitol furniture and access to historic archival records. We continue to look for further streamlining measures.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

ADMINISTRATIVE SERVICES

The agency director has already ordered vacant positions to not be refilled unless they are essential to the agency’s operations. The agency continues to reduce positions through attrition and to reduce staffing costs through unpaid furloughs. It remains unclear whether reductions in force will be necessary to meet budget constraints. The agency will continue to review staffing levels as future positions become vacant and hiring decisions dictate.

OFFICE OF THE CHIEF INFORMATION OFFICER (CIO)

Since 2005, the policy within the Office of the CIO has been mandatory review of any and all vacancies to determine whether the position needs to be filled, reassigned to another team, reclassified, or left vacant until a greater need arises to meet the needs of our customers. This approach to filling positions has allowed the Office of the CIO to develop new services and expand other services without having to request additional staffing from the Legislature. Since 2005, several supervisory positions have been left vacant by shifting those duties to other staff and implementing a flatter organizational structure.

In most cases, there are only three or at most four levels of management within the Office of the CIO. This promotes greater accountability and streamlines decision-making and problem resolution.

The Office of the CIO also makes effective use of contractual services to supplement permanent employees. This allows greater flexibility and faster reaction to changing workload – both increases and decreases. For example, as agencies have scaled back their requirements in FY2009 and FY2010, the Office of the CIO has terminated six contractors who had been assisting with the email conversion project, network support, and desktop/server support. As agencies have scaled back their spending on web applications development, the Office of the CIO has terminated contracts for two programmers. Reduction of contractual personnel can be done very rapidly without the need for layoff plans or the issues associated with bumping rights. The Office of the CIO also responds to agency requests for additional contract staff for one-time projects. In FY2010, the Department of Health and Human Services undertook several large projects mandated by the federal government which required adding several business analysts and programmers.

The Office of the CIO has undertaken many services and initiatives that will help other agencies to manage their personnel more effectively. These include:

- Providing more centralized services, such as email, storage area networks, server consolidation, and virtual servers that allow agencies to redeploy technical staff to other areas;
- Providing services such as internet fax, desktop video conferencing, project management, Kronos time entry, language interpreter service, instant messaging, and Analytics Reporting that allow agencies to carry out their business functions more efficiently and effectively.
- The enterprise content management system will permit agencies to implement paperless workflow that will save time and staff.

In three agencies (Department of Correctional Services, Game and Parks Commission, and the Public Employees Retirement Board) an employee of the Office of the CIO supervises

the IT staff of the agencies. Joint appointment of the IT Manager in these agencies insures close coordination with the Office of the CIO and gives the agencies more flexibility in filling this critical position and access to a broad range of expertise in managing their IT resources.

OFFICE OF THE CAPITOL COMMISSION

Based on the diversity and specialized nature of our mission and therefore training of our staff, the Office has very little duplication within our twenty-nine positions/functions (ie. one electrician, one plumber etc.). We have two tour staff who, with one additional full-time SOS tour guide, led approximately 100,000 visitors through the Capitol annually. The tour supervisor also oversees all Capitol special events, produces our brochures, maintains the website and produces our newsletter. We have two preservation architect positions to manage the renovation/restoration work load, one of whom also supervises the archivist. OCC has a supervisor in each of the four shops over a total of 16 technical trades staff and the Capitol Manager coordinates the work of all shop operations along with budget oversight. Supporting all internal operations are two staff, a supervisor and assistant who oversee our accounts payable ($2 million in annual operations funding and in recent years an annual average of $6-8 million in capital construction) as well as inventory of original Capitol furniture for all Capitol agencies, personnel documentation, assistance with budget preparation, daily shop work orders and building maintenance contracts etc. Although review of management and employee levels are always under evaluation, current staff levels are the bare minimum needed to achieve our statutory mission.

Our grounds program has a total of three FTE (licensed arborist, engine/equipment mechanic, grounds keeper) under OCC and AS Building Division has four positions, of which one has been eliminated and replaced with temporary work-release labor. Together the program manages all year-round grounds work including the Capitol and mansion as well as grounds and snow removal for all eight State office buildings, two parking garages and four parking lots in the Capitol complex.

MANDATES AND REQUIREMENTS (ERP):

ADMINISTRATIVE SERVICES

Change the current 79%/21% employer/employee split on health insurance premium costs.

The State operates a health insurance benefit program that is optional for state employees. The State contributes 79% of the total premium of those enrolled in the health insurance benefit program. Changing the State’s share to something less than 79%, would result in direct savings to the State.

Currently Neb. Rev. Stat. Sec. 84-1611 provides that the State will pay 79% of the plan, option, and coverage selected. The 2009-2011 NAPE/AFSCME, Local 61 Labor Contract provides in Section 13.1 that the Employer contribution toward any group health insurance offered shall be 79% of the total premium. Both the statute and the Labor Contract would need to be changed. In addition, similar changes would be required in the 2009-2011 SCATA Teacher Contract language in Section 12.1.E. and the 2009-2011 SLEBC Law Enforcement Labor Contract in Section 22.1.

OFFICE OF THE CHIEF INFORMATION OFFICER (CIO)

The Office of the CIO is working with other divisions of Administrative Services to identify and address any legal restrictions that may impair efficient operations.

OFFICE OF THE CAPITOL COMMISSION

Our mandates are our mission, if the mandates change it could significantly alter our mission.

FOUR-DAY WORK WEEK (ERP):

Agency Efficiency Review Plan
Agency: 065 - DEPT OF ADMINISTRATIVE SERVICES

ADMINISTRATIVE SERVICES

Administrative Services provides daily services to all state agencies. Implementing a four-day work week would be difficult due to the level of services provided especially with those providing services on a 24/7 basis. The primary issue will be to balance our staffing for each of our services with state offices remaining open five days a week and the staff working four days a week. Having the expertise on hand every day to service our customers for five days will not always be possible. In general, service to state agencies would suffer. The challenges for implementing a four day work week, while remaining open 5 days a week would not be a viable option for our divisions.

OFFICE OF THE CHIEF INFORMATION OFFICER (CIO)

The Office of the CIO is a 24 hour operation that supports critical functions of state and local government and provides citizens with 24x7 access to information and systems. Moving to a four-day work week would require the Office of the CIO to:

- Reschedule our Operations Support group that provides 24x7 staffing in our data center.
- We would need to plan for additional on-call pay and possible overtime as our clients would not all be on the same four-day workweek. Examples include local government, K-12 education, public safety community, etc.
- Coordination of services with the vendors that provide our networks would need to be scheduled within the four day work week
- Field support technicians that work with our clients would have to reschedule work to ensure their return within the 10 hour days. This would be challenging for those techs required to travel distances across the state.
- We would need to budget our on-call pay to cover a 3-day weekend all year instead of the 2-day weekends most of the year.

OFFICE OF THE CAPITOL COMMISSION

In order to achieve the four day work week our staff would need to be split into at least two four day shifts per work week to allow for public tours and building maintenance during the standard five day plus weekend public access schedule. The statutory requirement to provide free tours to the public, which is currently done 360 days per year, would need to be maintained unless statutory changes were made. Also maintenance of building environmental systems requires at least after-hour, on-call maintenance staff or staff on-site during the five day work week to keep up with building use demands or system emergencies. The only way a ‘four-ten hour day/work week’ would be effective for our Office would be to have all State agency personnel and occupants out of the Capitol at the same time, similar to a typical weekend day but instead with a three-day weekend for everyone.

Agency Efficiency Review Plan
Agency: 066 - BOARD OF EXAMINERS-ABSTRACTORS

PROGRAM CONSOLIDATION (ERP):

This agency is constantly developing and implementing new ideas and practices as practicable.

STREAMLINING OF SERVICES (ERP):

There is not a whole of room for streamlining programs. However, the agency recently moved its four section exams to the computer. This now takes only one whole day for the exam instead of two.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Since there is only one part time employee, reforms to reduce employees and layers of management within the agency do not apply.

MANDATES AND REQUIREMENTS (ERP):

There are no mandates or requirements imposed on this agency beyond the statutory obligations.

FOUR-DAY WORK WEEK (ERP):

Since there is only one part time employee, making any changes to move from a five day to four day week are not applicable.

Agency Efficiency Review Plan
Agency: 067 - EQUAL OPPORTUNITY COMM

PROGRAM CONSOLIDATION (ERP):

The Nebraska Equal Opportunity Commission administers one program, 059 Enforcement of Standards. The agency is charged with processing formal charges of discrimination in employment, housing and public accommodations by enforcing the statutes that cover these areas of public interest. The agency also attempts to limit, or eliminate discriminatory practices by educating the public regarding these same areas of concern and does not charge for these services.

In an effort to consolidate efforts, the NEOC has eliminated our Public Information Officer position. The duties formerly performed by this position have been assumed by one of the agency Unit Directors. While this saves the agency the cost of this one position, this action also limits the amount of public education that can be provided by the Commission. Often there is a training component included in successful settlements and mediations facilitated by the Commission. Since we can only provide training on a limited basis, the respondents in these situations may be required to locate other training providers which can be costly.

The Commission also eliminated a Unit Director by consolidating the duties of this position with those of the Executive Director. In the past, the Executive Director assisted with public education efforts. Because of the additional duties being assumed by the director, the Director will no longer be able to provide assistance with public education/training. This change also limits the amount of public education and training the Commission will be able to provide to the public.

STREAMLINING OF SERVICES (ERP):

The Nebraska Equal Opportunity Commission (NEOC) has been working to streamline its services for the last several years. Since the beginning of 2010 the agency has changed our requirements for certified mail which has resulted in a savings by cutting these certified mail costs in half. Employees currently receive mileage reimbursements at the same rates we pay for TSB vehicle rentals when they drive their personal vehicles. This allows the employee to have the convenience of driving their own vehicle, while saving the agency 10 to 15% over the cost of normal reimbursement rates for personal mileage. We have severely curtailed our travel expenses primarily approving travel between our offices, for direct case processing or for participation in regional meetings or training where the federal agency reimburses the NEOC for travel expenses.

We have also instituted a new case management system that will save case processing time for the investigators by eliminating the redundant re-entry of basic case information. This system which we have tested during the past year is fully operational as of the beginning of this current fiscal year, July 1, 2010. We hope to find that with the implementation of this case data system we will be able to increase the number of cases being processed by our investigators since the agency will be forced to eliminate investigator positions by the end of this current fiscal year with the proposed additional reductions (10%) reflecting the current revenue shortfalls the state has been experiencing.

Over the last several years the Commission modified its intake and investigative procedures to more efficiently implement the Commission's mission of eradicating discrimination. Policies and procedures were developed to provide a coordinated approach to achieving the agency's mission through technical assistance, investigation, conciliation/mediation and public education.

Central to the Commission's approach is effective intake screening and the implementation of a charge categorization system. The agency's intake policies provide the intake investigators with flexible procedures for providing technical assistance, screening intake contacts and processing charges. Intake investigators provide potential Complainants with an initial assessment of their allegations and inform them of any known jurisdiction/standing problems. However, Complainants are always given the opportunity to file a charge in order to protect their rights.

Agency Efficiency Review Plan
Agency: 067 - EQUAL OPPORTUNITY COMM

Investigative procedures have been developed to ensure that each charge receives the appropriate level of investigation. Cases with jurisdictional issues are quickly identified, the appropriate documentation is obtained and cases are dismissed if appropriate. The Commission requires Respondents to submit thorough position statements and supporting documents and many cases have sufficient evidence for a determination after the receipt of the Respondent information. This enables the Commission to conduct more in depth investigation on cases that are more complex. The policies and procedures implemented over the past few years have resulted in the Commission being able to address the charge inventory and being able to resolve the majority of cases more rapidly while giving Complainants a fair opportunity to present their cases.

Since 2005, the NEOC developed an Alternative Dispute Resolution (ADR) program which added mediation as an alternative option to the Commission's pre-determination settlement process. Prior to this, the NEOC referred mediation requests to the federal EEOC for processing. The agency was therefore not eligible to be reimbursed for cases successfully resolved by EEOC through their mediation program. The addition of a mediation program by the Nebraska Equal Opportunity Commission encouraged an increase in the number of cases where parties chose to participate in mediation since they could be handled locally and with less cost for the parties, if an agreement could be reached. A second component of ADR is the pre-determination settlement process (PDS). Prior to July 2010, PDS cases were assigned to the investigative staff on a rotational basis. As of July 1, 2010 all requests for ADR, whether as a mediation or pre-determination settlement, will be handled by the Director of Conciliation. This unit director will also be contacting parties to discuss the ADR process, answer relevant questions about the ADR processes, and to encourage greater participation in this process. This change will allow investigative staff to concentrate solely on the investigation of cases while providing an opportunity for more cases to be resolved with a shorter case processing time.

Under the Fair Employment Practice Act rules and regulations, the Nebraska Fair Housing Act, and our cooperating agreement with HUD the NEOC is required to engage in education and outreach activities for the purposes of educating the public about the anti-discrimination laws of the state. The NEOC conducts technical assistance programs for the housing and employment industries across the state. Participation in these training programs is voluntary. For example the NEOC devised a housing program, "Discrimination Issues Under the Fair Housing Act," for salesperson's and brokers through which over 100 real estate agents have been trained. This program was approved, by the Nebraska Real Estate Commission, for participants to receive 3.0 ceu credits toward retention of their license. Our agency was also one of the first to develop and present a training course on the Americans with Disabilities Amendment Act, which was approved by the federal EEOC. While some of our training activities are voluntary, some educational activities require mandatory participation pursuant to agreements reached through mediation, settlement or conciliation of a case. These educational activities reach smaller groups, and are more focused in their subject matter. In addition to this, the agency provides outreach programs often in collaboration with other groups. These events provide individuals with basic information about what services the agency provides, and is a step toward eradicating discrimination within the state by educating the general public. In the past these educational programs were presented by the Executive Director, the Public Education Unit Director and the Public Information Officer. Because of the elimination of one Unit Director and the Public Information Officer, along with the reorganization and merging of duties, only the Public Education Unit Director is now available to provide these educational opportunities. Although these services have been streamlined, these actions will severely limit the amount of time that can be spent on these activities and the number of individuals that are reached by our training.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

With the resignation of the current Executive Director in October, 2009, the Commission decided to eliminate one Unit Director position by adding those duties to that of the Executive Director. In order to accomplish this, some of the duties formerly performed by the director will be transferred to the other management staff. This includes outreach and education presentations being handled primarily by the Public Education unit director, and by the Conciliation unit director taking a more pro-active stance to encourage the early resolve of cases using mediation. Pre-determination settlements will be handled by the Conciliation Unit Director, or Investigator III, leaving more time for investigators to process more complex cases that require additional time to complete.

In addition to this, the two Unit Directors and Business Manager opted to participate in the salary freeze, which was later mandated by the governor. The agency also discontinued the award of any monetary incentives as part of its employee recognition plan. Although these monetary awards for production over and beyond the investigator's goals greatly encouraged staff to increase their case productivity, as reflected in our case completions for the last two fiscal years, we realize that there are no funds for this type of incentive

program at this time.

Because of reductions to our current fiscal year appropriation, the Public Information Officer position was eliminated. The former incumbent in this position was instrumental in assisting the Public Education Unit Director by collaborating with other entities to provide joint information presentations to the public across the state. In addition to this, the former incumbent was bilingual and assisted our agency by providing Latino translation services to community members who contacted the NEOC about our services. As much as this position was an asset to the NEOC, however, it was more important with a limited appropriation that the NEOC concentrate our resources on investigations which is the primary goal of the Nebraska Equal Opportunity Commission. In the recent past the Public Education Unit Director, the Public Information Officer and the Executive Director all participated in providing training and educational opportunities to the public. Because this position was eliminated, and the Executive Director position absorbed the duties of the Intake Unit Director, only the Public Education Unit Director is now available to provide training and educational opportunities to the public.

Currently the NEOC has a contract with both HUD (housing) and EEOC (employment) where they provide a per case payment when the federal agency accepts our investigation on dual-filed cases. These are basically funds the NEOC receives for investigating charges for which the agency is statutorily obligated to process under current Nebraska law. These federal funds are used to fund 12 of our 20 investigative positions. Since July 1, 2007, the agency has eliminated five staff support positions. The duties from these positions were absorbed by the remaining four staff support positions and the Business Manager. The agency cannot eliminate any more staff support positions without seriously impacting the amount of work the agency accomplishes. So a 10% decrease in general fund appropriation, as fore-casted, will cause the agency to have to eliminate two investigative positions. Not only will this reduce the number of cases the agency can efficiently process each year, but this will also have a detrimental effect on our federal contracts. A reduction in our federal funds will ultimately cause an additional reduction in the number of investigative positions we can support using federal funds. Additional reductions in staff either way will mean less cases that can be completed, and a negative effect on the service we provide to the public significantly increasing the amount of time between the filing of the charge and the resolution of that charge.

MANDATES AND REQUIREMENTS (ERP):

The NEOC enforces five anti-discrimination statutes for which we have rules and regulations under which we operate. In addition to this, the Commission participates in work-sharing agreements with the two federal agencies that we contract with—EEOC (Equal Employment Opportunity Commission) and HUD (Housing and Urban Development) Fair Housing division. These contracts outline requirements for case processing, public education (outreach) and training of staff in order to continue our contracts. The agency then receives compensation for dual filed cases for which our investigative findings are accepted by the federal agencies. By cooperating with these agencies, the NEOC and subsequently the state are rewarded for performing investigative duties for which the agency is already responsible according to statute.

Following are the sections of those statutes which outline the duties of the Nebraska Equal Opportunity Commission and employees.

From the Fair Employment Practice Act

Section 48-1117. Commission; powers; duties; enumerated.
The commission shall have the following powers and duties:
(1) To receive, investigate, and pass upon charges of unlawful employment practices anywhere in the state;
(2) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books and papers relevant to any allegation of unlawful employment practice pending before the commission. The commission may make rules as to the issuance of subpoenas, subject to the approval by a constitutional majority of the elected members of the Legislature;
(3) To cooperate with the federal government and with local agencies to effectuate the purposes of the Nebraska Fair Employment Practice Act, including the sharing of information

possessed by the commission on a case that has also been filed with the federal government or local agencies if both the employer and complainant have been notified of the filing;
(4) To attempt to eliminate unfair employment practices by means of conference, mediation, conciliation, arbitration, and persuasion;
(5) To require that every employer, employment agency, and labor organization subject to the act, shall (a) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (b) preserve such records for such periods, and (c) make such reports there from, as the commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of the act or the regulations or orders there under. The commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to the act which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of the act, including but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and to furnish to the commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may either apply to the commission for an exemption from the application of such regulation or order, or bring a civil action in the district court for the district where such records are kept. If the commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the commission or the court, as the case may be, may grant appropriate relief;
(6) To report, not less than once every two years, to the Clerk of the Legislature and the Governor, on the hearings it has conducted and the decisions it has rendered, the other work performed by it to carry out the purposes of the act, and to make recommendations for such further legislation concerning abuses and discrimination because of race, color, religion, sex, disability, marital status, or national origin, as may be desirable. Each member of the Legislature shall receive a copy of the report required by this subdivision by making a request for it to the chairperson of the commission;
(7) To adopt and promulgate rules and regulations necessary to carry out the duties prescribed in the act; and

Section 48-1118. Unlawful practice; charge; time for filing; prescreening procedure and determination; investigation; confidential informal actions; procedure; violation; penalty; interrogatories.
(1) Whenever it is charged in writing under oath or affirmation by or on behalf of a person or persons claiming to be aggrieved, and such charge sets forth the facts upon which it is based that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the commission staff shall furnish such employer, employment agency, or labor organization with a copy of such charge within ten days, including a statement of the date, place, and circumstances of the alleged unlawful employment practice. Prior to initiating any investigation, the commission staff shall screen a charge pursuant to an established, clearly defined prescreening procedure to determine subject matter jurisdiction to handle such charge. Any charge without sufficient subject matter jurisdiction shall not be investigated and notice of such prescreening determination shall be promptly conveyed by the executive director to the person claiming to be aggrieved. When a charge is determined to be within the subject matter jurisdiction of the commission, the commission staff shall make an investigation of such charge, but such charge shall not be made public by the commission. If the executive director determines, after such investigation, that there is not reasonable cause to believe that the charge is true, the executive director shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of his or her action. If the executive director determines, after such investigation, that there is reasonable cause to believe that the charge is true, the commission shall endeavor to eliminate any such alleged unlawful employment practice and settle any claim by informal methods of conference, conciliation, persuasion, mediation, or arbitration. The settlement efforts shall be scheduled and completed within thirty days of the probable cause finding. Nothing said or done during and as a part of such endeavors may be made public by the commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the commission, who makes public in any manner whatever any information in violation of this subsection shall be guilty of a Class III misdemeanor,* except as provided in subdivision (3) of section 48-1117.
(2) A written charge of violation of the Nebraska Fair Employment Practice Act shall be filed within three hundred days after the occurrence of the alleged unlawful employment practice, and notice of the charge, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, shall be served upon the person against whom such charge is made within ten days thereafter.
(3) A respondent shall be required to file with the commission a written response to the written charge of violation within thirty days after service upon the respondent. Failure to file a written response within thirty days, except for good cause shown, shall result in a mandatory reasonable cause finding against the respondent by the executive director. Failure by any complainant to cooperate with the commission, its investigators, or staff, except for good cause shown, shall result in dismissal of the complaint by the executive director.
(4) In connection with any investigation of a charge filed under this section, the commission or its authorized agents may, at any time after a charge is filed, issue or cause to be served interrogatories and shall have at all reasonable times access to, for the purposes of examination, and the right to copy, any evidence or records of any person being

investigated or proceeded against that relates to unlawful employment practices covered by the act and are relevant to the charge under investigation. The commission may seek preparation of and judicial enforcement of any legal process or interrogatories through the office of the Attorney General.

From the Fair Housing Act.

Section 20-324. Equal Opportunity Commission; educational and conciliatory activities; programs of compliance and enforcement.

The commission shall conduct such educational and conciliatory activities as in the commission's judgment will further the purposes of the Nebraska Fair Housing Act. The commission shall call conferences of persons in the housing industry and other interested persons to acquaint them with the act and suggested means of implementing it and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. The commission shall consult with local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their locality and whether and how local enforcement programs might be utilized to combat such discrimination in connection with or in place of the commission's enforcement of the act. The commission shall issue reports on such conferences and consultations as it deems appropriate.

Section 20-325. Commission; duties.

The commission shall:
(1) Make studies with respect to the nature and extent of discriminatory housing practices in representative urban, suburban, and rural communities throughout the state;

(2) Publish and disseminate reports, recommendations, and information derived from such studies, including an annual report to the Legislature:

(a) Specifying the nature and extent of progress made statewide in eliminating discriminatory housing practices and furthering the purposes of the Nebraska Fair Housing Act, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action; and

(b) Containing tabulations of the number of instances and the reasons therefore in the preceding year in which:

(i) Investigations have not been completed as required by subdivision (1)(b) of section 20-326;

(ii) Determinations have not been made within the time specified in section 20-333; and

(iii) Hearings have not been commenced or findings and conclusions have not been made as required by section 20-337;

(3) Cooperate with and render technical assistance to state, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(4) Annually report to the Legislature and make available to the public data on the age, race, color, religion, national origin, handicap, familial status, and sex of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of programs administered by the commission. In order to develop the data to be included and made available to the public under this subdivision, the
commission shall, without regard to any other provision of law, collect such information relating to those characteristics as the commission determines to be necessary or appropriate.

(5) Adopt and promulgate rules and regulations, subject to the approval of the members of the commission, regarding the investigative and conciliation process that provide for testing standards, fundamental due process, and notice to the parties of their rights and responsibilities; and

(6) Have authority to enter into agreements with the United States Department of Housing and Urban Development in cooperative agreements under the Fair Housing Assistance Program. The commission shall further have the authority to enter into agreements with testing organizations to assist in investigative activities. The commission shall not enter into any agreements under which compensation to the testing organization is partially or wholly based on the number of conciliations, settlements, and reasonable cause determinations.

From the Age Discrimination in Employment Act

Section 48-1007. Equal Opportunity Commission; act; enforcement; powers.
The Age Discrimination in Employment Act shall be administered by the Equal Opportunity Commission as established by section 48-1116. The commission shall have the power
(1) to make delegations, to appoint such agents and employees and to pay for technical assistance, including legal assistance, on a fee-for-service basis, as it deems necessary to assist it in the performance of its functions under the act;
(2) to cooperate with other federal, state, and local agencies, and to cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of the act;
(3) to make investigations, to issue or cause to be served interrogatories, and to require keeping of records necessary or appropriate for the administration of the act; and
(4) to bring civil action in its name in any court of competent jurisdiction against any person deemed to be violating the act to compel compliance with the act or to enjoin any such person from continuing any practice that is deemed to be in violation of the act. The commission may seek judicial enforcement through the office of the Attorney General to require the answering of interrogatories and to gain access to evidence or records relevant to the charge under investigation.

From the Equal Pay Act

Section 48-1222. Equal Opportunity Commission; powers.

(1) The commission shall have the power and the duty to carry out the provisions of Sections 48-1219 to 48-1227.

(2) For this purpose, the commission shall have the power to enter the place of employment of any employer to inspect and copy payrolls and other employment records, to compare character of work and operations on which persons employed by him are engaged to question such person, and to obtain such other information as is reasonably necessary to the administration and enforcement of the provisions of Sections 48-1219 to 48-1227.

From the Act Providing Equal Enjoyment of Public Accommodations

Section 20-139. Civil Rights Act of 1969 and public accommodations law; administered by Equal Opportunity Commission; powers.

Provisions of this act and sections 20-105 to 20-125, and 20-132 to 20-143 shall be administered by the Equal Opportunity Commission created by section 48-1116. The county attorneys are granted the authority to enforce sections 20-105 to 20-125, and 20-132 to 20-143 and shall possess the same powers and duties with respect thereto as the commission. If a complaint is filed with the county attorney, the commission shall be notified. Powers granted to and duties imposed upon the commission pursuant to sections 20-105 to 20-125 and 20-132 shall be in addition to the provisions of Chapter 48, article 11, and shall not be construed to amend or restrict those provisions. In carrying out the

provisions of sections 20-105 to 20-125 and 20-132 to 20-143, the commission shall have the power to:

(1) Seek to eliminate and prevent discrimination in places of public accommodation because of race, color, sex, religion, national origin, or ancestry;

(2) Effectuate the purposes of this act by conference, conciliation, and persuasion so that persons may be guaranteed their civil rights and goodwill be fostered;

(3) Formulate policies to effectuate the purposes of this act and to make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes;

(4) Adopt rules and regulations to carry out the powers granted by this act and sections 20-125 to 20-110, 20-112 to 20-121, and 20-123 to 20-125, and 20-132 to 20-143, subject to the provisions of the Administrative Procedures Act (section 84-917).

(5) Designate one or more members of the commission, or a member of the commission staff, to conduct investigations of race, color, sex, religion, national origin, or ancestry, and to attempt to resolve such complaint by conference, conciliation, and persuasion, and conduct such conciliation meetings and conferences as are deemed necessary to resolve a particular complaint, and which meeting shall be held in the county in which the complaint arose;

(6) Determine that probable cause exists for crediting the allegations of a complaint;

(7) Determine that a complaint cannot be resolved by conference, conciliation, or persuasion, such determination to be made only at a meeting where a quorum is present;

(8) Dismiss complaints when it is determined there is not probably cause to credit the allegations of a complaint;

(9) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith require for examination any books or papers relating to any matter under investigation or in question before the commission; and

(10) Issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination because of race, color, sex, religion, national origin, or ancestry.

NEBRASKA ADMINISTRATIVE CODE TITLE 138 NEBRASKA FAIR EMPLOYMENT PRACTICE ACT
12.001. Education and Outreach. The Commission shall conduct such educational and conciliatory activities as in the Commission's judgment will further the purposes of the Nebraska Fair Employment Practice Act. The Commission shall consult with local officials and entities for the purpose of developing coalitions of persons interested and engaged in eradicating discrimination in the state.

FOUR-DAY WORK WEEK (ERP):

The Nebraska Equal Opportunity Commission already offers employees the benefit of flexible scheduling. Because of this, it would not be difficult for the agency to implement a four-day, 10-hour a day schedule if this would offer a chance for the state offices to save operating expenses by being closed one more day per week.

Agency Efficiency Review Plan
Agency: 067 - EQUAL OPPORTUNITY COMM

It is possible that some employees may have a difficult time working with this revised schedule due to personal responsibilities such as child care. Some employees may experience fatigue working four, 10- hour days which will affect their productivity. Our employees appreciate a flexible schedule since they are not forced to use leave to attend school events, or go to personal appointments if they choose. They can adjust their work schedule around these situations. They would lose this flexibility with a standard four-day, 10-hour schedule. We feel this current flexible schedule has helped the agency to retain our experienced employees offering an incentive for employees to stay with the agency.

It appears that if we are intending to begin this type of schedule that state offices would be open longer hours in order to accommodate the fact that state agencies (not required to be in service on a 24-hour schedule) would only be available to the public four days per week. Although it would be an advantage for some members of the public to have longer hours available, say before and after their work hours to conduct state business, it may be inconvenient for other members of the public to work within this time frame.

Agency Efficiency Review Plan
Agency: 068 - COMMISSION ON LATINO-AMERICANS

PROGRAM CONSOLIDATION (ERP):

The Latino American Commission has no programs per se. rather, the Commission relies on identifying local or regional agencies that can provide solutions to the problems faced by our constituents, and linking the constituents to those agencies. This is a radical departure from the direct service approach used during the last 38 years. The Commission can no longer provide face-to-face services to over 160,000 Latinos in the State of Nebraska so empowering our constituents has become a necessity.

STREAMLINING OF SERVICES (ERP):

Even a relatively straightforward approach like the one described above requires careful planning to be workable. Traditionally the Commission has had to spend time seeking sources of help for constituents. The Commission is currently engaged in a redesign of its website with an updated database of resources pertaining to healthcare, educational opportunities, economic development, and legal aid. Other resources to be included are interpretation services, immigration services, alerts about frauds or abuses, and labor rights. The database would be easily accessible by all the Commission's staff and by any Latino in Nebraska; in fact, it would be accessible by any person in the state or out of it.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Commission has only three employees and two layers of management, Executive Director and Public Information Officer and Administrative Assistant. Reducing the current number of employees would seriously impair the Commission's capabilities and would force it to become a basically research entity with few possibilities of active engagement of constituents.

MANDATES AND REQUIREMENTS (ERP):

The Mandates of the Latino American Commission are:

1. Gather and disseminate information and conduct hearings, conferences, and special studies on problems and programs concerning Latino-Americans.

   The Commission accomplishes this mandate by ordering studies from the University of Nebraska in Lincoln or from the University of Nebraska in Omaha. The Commission also collaborates actively with the Census Bureau, the Legal Aid of Nebraska, the Office of Health Disparities and Health Equity, the Nebraska HIV/AIDS Prevention Consortium, The Lincoln Public School System, The Department of Labor, and others. The information thus gathered is analyzed and presented to stakeholders through hearings, conferences, and meetings. Obviously the Commission will have to redefine and redesign its activities. The Data gathering efforts will continue by partnerships with

key agencies such as the University of Nebraska and the Pew Hispanic Center who will conduct studies and make the data available to the Commission. Dissemination of information will be more and more dependent on electronic media, and outreach efforts will be limited to certain communities where the Hispanic/Latino population is present in significant percentages (over 5%). Travel and mileage expenses limitations would diminish the number of meetings with constituents.

2. Serve the needs of Latino-Americans, especially in the fields of education, employment, health, housing, welfare, and recreation by offering such services as it may establish for the translation of documents and for the direct assistance of clients, exclusive of legal representation, in matters relating to any federal department or agency or any department or agency of the state or a political subdivision thereof;

   The Commission will continue providing translation services for State Agencies and guidance regarding issues of education, employment, health, housing, and welfare. The services will rely on connecting the constituents to agencies that are directly responsible for the administration of the programs thus enabling and empowering the constituents to be self-reliant. Budgetary constraints would have a negative impact on the Commission's participation in the NATI and Missing Links Conferences.

3. Develop, coordinate, and assist public and private organizations and coordinate and assist the efforts of state departments and agencies to serve the needs of Latino-Americans;

   The Commission collaborates actively with Latino-serving organizations. There is no need to eliminate or modify this function since activities are conducted mostly by electronic media, and most meetings are held in Lincoln.

4. Propose new programs concerning Latino-Americans.

   Currently the Commission has plans to implement a pre-school pilot project developed in conjunction with Americorps-Vista. The plan has been accepted by the Schuyler school district but lack of funding will determine the need for Grant funding. One area that the Commission wishes to pursue is citizenship education for Latinos. Much emphasis has been placed on cultural competency training for White Caucasians, but remarkably little has been pursued on educating Latinos on the legal obligations incurred by living in the United States and Nebraska. This gap determines that laws are unknowingly broken. This last program will be conducted in collaboration with Nebraska Legal Aid and Nebraska Centro de Las Americas.

5. Evaluate existing programs and proposed legislation concerning Latino-Americans;

   The Commission continues to perform process evaluation and outcome evaluation on Latino-specific programs, particularly in the areas of healthcare and education.

6. Stimulate public awareness of the problems of Latino-Americans by conducting a program of public education and encourage the Governor and the Legislature to develop programs to deal with these problems;

   This activity is conducted by judicious use of the media, and education of our legislators.

7. Conduct training programs for community leadership and service project staff.

   This is the only mandate that would be severely affected by budgetary constraints. The Commission would be limited in the functions it performs with the Hispanic Leadership Conference, Heartland Latino Leadership Conference, UNO's Cumbre Conference, and the Hispanic Awareness Month.

Agency Efficiency Review Plan
Agency: 068 - COMMISSION ON LATINO-AMERICANS

FOUR-DAY WORK WEEK (ERP):

If the need for such a move arises, the Commission would stagger the staff in order to keep a permanent presence in the office. The office hours would change with a 10 hour day, but this might be beneficial to the constituents.

Agency Efficiency Review Plan

Agency: 069 - NEBRASKA ARTS COUNCIL

PROGRAM CONSOLIDATION (ERP):

The Nebraska Arts Council underwent an extensive grant program review processduring FY09 and consolidated the number of grant categories from nine to seven which reduces expenses for grant review panels,copying and mailing costs. The sixty organizations that receive annual operating support (Basic Support Grants - BSG) in four cateogries based on budget size are on a three year funding cycle. The cycle is staggered, so each BSG category undertakes a complete panel review every third year. This also reduces travel expenses for panelists and administrative costs. In "off" years, the BSG organizations submit an abbreviated narrative and budget which are reviewed by NAC staff for anomalies.

STREAMLINING OF SERVICES (ERP):

Administratively, the NAC has consistently taking steps to identify cost savings for the the past two bienniums. These include: 1) requiring grantees to use electronic fund transfers 2) creating a paperless environment for administrative functions and 3) making extensive use of technology to perform grantmaking functions such as the egrant system and an on line artist review system. An upgrade to the agency's egrant system is estimated to save the agency an additional 5% in grant review costs for this biennium. It is estimated that an additional 10% (or 15% overall reduction) in grant review costs could be accomplished if a small change in the state's Open Meeting Law could be accomplished. As the law is now interpreted by the Attorney General, the NAC is required to conduct grant reivew panels in person. The technology exists (and is being utilized by a significant percentage of arts agencies in other states) to hold grant review panels on-line with members of the public listening in. For members of the public from Greater Nebraska, the ability to listen (or watch) panel proceedings would make the grant review panels more accessible rather than less so, since travel costs would be eliminated. The NAC is planning to pursue the possibility of revising the Open Meeting Law with the legislature.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Traditionally, state arts councils designate one employee per program area. These program areas correspond to both federal program priorities and priorities set by the agency during periodic strategic planning sessions. These program areas include: arts education; artist services, arts organization support, community and/or rural arts organization support, and underserved community support, or five employees. The Nebraska Arts Council operates with only half this number by doubling up program area responsibilities. (One 100FTE NAC employee is .50FTE artist services and .50fTE agency communications manager.) The two administrative employees are similarly tasked with multiple responsiblities including I.T. expertise. The NAC does not have any support staff with the exception of the receptionist/executive assistant/filing clerk. The management team, which consists of the executive director, director of administration and director of programs also have diverse portfolios. For example, the NAC Director of Administration is not only responsible for the agency budget and financial transactions but also performs all personnel functions in addition to supervisory duties.

The NAC is proud of its ability to deliver services in an efficient and effective manner, and through the years has arrived at a formula for staffing the agency that is also efficient and effective. To provide perspective, here is a chart of seven state arts councils with budgets similar to the Nebraska Arts Council's, and the size of the agency staffs (source: National Assembly of State Arts Agencies). With the exception of Delaware, which does not have the rural outreach challenges that the rest of the states in this chart face, the minimum number of employees needed to provide grants and services at the same level as the Nebraska Arts Council is 10, and ranges as high as 16.

State	FY09-10 Budget	# of Staff
Arkansas	$2,121,058	10
Delaware	$1,740,000	8

Agency Efficiency Review Plan
Agency: 069 - NEBRASKA ARTS COUNCIL

Mississippi	$1,907,411	13
Nebraska	$1,488,548	10
Nevada	$1,102,406	13
New Mexico	$1,958,150	15
Washington	$1,876,000	16
Wyoming	$ 1,43,829	10

MANDATES AND REQUIREMENTS (ERP):

To be in compliance with Initiative 424, which amended the state constitution to ban preferential treatment based on race, sex, national origian and ethnicity, the Nebraska Arts Council eliminated two categories of grants: Multicultural Awareness and Multicultural Assistance. The Multicultural Awareness criteria was expanded to include a broader definition of underserved audiences, and was renamed Access Grants. The Multicultural Assistance category was eliminated entirely and the funds allocated to the category were transferred to the Mini Grant category.

FOUR-DAY WORK WEEK (ERP):

The Nebraska Arts Council is not located in a state-operated building. The rent the NAC pays covers the cost of utilities, so there is no appreciable cost savings to the state from have the NAC offices open four days per week. The NAC is supportive of the concept if the decision is made to go to a four-day work week and can accommodate the ten hour per day/4 days per week schedule without being deterimental to constituents.

Agency Efficiency Review Plan
Agency: 070 - FOSTER CARE REVIEW BOARD

PROGRAM CONSOLIDATION (ERP):

Per LB 935(1)(a): Program Consolidation

The Foster Care Review Board (FCRB) has only one Program (Program 116) that it operates under to accomplish its Statutory Charge as outlined in §43-1301 to §43-1321, Rev. Stat. Nebr., 1942, (1983 Cum. Sup.).

In summary, the FCRB's mandate includes:

1. Independently tracking children in out-of-home care.
2. Reviewing individual children's plans across the State as the designated federal IV-E review agency, and making recommendations to address conditions.
3. Promoting children's best interests.
4. Reporting on conditions for children in out-of-home care and the recommendations to improve the system.

The services the FCRB delivers to Nebraskan children and families are already consolidated within this program.

STREAMLINING OF SERVICES (ERP):

Per LB 935(1)(b): Opportunities for streamlining existing services.

The Foster Care Review Board (FCRB) is Nebraska's IV-E Review agency. Streamlining and maximizing resources is an ongoing effort, especially in light of the 21% funding cut previously received:

- 2002 Special Session – 4% ($48,544)
- 2003 – 5%, 3%, 2.62% (a total of $128,005)
- 2004 – 6.3% ($71,581)
- 2009 – 2.5% ($35,698)
- 2010 – 5% ($73,216)
- Total General Funds Cut since 2002 - $357,044 (cuts in general funds also resulted in losses of federal funds).

The current budget, after the last cuts, is $1,357,694 in general funds and $400,000 in federal funds. As a percent of what the current general fund appropriation would have been without the cuts, the FCRB has been cut 20.8%.

Agency Efficiency Review Plan
Agency: 070 - FOSTER CARE REVIEW BOARD

While the FCRB continues to work to assure federal and State compliance, these budget cuts resulted in a loss of review, management, and support staff. Therefore, the FCRB is unable to review all children in out-of-care. As of July 2010:

- 404 children who had been in care for six months or longer had reviews, but they were late (not within the six months mandate).
- 458 children who had been in care for six months or longer who had not been reviewed.
- Through streamlining efforts, the Board has been able to review 1,847 of the 2,709 children currently in care who have been in care for six month or more.
- Few of the 1,797 children who had been in care for less than six months have had a review – mainly the brothers or sisters of children who have been care longer.

Stop gap measures implemented
As a result of the continual underfunding, a prioritization system was put in place regarding which children would receive a review. Because the FCRB is the identified IV-E review agency for Nebraska, children who qualify for federal IV-E funding are prioritized for review, as are cases with identified concerns.

Per State Board directive, cases are prioritized for review as follows:

1. Cases where the FCRB receives a Special Request.
2. Children in foster care who are IV-E eligible (federal law requires IV-E cases to be reviewed).
    a. Children who are birth to age 5, IV-E eligible and there is an upcoming court hearing.
    b. Children who are ages 6 to 18, IV-E eligible and there is an upcoming court hearing.
    c. Children who are IV-E eligible and who entered care at least 6 months previously and who have not been reviewed by the board.
    d. Children who are IV-E eligible and who were reviewed at least 6 months previously.
3. Children in foster care who are not IV-E eligible.
    a. Children who are birth to age 5, are not IV-E eligible and there is an upcoming court hearing.
    b. Children who are ages 6 to 18, are not IV-E eligible and there is an upcoming court hearing.
    c. Children who are not IV-E eligible and who entered care at least 6 months previously and who have not been reviewed by the board.
    d. Children who are not IV-E eligible and who were reviewed at least 6 months previously.
4. Other children who are in foster care. This includes those children who no longer have court involvement (i.e. delinquents who are in a “foster care” setting.)

On a tracking level, children with outcome indicators of concern are identified and shared with DHHS administration so they can begin addressing the issues. On a review level, the FCRB worked with the judiciary on how the information in the recommendation report could be structured to streamline efforts while retaining all needed information.

Reviews can make a life-changing difference for children – they can achieve permanency (return to parents who have corrected the issues that led to the children’s removal from the home, or adoption, guardianship, or other safe, permanent placements), their medical and/or mental health issues can be addressed, and other barriers to case progression can be addressed.

Challenges to further streamlining

1. The FCRB must meet federal and state requirements for review of children in out-of-home care. Tracking is necessary to meet the review functions.
2. The number of children in out-of-home care on August 29, 2010, is nearly the same as the number in care at the end of 2009 (4,439 and 4,448 respectively).
3. The FCRB has experienced a number of budget cuts resulting in staff losses which have not been restored.
4. The FCRB has had to adapt to the reform environment, which has created substantial amounts of additional work and increased the time needed to complete review and tracking activities. Some examples:

a. Adding the service coordinators and their lead agency office to the amount of information that must be tracked (an additional 30-40,000 documents per year). This is a 50% increase in documents per year. One person is assigned to this function.

b. Increasing the number of persons with whom the 16 review staff must interact in order to track and review children in out-of-home care by an additional 4,500+ collateral contacts for reviews yearly. This is a 33% increase.

c. Increasing the number of persons to receive the FCRB's recommendation and findings report issued to legal parties after reviews, adding an additional 20,000 reports per year with reports also going to service coordinators, lead agency supervisors, and lead agency CEO's. This is about a 37% increase. This function is shared by two persons who also have other duties. This affects the operations budget for postage, and effects the staff time needed to process the reports.

Some of the FCRB's recent streamlining efforts and continued work to promote children's best interests
While considering the FCRB's mandates, the FCRB undergoes ongoing efforts to streamline its existing services to maximize resources and to assure that each element is done with the greatest return for the funding invested.

The following are a few recent streamlining efforts:

1. Making changes to the recommendation report format and internal procedures.
2. Implementing Specialty Boards to review cases involving the same types of issues, such as youth age 16 and older, children whose plan is guardianship, etc., in order to review more children.
3. Identifying children that the FCRB is unable to review due to the lack of staff who have poor outcome indicators (such as the length of time in care or the number of placement changes), and forwarding these children's information to DHHS Service Administrators and lead agencies so they can address the identified issues.
4. Having supervisors work with staff on being efficient with necessary travel.
5. Utilizing telephone and video conferencing for staff meetings to reduce staff travel time and expenses.
6. Staffing cases with DHHS if serious issues have been identified.
7. Attending Court hearings on cases in which serious issues have been identified. Training specific local board members to attend and represent the FCRB in Court, to maximize staff time.
8. Working with the child welfare system to fast track children suffering serious abuse, such as by identifying children whose cases appear to meet the requirements for an aggravated circumstances ruling, which would relieve DHHS of its responsibility to provide reunification efforts, thus moving children's cases towards permanency in an expedited fashion.
9. Addressing Guardian Ad Litem compliance with Supreme Court Guidelines in the recommendation reports so that judges can address the identified issues.
10. Collaborating on behalf of children in out-of-home care with DHHS, the Chief Justice, Courts, Legal System, and others, and sharing information.

Agency Efficiency Review Plan
Agency: 070 - FOSTER CARE REVIEW BOARD

Citizen Reviewers donated $673,879 in time and $15,000 in unreimbursed mileage in 2009
The FCRB continues to conduct high quality, comprehensive reviews utilizing the expertise of multi-disciplinary panels of trained citizen reviewers. These 275+ reviewers donated 33,278 hours to the State of Nebraska reviewing the cases of children in foster care in 2009. Typical professional backgrounds for citizen reviewers include fields such as education, medicine, mental health, business, law, government, and child development.

According to The Independent Sector website, the estimated dollar value of volunteer time in 2009 was $20.25 per hour. The FCRB's volunteers donated $673,879 to the state to review the cases of children in foster care during 2009 alone. These reviewers also donated about $15,000 in unreimbursed mileage.

In 2009, the FCRB'spaid review staff, the Review Specialists and their Supervisors were paid approximately $729,000 to conduct file reviews, collect information for the local board members, facilitated local board meetings, and issue legal reports.

The value of the work of these dedicated volunteers and paid staff combined was $1,402,879.

Maximizing agency resources

- Facilitated local board members volunteering 33,278 hours reviewing cases on community-based multi-disciplinary boards. This is an in-kind contribution of $673,879.
- Facilitated local board members donation of their mileage. It is estimated that local board members annually donate about $15,000 in mileage.
- Facilitated libraries and churches donating the use of their facilities for 443 local board meetings plus at least 10 educational programs. At a modest rate of $50 per meeting, this is an annual donation of $22,650.
- Secured donations for facility visits. Used this for the informational books given to foster parents, for a gesture of appreciation for the foster parents, and for the backpacks, blankets, and toys given to the children.
- Working with DHHS representatives to maximize federal fund IV-E match.
- Working with DHHS to help identify and maximize IVE eligible children and families.
- Assisted DHHS in identifying when essential documentation is missing from the DHHS files.
- Assisted foster parents who have requested information regarding foster parenting, or who have reported payment issues.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Per LB 935(1)(c): Reforms needed to reduce the number of employees and layers of management.

Reducing Employees and Management
There are no further cuts to staff that the Foster Care Review Board (FCRB) can make without diminishing the FCRB's work on behalf of children. As a result, the FCRB would respectfully request that the numbers of employees and management not be further reduced.

Cuts and reductions in Staff and Management

Agency Efficiency Review Plan

Agency: 070 - FOSTER CARE REVIEW BOARD

Due to the budget cuts that followed 9/11, the FCRB has been unable to fully meet its state and federal mandates to 1) review the cases of all children who have been in out-of-home for six months or longer, and 2) to re-review children's cases at least once every six months as long as the children remain in care.

In total, prior cuts were approximately 21% of the agency's budget. As a result the FCRB has lost employees including five reviewers and two support staff, and one management staff (a supervisor). This has left the FCRB with a total of 28 employees, including review, support, and management.

The budget cuts the FCRB has experienced include:

a. 2002 Special Session – 4% ($48,544)

b. 2003 – 5%, 3%, 2.62% ($128,005)

c. 2004 – 6.3% ($71,581)

d. 2009 – 2.5% ($35,698)

e. 2010 – 5% ($73,216)

f. Total General Funds Cut since 2002 - $357,044 (cuts in general funds also resulted in losses of federal funds).

These cuts have reduced the FCRB's ability to conduct about 1,300 reviews each year, and the ability to fully meet its state and federal mandates to review the cases of all children who have been in out-of-home for six months or longer, and to re-review children's cases at least once every six months as long as the children remain in care. In response, the FCRB streamlined its processes, and reviewed all expenditures.

The FCRB lost five reviewers due to the previous budget cuts. **Each Reviewer lost means the following for Nebraska's foster children:**

- 330 children will not be reviewed. That means:
  - the issues in those children's will not receive the scrutiny of external review,
  - the information researched during reviews, including the board's findings, recommendations and main concerns, will not be available to the legal parties to assist in decision-making,
  - those children may linger in the foster care system unnecessarily and/or not have their critical service needs met, and
  - issues that would have been identified in reviews will not receive the additional measures staff routinely initiate on behalf of children to promote their best interests, such as staffing cases with DHHS or other legal parties.
- DHHS documentation is not put in order. This can affect claims for federal IV-E funding, providing judges with adequate information about children's needs and parental compliance, providing local boards with adequate information for review, and can result in children experiencing delays to permanency.

  Reviews can make a life-changing difference for children – they can achieve permanency (return to parents who have corrected the issues that led to the children's removal from the home, or adoption, guardianship, or other safe, permanent placements), their medical and/or mental health issues can be addressed, and other barriers to case progression can be addressed.

Agency Efficiency Review Plan
Agency: 070 - FOSTER CARE REVIEW BOARD

These children would also not receive the additional measures staff routinely initiates on behalf of children to promote their best interests in the following circumstances:

1. The child's permanency plan does not fit the circumstances,
2. The child's placement is unsafe or inappropriate,
3. The child has been restrained multiple times,
4. The visitation arrangements are not in the child's best interest, or
5. Services are not in place for the child.

Federal IV-E Review Agency
The FCRB is the identified federal IV-E review agency for the State of Nebraska and receives matching dollars for each general fund dollar appropriated for reviews of children who meet IV-E eligibility criteria. For each $100 appropriated to the FCRB, approximately $25 is received from the federal IV-E grant to assist in conducting reviews statewide. Reductions to general fund appropriations also reduce the FCRB's federal fund match.

MANDATES AND REQUIREMENTS (ERP):

Per LB 935(1)(d): Review of all mandates and the results of eliminating or changing mandates.

Review of the Foster Care Review Board's (FCRB) Mandate and Requirements
Nebraska's Legislature established an independent system of oversight to help guide the system to make decisions on the behalf of children. No other child welfare system in the United States is audited, understood, or utilized like Nebraska's and no other child welfare system has the opportunity to work to implement comprehensive, data-based recommendations.

It is the FCRB's full mandate to track, review, advocate and report that allows the FCRB to positively impact individual children's cases and systemic issues.

The system the FCRB reviews includes:

1. DHHS.
    a. DHHS is contracting with lead agencies in the amount of $69,209,801.52 for July 2010-June 2011.
    b. DHHS also has additional expenditures for:
        i. its caseworkers, supervisors, and administration;
        ii. its child welfare computer system, N-FOCUS;
        iii. Medicaid expenses for children; and
        iv. expenses for the children not assigned to a lead agency.
2. The courts, prosecutors, and attorneys representing children and families.

Tracking
Before the FCRB was created, no one knew how many children were in out-of-home care or where they were placed. The original estimate was 1,800, after the FCRB was put in place it found there were actually 4,071 children in out-of-home care. Now, over 8,000 children per year are tracked.

Agency Efficiency Review Plan
Agency: 070 - FOSTER CARE REVIEW BOARD

Thanks to the Legislature's foresight in creating an independent tracking system, Nebraska has averted the crises found in states such as Florida and Texas where it is unclear who is in care or where the children are placed.

Review
Before the FCRB was created, there was no external oversight to the child welfare system. Now, even with current funding/staffing shortages, the FCRB was able to conduct 4,754 reviews in 2009, and federal mandates for review of IV-E eligible children are met.

Under federal regulations the FCRB is required to contact the foster parents to obtain information from them, as primary caregivers, about how the child is doing. All parties, including the parents, foster parents and legal parties are invited to attend the FCRB's review and participate. This information is then shared with all legal parties to the case. Foster parents can be a party to the court's actions only if they hire their own attorney.

Promoting best interests
Prior to the implementation of the FCRB act in 1982, policy makers and the general public often were not made aware of foster care concerns, and there no reliable information available, so issues were not addressed and conditions did not improve. Now, the FCRB is required to make a comprehensive annual report and evaluation of the judicial and administrative data, and distribute this information to the judiciary, public and private agencies, the department and members of the public.

The FCRB also promotes best interests through a series of collaborative endeavors, described elsewhere in this budget document. Some 2009 examples:

- FCRB staff attended court 497 times in 2009 to address issues of concern
- FCRB staff worked with DHHS to staff over 500 cases to work towards appropriate plans and services for children and families

Nebraska's Statewide Assessment for the Child and Family Service Review conducted by federal officials stated, "the case review process [State Foster Care Review Board] worked effectively in identifying a key problem area that has resulted in efforts to improve permanency planning and outcomes for children in the state's care." (CFSR, page 14, 5/20/02) This is one example of why the FCRB was put in place

FOUR-DAY WORK WEEK (ERP):

Per LB 935(1)(e): Considering a four day work week.

The Foster Care Review Board (FCRB) would not have any structural changes that would need to be put in place for the agency to move from a five-day to a four-day work week, however, there are some considerations that would need to be made. Those considerations include:

Staff considerations:
The Staff would need notice of this change to assure personal scheduling such as daycare, before and after school coverage, and care for aged parents could be arranged.

Several staff members do data entry on a full time basis. A ten hour day might be more physically strenuous for these staff members, and could increase the likelihood of repetitive stress, carpal tunnel, and other conditions. Possible allowances would need to be made.

Contact with legal parties

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Agency: 070 - FOSTER CARE REVIEW BOARD

The FCRB's staff and administration interacts on an ongoing basis with Senators, the Judiciary, DHHS, children's attorneys, private care providers, and other interested parties on a child's case.

It is unclear if the courts, DHHS, and their private contracted entities would also maintain a 4-day work week. If these entities, wherever possible, would also have the same work week, then this course of action could prove to be a lesser impact.

Board Meetings
The FCRB's local board meetings are held on various days Monday – Thursday throughout the month, so Friday would be the best day of the week to implement this action for our agency.

Conclusion

The Foster Care Review Board has taken opportunities to streamline existing practices. (Consolidation is not an issue since the FCRB has only one program). The FCRB has considered the potential impact of reducing the number of employees at all levels, and found that due to the ongoing impact of prior budget cuts, no additional cuts can be made without negatively impacting the FCRB's ability to fulfill its mandate.

Agency Efficiency Review Plan
Agency: 071 - STATE ENERGY OFFICE

PROGRAM CONSOLIDATION (ERP):

Several years ago, the Energy Office consolidated two of its major programs the Low Income Weatherization Assistance Program and the State Energy Program under one division chief. The *American Recovery and Reinvestment Act* (ARRA) of 2009 has altered the federal weatherization program manager position by now increasing the requiring monthly reporting on multiple projects, managing additional staff such as the Energy Conservation Program Coordinators, Fiscal Compliance Analysts and Energy Program Administrator. The ARRA funds also allowed more Nebraskans to be eligible for weatherization services by raising income guidelines from 150% to 200% of the federal poverty level. These mentioned duties, responsibilities, and staff were in addition to the federally funded program the Agency was already administering.

At this time, the Energy Office does not anticipate any further consolidation of programs due to ARRA funding. The ARRA grant funded positions that were added within the Agency will be terminated as these funds are spent and programs are concluded. Most programs have funding for three years and will end in 2012.

STREAMLINING OF SERVICES (ERP):

The Energy Office is primarily federally funded and governed by federal rules and regulations for each of the programs. The annual federally funded programs have separate federal regulations and guidelines in which the Energy Office must comply. As an example, the Weatherization Program is a federally funded program that provides free weatherization services for income eligible low income households. The actual delivery services, such as installing insulation, furnace, window and door replacements, requires a trained and licensed cadre of individuals to perform this work. Therefore, the delivery services are contracted out to local community based organizations, such as community action agencies who either bid the work out to local contractors or have trained crews that perform the work on the homes. The administration of the program as well as the monitoring, compliance, evaluation, training and technical assistance remain with the Energy Office and takes a technically trained staff to carry out the duties.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

In July, 2008, a reduction in force eliminated the management position of Assistant Director for Planning and Research, the person occupying the position was terminated. This action streamlined the agency administration putting in place, the director and one deputy director to oversee the Agency's operations. This reduction in force took place prior to ARRA . The Energy Office needs to maintain its current staffing level in order to meet the compliance, monitoring and reporting required by the federal rules and regulations associated with the ARRA funded programs. As these ARRA programs come to fruition the positions added will be terminated and the individuals hired will be laid off.

MANDATES AND REQUIREMENTS (ERP):

The Nebraska Energy Office has the following statutes related to reporting to the legislature.

81-1606. Director of the State Energy Office; energy statistics and information; develop and maintain; report.

The Director of the State Energy Office shall develop and maintain a program of collection, compilation, and analysis of energy statistics and information. Existing information reporting requests, maintained at the state and federal levels, shall be utilized whenever possible in any data collection required under the provisions of sections 81-1601 to 81-1607. A central state repository of energy data shall be developed and coordinated with other governmental data-collection and record-keeping programs. The director shall, on at least an annual basis, with monthly compilations, submit to the Governor and the Clerk of the Legislature a report identifying state energy consumption by fuel type and by use to the extent that such

information is available. Nothing in this section shall be construed as permitting or authorizing the revealing of confidential information. For purposes of this section confidential information shall mean any process, formula, pattern, decision, or compilation of information which is used, directly or indirectly, in the business of the producer, refiner, distributor, transporter, or vendor, and which gives such producer, refiner, distributor, transporter, or vendor an advantage or an opportunity to obtain an advantage over competitors who do not know or use it.

Source: Laws 1980, LB 954, § 57; Laws 1983, LB 124, § 9.

81-1607. Director of the State Energy Office; comprehensive report; contents.

(1) On or before February 15 of each year, the Director of the State Energy Office shall transmit to the Governor and the Clerk of the Legislature a comprehensive report designed to identify emerging trends related to energy supply, demand, and conservation and to specify the level of statewide energy need within the following sectors: Agricultural, commercial, residential, industrial, transportation, utilities, government, and any other sector that the director determines to be useful.

(2) The report shall include, but not be limited to:

(a) An assessment of the state's energy resources, including examination of the current energy supplies and any feasible alternative sources;

(b) The estimated reduction in annual energy consumption resulting from various energy conservation measures;

(c) The status of the office's ongoing studies;

(d) Recommendations to the Governor and the Legislature for administrative and legislative actions to accomplish the purposes of sections 70-625, 70-704, 81-161, 81-1602, 81-1606, and 81-1607; and

(e) The use of funds disbursed during the previous year under sections 81-1635 to 81-1641. The use of such funds shall be reported each year until the funds are completely disbursed and all contractual obligations have expired or otherwise terminated.

Source: Laws 1980, LB 954, § 59; Laws 1987, LB 23, § 3; Laws 1988, LB 764, § 1.

The results of eliminating or changing these mandates will result in less public information, transparency and emerging energy trends. This is a widely popular report that the public often requests which receives half of the hits on our website. Below is a breakdown of the website hits:

Analysis of Energy Statistics

2008-2009 = 848,039

2009-2010 = 1,585,976

Annual report

2008-2009 = 11,742

2009-2010 = 27,878

Total website hits

2008-2009 = 1,771,675

2009-2010 = 3,449,711

Additionally, as outlined in **81-1602. State Energy Office; duties; enumerated** eliminating or changing the Energy Office's mandates and requirements will have an impact on our duties.

The State Energy Office shall have the following duties:

(1) To serve as or assist in developing and coordinating a central repository within state government for the collection of data on energy;

(2) To undertake a continuing assessment of the trends in the availability, consumption, and development of all forms of energy;

(3) To collect and analyze data relating to present and future demands and resources for all sources of energy and to specify energy needs for the state;

(4) To recommend to the Governor and the Legislature energy policies and conservation measures for the state and to carry out such measures as are adopted;

(5) To provide for public dissemination of appropriate information on energy, energy sources, and energy conservation;

(6) To accept, expend, or disburse funds, public or private, made available to it for research studies, demonstration projects, or other activities which are related either to energy conservation or development;

(7) To study the impact and relationship of state energy policies to national and regional energy policies and engage in such activities as will reasonably insure that the State of Nebraska and its citizens receive an equitable share of energy supplies, including the administration of any federally mandated or state-mandated energy allocation programs;

(8) To actively seek the advice of the citizens of Nebraska regarding energy policies and programs;

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Agency: 071 - STATE ENERGY OFFICE

(9) To prepare emergency allocation plans suggesting to the Governor actions to be taken in the event of serious shortages of energy;

(10) To design a state program for conservation of energy;

(11) To provide technical assistance to local subdivisions of government; and

(12) To provide technical assistance to private persons desiring information on energy conservation techniques and the use of renewable energy technologies.

Source:Laws 1977, LB 232, § 2; Laws 1980, LB 954, § 58; Laws 1990, LB 987, § 8; Laws 1992, LB 1257, § 96. Furthermore, due to the ARRA and non-ARRA federal funded programs the Energy Office administers, eliminating or changing mandates and requirements will impact these program. The result could be no longer accepting federal funds or returning federal funds received to operate programs such as the weatherization assistance program and the state energy program. The weatherization program provides low-income residents the only opportunity to actually reduce their energy consumption and save money for other household expenses. The state energy program provides program support for a wide array of activities that include energy preparedness, education, support of renewable energy activities, and building energy efficiency.

FOUR-DAY WORK WEEK (ERP):

It is unclear if the move to a four-day work week is requiring ten hour days or the elimination of eight hours in the work week. Either move will require major operational and structural changes within the Nebraska Energy Office. Both will result in the Agency having misaligned eight-hour work schedules used by the business community, local and federal government agencies with which we have daily interaction. Assuming that the four-day work week requires the Energy Office to be closed for business on Friday's, these key user groups will have less access to our state government services. This will have significant impact on our sub-grantees especially the community action programs we conduct business with for our low-income weatherization assistance program. These sub-grantees operate on an eight-hour, five day a week schedule and require technical assistance from our office regularly. The Energy Office's functions of inspecting homes that are weatherized and monitoring sub-grantees who operate the weatherization programs are examples of areas that would be impacted. Additionally, the Energy Office has daily interaction with Nebraska lending institutions related to the Dollar and Energy Saving Loan program.

The Energy Office is in a non-state owned leased office space with other tenants that operate on an eight-hour, five day a week schedule. The Energy Office's move from a five-day to four-day work week would need to be negotiated with our landlord and results in energy savings would not be likely for the State of Nebraska.

Agency Efficiency Review Plan

Agency: 072 - DEPT OF ECONOMIC DEVELOPMENT

PROGRAM CONSOLIDATION (ERP):

Efficient and effective delivery of DED's programs remains a high priority. Over the past few years, DED has worked diligently to utilize technology and inter-agency cooperation to streamline programs.

In 2008, DED worked with the Legislature to eliminate the Nebraska Industrial Competitiveness Alliance and assigned their advisory role over the Agency's Manufacturing Extension Partnership program to the existing Economic Development Commission (EDC). During the 2009 session, similar legislation was adopted to eliminate the Community Development Block Grant (CDBG) Advisory Committee. The oversight for this program was also assigned to the EDC. The EDC, in cooperation with DED management, has made it a priority to continue to look for ways to consolidate the various boards and commissions that DED reports to.

To properly streamline DED's housing programs, DED now offers a joint application and review process with the Nebraska Investment Finance Authority (NIFA) to assure program integration and increased efficiency of the HOME and Low Income Housing Tax Credit Programs. Likewise, DED partners closely with NIFA on various research and programmatic areas.

DED has utilized technology to deliver training and programs services across the State. The RDC, for example, recently hosted webinar training for both the Building Entrepreneurial Communities Act (BECA) and the Agricultural Opportunities and Value-Added Partnership (VAA) grant programs. Similarly, the Community and Rural Development Division utilized statewide teleconferencing capability to present the Annual Action Plan to constituents across the State. More recently, DED started investigating methods to utilize Live Meetings to interact with businesses and community partners across the State.

Recognizing that travel-related costs are an immense drain on most public agency budgets, DED has been working to consolidate various statewide meetings and training sessions into more focused programs with shorter timeframes, thus limiting the amount of time out of the office and lowering related travel costs. In 2009, the Nebraska Community Improvement Program Banquet and the Partnership for Rural Nebraska Conference, for instance, were consolidated into the Governor's Conference on Rural Development.

Finally, DED has made a concerted effort to assure grant applications and program manuals are available electronically. When possible, DED will utilize the Internet and social media outlets to distribute program materials and issue notices.

Additional program consolidation and related savings can only be accomplished by identifying and eliminating existing programs within DED's development tool belt.

STREAMLINING OF SERVICES (ERP):

Like the streamlining of programs, delivering efficient and effective services to constituents remains a priority for the DED management team. Staff has been cross-trained in various areas to offer greater flexibility in delivery of DED services. A large majority of DED communication, such as the monthly newsletter, is now handled via Internet and other electronic methods, thereby eliminating printing and postage costs.

Additional costs savings could be experienced by allowing DED and other State agencies to submit various reports to the Legislature via electronic formats rather than a printed format. Similarly, allowing public notices to be published on an on-line format rather than traditional print media would generate significant cost savings.

DED actively uses new technology tools to expedite state aid payments while maximizing efficiency. Within the past few years, DED has been able to reduce staffing within the operations unit by taking advantage of financial and auditing software upgrades. Additional software upgrades will allow for new utilization of webinar and Live meeting technologies.

Agency Efficiency Review Plan
Agency: 072 - DEPT OF ECONOMIC DEVELOPMENT

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

In recognizing the economic downturn of our private sector partners, DED began implementing various management cost savings measures more than two years ago. These changes included Director preapproval of any overtime, a limited travel policy and significant cuts to the employee training budget. Unfortunately, the long-term impact of these changes may lead to less knowledgeable and prepared staff for the tasks facing them every day.

Similarly, all business development, housing and tourism field service staff were prohibited from travelling to a regional community for a single purpose meeting or event. Rather, they were encouraged to consolidate their travels and to maximize as many job tasks into one trip as possible. DED also found on-going cost savings by eliminating the telecommunications land and facsimile lines for all field staff members and providing them with smart phones capable of accepting call, facsimiles, e-mail and texts. For those staff members officing from home, DED maintained an internet connection.

DED managers will continue to pursue any and all cost-saving measures, with a special emphasis on those that do not directly impact the State's ability to retain and grow jobs and population.

MANDATES AND REQUIREMENTS (ERP):

Every year, DED staff review the state statutes that govern the organization, administration and programs of the Agency. Many of these reviews generate a list of potential legislative initiatives that are presented for debate. Like any public organization, DED strives to keep our various programs relevant in light of technological and economic changes. Clearly, there is always room for this type of updating and modernization.

Other mandates and state requirements that impact agency efficiency center on administrative and operational challenges. DED, in working with our private sector partners, is sometime limited by the timing of various state functions: public bidding schedules and limitations and directives for selecting the lowest bidder. In certain instances, these types of requirements lead to decisions that eventually cost more in the long-run.

Despite the impacts of the recent recession, DED is finding it increasing difficult to recruit and retain top talent. The economic development field is facing a national shortage of experienced candidates. Therefore, experienced staff is being recruited away from state employment by local economic development organizations and private developers at salaries that are at least 25-40% above current state salaries. Conversely, some front-line DED positions offer starting salaries well in excess of the local and regional employment markets.

In addition, many new employees are focused less on the available benefits package and more on the available salary. This places the state at a disadvantage because our structure tends to maintain an aggressive benefits plan and focus less on the salary structure. Finally, because the current personnel structure requires treating all employees in a structured and equal manner, it is impossible to financially reward top performers; it is also extremely difficult to deal with employees that fail to meet minimum performance thresholds. Current policies and contracts assure a system that is fair, but do not meet the needs and demands of the future workforce. They also limit the flexibility necessary to support maximum efficiency and effectiveness within State agencies.

DED will continue to review and pursue strategies to deal with any state mandates or requirements that impede the ability to offer the efficient and effective delivery of services to the benefit of Nebraska tax payers.

FOUR-DAY WORK WEEK (ERP):

Agency Efficiency Review Plan

Agency: 072 - DEPT OF ECONOMIC DEVELOPMENT

Part of the culture within DED is to meet and exceed every customer's expectation. In many cases, this means working a non-standard work schedule.

Many DED employees routinely work nights and weekends in an effort to accommodate the needs of our customer base. For example, if a business attraction prospect informs DED that they will arrive in Nebraska on a Sunday evening, it is essential that a DED staff person meet them at the airport and get them settled into their lodging accommodations before starting their meetings in Nebraska on Monday morning. Similarly, if a State and regional partner hosts a tourism event such as a Chautauqua or reenactment of the Lewis and Clark expedition on Tuesday night, DED staff are expected to participate in that event as necessary to fulfill the State's responsibilities, regardless of their normal work schedule. Expecting DED staff to perform these kinds of functions within a standard four-day work week would negatively impact the method by which DED delivers services to customers.

DED's primary constituent base includes existing Nebraska businesses, potential businesses and their representatives, business entrepreneurs, real estate developers and community leaders. At a minimum, each of these constituent groups expects DED to deliver programs and services during their respective work days. Transitioning to a four-day work week would not be accepted well by this constituent base and would negatively impact DED's working relationship with each of them.

A small number of DED personnel, specifically those within operations unit, could perform their required tasks within a four-day work week. However, having these limited number of staff positions working a different schedule than their fellow employees could negatively impact employee morale and also limit any potential savings as many employees would still find themselves working and utilizing the organization's office and operational facilities during the non-working period.

Agency Efficiency Review Plan
Agency: 073 - BOARD OF LANDSCAPE ARCHITECTS

PROGRAM CONSOLIDATION (ERP):

The Board of Geologists has only one program to administer: adminstration and enforcement of the Professional Landscape Architects Act (Neb. Rev. Stat. §§ 81-8,184 to 81-8,208). The Board
also performs the following functions:

- Oversee the licensing process for landscape architects;
- Oversee the examination process for landscape architects; and
- Educate the public regarding the provisions of the Act.

STREAMLINING OF SERVICES (ERP):

The Board of Landscape Architects currently has in place a memorandum of understanding (MOU) with the Board of Engineers and Architects. Under the MOU provisions, the Board of Engineers and Architects provides complete adminstrative services to the Board of Landscape Architects. As the Board of Landscape Architects currently adminsters only one program, opportunities for streamlining existing services are extremely limited. The submitted budget for the 2011-2013 biennium is considered at or near the minimum level necessary to continue all operations of the Board.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The agency has no management or staff. All adminstriative services are provided through a memorandum of understanding with the Board of Engineers and Architects.

MANDATES AND REQUIREMENTS (ERP):

The Board of Landscape Architects is charged by the Legislature with administering and enforcing the Professional Landscape Architects Act (Neb. Rev. Stat. §§ 81-8,184 to 81-8,208).

Eliminating this state mandate would effectively remove the need for the agency's existence.
The agency does not have any federal mandates or requirements.

FOUR-DAY WORK WEEK (ERP):

The agency has no management or staff. All adminstriative services are provided through a memorandum of understanding with the Board of Engineers and Architects.

Agency Efficiency Review Plan
Agency: 074 - POWER REVIEW BOARD

PROGRAM CONSOLIDATION (ERP):

Consolidation of programs is not an option for the Power Review Board. The agency has only one program.

STREAMLINING OF SERVICES (ERP):

The Power Review Board constantly looks for ways to become more efficient and reduce costs. With an agency consisting of only three full-time employees that provides administrative and quasi-judicial services dependent on the number of applications submitted by Nebraska's electric utilities, it is difficult for the Board to streamline its services more than it already has. Due process requirements and statutory requirements dictate much of the Board's costs. One potential for streamlining a small area of the Board's activities might be to print only enough hard copies of the Board's Biennial report to meet the statutory requirement to provide a copy to the Governor, Clerk of the Legislature, and the State Energy Office, and several other required government document repositories. The Board could then make the Biennial report available on its website to interested parties. The Board currently provides a copy of the report to each Nebraska power supplier, each state senator, and other interested parties. This would likely save approximately $1,000 in printing and postage costs every two years. If necessary, the Board could also eliminate the publication of legal notices notifying the general public when an application is filed for a generation or transmission facility. The Board publishes such notices in the newspapers with general circulation in the local area notifying the public that the application was filed and of their ability to file a Petition for Intervention (although the party's standing must still be determined). This notice is not statutorily mandated, but the Board is reluctant to eliminate the only mechanism it has to provide notice to the public. Failing to publish notice may give the appearance that the government is trying to shroud its activities in secrecy and avoid any opportunity for public observation or participation.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

It would be nearly impossible for the Power Review Board to reform in a way that would allow a reduction in the number of employees without drastically reducing the services provided to Nebraska's electric power suppliers and the public. The Board has only three full-time employees: the executive director and general counsel, a business manager, and a paralegal. It would be difficult, and probably unmanageable, for the Board to eliminate any of its three full-time positions. Likewise, in an agency of this size there are no "layers of management" that can be reduced. The executive director is the only management position in the agency.

MANDATES AND REQUIREMENTS (ERP):

As an agency with quasi-judicial functions, many, of the mandates imposed on the Board are due process requirements set out in the Board's statutes and the Nebraska Administrative Procedure Act. To eliminate or change the mandates would change the nature of the Board's core activities, and would reduce the protections afforded to the parties appearing before the agency. Likewise, there are mandates imposed on the Board under the Nebraska Open Meetings Act and statutes pertaining to public records and records retention policies, but these are the same mandates that apply to all state agencies. Probably a majority of the mandates imposed on the agency are those imposed by the Department of Administrative Services concerning activities related to purchasing, accounting, recordkeeping and personnel. The Department of Administrative Services has numerous mandates creating a need for the Board to create policies, plans and recordkeeping for a large number of activities. Once again, these are mandates that are shared by all state agencies, and to compile a comprehensive list of the mandates imposed on agencies by DAS would be very difficult and extremely time-consuming. We assume that the purpose of the Agency Efficient Review Plan is to determine mandates that apply to a particular agency, or a limited number of agencies. Some of the mandates that do not pertain to the Board's quasi-judicial functions and review of applications are as follows:

1) One mandate imposed on each agency, but that disproportionately affects small agencies, is the pre-audit function now performed by each agency's staff. Elimination of this mandate, and requiring DAS to perform this as a centralized function for very small agencies like the Power Review Board would eliminate a great deal of time and effort expended by

staff such as the Board's business manager and executive director. For a small agency without a staff accountant, these tasks are difficult and time consuming. Yet DAS has over the past few years moved as many of these functions as possible on to the staff at individual agencies, including the small agencies that lack full-time accountants.

2) Pursuant to Neb. Rev. Stat. section 70-1003(4), the Board is required to publish and submit a Biennial report to the Governor, Clerk of the Legislature and the State Energy Office, and several government document repositories. The Board also provides a copy to each Nebraska power supplier and each state senator. Elimination of this mandate would save staff time, and approximately $1,000 for printing and postage associated with the report every two years.

3) Pursuant to Neb. Rev. Stat. section 70-623, each public power district is required to submit a written copy of its annual financial audit to the Board. It is extremely rare for any member of the public to request to see a public power district's audit. Elimination of this mandate would increase agency efficiency by freeing up staff time devoted each year to processing and filing these audits each ear. Additional storage space would also be freed up. The audit could still be obtained from the public power district, so the impact on the public would be virtually nonexistent.

4) Pursuant to Neb. Rev. Stat. section 13-516, each public power district, public power and irrigation district, rural power district, and agency created under the Nebraska Municipal Cooperative Financing Act must annually have the Board approve the form of the entitity's proposed budget, budget figures from the previous two years, and a fiscal policy summary. This requires each entity to submit the documents to the Board for approval of the form. Elimination of this requirement, or clarification that a one-time approval of the form is sufficient, would reduce staff time expended on this annual effort.

FOUR-DAY WORK WEEK (ERP):

Section 7(e) in LB 935 (2010) directs each agency to make recommendations regarding "The structural and operational changes needed for the agency to move from a five-day to a four-day work week." We are not entirely clear whether this assumes that the entire state government would move to a four-day work week, allowing most services to shut down on the same day each week, or whether this pertains to each individual employee functioning on a four-day work week, with agencies remaining open from 8 to 5 on all normal business days. We will therefore address both.

If all state agencies, including the Power Review Board (the Board) were to shut down one day each week, for example each Friday, there would likely not be many required structural or operational changes required. The Board would simply close its offices on the given day each week, and would need to leave appropriate messages concerning the change on its voicemail and e-mail systems. The nature of the Board's work does not necessitate that the agency be open every day or around-the-clock, unlike other agencies such as the State Patrol or Department of Corrections.

If state agencies were required to have their individual employees move from a five-day to a four-day work week, but still keep a full-time forty hour work week for each employee, the Board would accomplish this by rotating the days off among its three employees. With only three full-time employees, this may cause some slight comminication problems, but nothing that could not be overcome. At her request, the Board's business manager already works a forty-hour, four-day work week. She begins her day at 0700, takes a half-hour lunch, and works until 1730. This allows her to work four ten-hour days. Although this occassionally causes some slight incovenience due to inhibiting coordination and communication amongst the staff, it is a workable system. This inhibition of communication among staff may be exacerbated somewhat if all employees work a four-day work week because as one staff member returns to work, another will be gone that day. It may necessitate increased use of voicemail and e-mail communication instead of in-person conversations. The Board would need to ensure that all employees are scheduled to be at work on days when the Board holds its public meetings. Since the Board's duties are

Agency Efficiency Review Plan
Agency: 074 - POWER REVIEW BOARD

administrative and quasi-judicial, it is anticipated that the Board's activities to review and act on applications, deal with paperwork, and conduct meetings and hearings can be accomplished in four ten-hour days instead of five eight-hour days without significant operational or structural changes other than a need to pay close attention to scheduling.

Agency Efficiency Review Plan
Agency: 075 - NEBRASKA INVESTMENT COUNCIL

PROGRAM CONSOLIDATION (ERP):

LB 935, Section 7(1) (a) requests recommendations for the consolidation of existing programs within the Agency. The Agency's one and only program, which is Program 610: Investments Administration, was created by various statutes and, thus, cannot be consolidated by policy and procedures of the Agency. However, there may be opportunities to refine the investment program in a fashion that will result in gained efficiencies. An example that comes to mind is the general endowment investment approach which emphasizes efficiency. Nine individual endowments are commingled for investment purposes. By doing so, these endowments gain scale which enhances the investments and yet reduces costs. With the recent addition of two new staff members, the Agency continues to review the program in order to gain efficiencies that reduce costs and enhance investment returns.

STREAMLINING OF SERVICES (ERP):

LB 935, Section 7(1) (b) requests recommendations for streamlining existing services. The Agency has been understaffed and, as a result, duties have been assigned to individuals according to a workload/ability/willingness basis. The Agency will review work flow and focus on assigning/re-assigning duties so that investment staff focus on investment activities and administrative staff focus on administrative activities.
Another element of the review of this area is the opportunity for increased automation. The Agency will conduct a process review to determine areas that can benefit from an increase in automation. Positive outcomes may be less reliant on expensive outside vendors and staff can spend more time on activities which add value.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

LB 935, Section 7(1) (c) describes this as the reforms needed to reduce the number of employees and layers of management within the Agency. The Agency recently implemented a new organizational structure designed to clarify roles and responsibilities. Currently, there is no real need or opportunity to reduce staff or reduce layers of management.

MANDATES AND REQUIREMENTS (ERP):

LB 935, Section 7(1) (d) requires a review of all mandates and requirements imposed on the Agency and the results of eliminating or changing the mandates and requirements. One that comes to mind is the Agency's requirement to report on investment activity regarding Northern Ireland. To fulfill this requirement, the Agency subscribes to a service that tracks such investments. The cost of this subscription is $8,500/yr and the cost of staff's time to complete. The outcome of this review does not change the investments in any way.

FOUR-DAY WORK WEEK (ERP):

Agency Efficiency Review Plan

Agency: 075 - NEBRASKA INVESTMENT COUNCIL

LB 935, Section 7(1) (e) asks for structural and operational changes needed for the Agency to move from a five-day to four-day work week. It is unavoidable for the Agency to staff the office while the nation's various markets are open for business. The opportunity to convert staff members to a four-day work week exists through a process of cross training and other ways, but the office needs to be staffed when the markets are open to facilitate prudent management of the assets it oversees. The end result would be no savings related to having the Agency's facility closed for one day a week because the office needs to be staffed five days a week when markets are open. Since the Agency is in rental space there would be no benefit to utility costs or other overhead expenses by converting staff to a four day work week.

Agency Efficiency Review Plan
Agency: 076 - COMM ON INDIAN AFFAIRS

PROGRAM CONSOLIDATION (ERP):

#1 Program Consolidation

The consolidation of existing programs within the agency.

The Nebraska Commission on Indian Affairs is a small (3 FTE) single purpose agency that does not have multiple “programs.” Consequently there are not multiple programs to consolidate.

STREAMLINING OF SERVICES (ERP):

#2 Streamlining of Services

The opportunities for streamlining existing services.

The Nebraska Commission on Indian Affairs is a small (3 FTE) single purpose agency that is not a service oriented agency. Existing “services” would be responding to constituency inquiries and investigating as necessary, acting as intermediary in eagle feather requests for Native inmates in the state correctional system, dealing with Native human remains issues. These, and other services are uniquely distinct and separate issues that require a high level of cultural expertise that cannot easily be streamlined.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

#3 Employee and Management Reforms

The reforms needed to reduce the number of employees and layers of management within the agency.

The Nebraska Commission on Indian Affairs has only 3 FTE, an Executive Director, Administrative Assistant II, and an Administrative Secretary. This results in a very flat chain of command with only one layer of management within the agency, so consequently there exists no potential for reducing layers of management. As a small agency, all staff, including the executive director share duties and responsibilities for ensuring that all essential agency operations are covered and agency goals are met. Any reductions in FTE’s would result in a lessening of the agency’s ability to perform its essential and most basic functions. As part of the agency’s emphasis on aggressive grant seeking, it is essential that the agency retain its present level of staffing to enable it to not only perform essential functions, but to bring new grant monies into the state to address such issues as economic development, health and wellness, and criminal justice related issues.

MANDATES AND REQUIREMENTS (ERP):

Agency Efficiency Review Plan
Agency: 076 - COMM ON INDIAN AFFAIRS

#4 Mandates and Requirements

A review of all mandates and requirements imposed on the agency and the results of eliminating or changing the mandates and requirements.

LB1002 Mandates that the Nebraska Commission on Indian Affairs review proposals from Political Subdivisions seeking a total of $25,000 in state aid for disbursement for programs addressing Whiteclay, Nebraska related problems. LB1002 also mandates that the Nebraska Commission on Indian Affairs utilize appropriations to actively seek out and apply for additional grant funding to address Whiteclay related issues. Removal of this mandate would ensure a return to the unfortunate status quote that currently exists in the Whiteclay area.

LB 340 and LB 97 mandates that the Nebraska Commission on Indian Affairs work with the Nebraska State Historical Society and the four federally recognized tribes in Nebraska to ensure proper repatriation/burial of Native American remains.

FOUR-DAY WORK WEEK (ERP):

#5 Four-Day Work Week

The structural and operational changes needed for the agency to move from a five-day to a four-day work week.

As a small agency with only 3 FTEs the Nebraska Commission on Indian Affairs could change to a work week consisting of 4-10 hour days with a minimum amount of time and planning. Constituencies would have to be informed of the change in office hours via e-mail or written notification to tribal offices. New office hours would be posted on Agency website as well as new message on office phone messages. Staffing levels would be unchanged.

Agency Efficiency Review Plan
Agency: 077 - COMM ON INDUSTRIAL RELATIONS

PROGRAM CONSOLIDATION (ERP):

The two programs currently included for the Commission of Industrial Relations could be consolidated without creating any additional cost to the agency, and in fact, would provide the Commission with a much more workable and manageable method for budgeting and accounting. The two areas of concern, the PSL for administrative staff and the PSL for per diems, could be separate items in the budget, and the funding for the operations of the agency could be combined, giving the agency the flexibility that is needed in order to respond appropriately to spending requirements brought about by filing of cases before the Commission.

Prior to FY '08, the Commission operated under one Program, Program 531-Administration. Beginning in FY '08, the Commission was divided into two programs, 531-Administration and 490-Commissioner Expenses. At that time, it was unclear exactly what was to be included in Program 490, although it was obvious that it was to include per diem costs. A decision was made to include per diems, OASDI for the per diems, commissioners' conference registration fees, and commissioners' travel in Program 490. In recent times, it has been considered that other items perhaps should be included, such as publications for commissioners' use, possibly the rent associated with the hearing room used for the hearings, and the court reporter costs for the hearings or trials. Discussion among commissioners regarding what should be included in each program, and the request that agencies consider consolidating programs, has brought the commissioners to the belief that it would make much more sense in operating the Commission if all operations costs were included together in one program. Understandably, the PSL amounts associated with the staff salaries should be kept separate from the PSL amounts associated with commissioner per diem salaries.

Given the possibility of limitations on operations spending in Program 531, the scenario is possible that a petition could be filed with the Commission with insufficient funding in Program 531 to pay the necessary costs of a hearing in the case. In that event, the only choice of the Commission would be to postpone the hearing until the next fiscal year, hoping that there would be sufficient funding then. This places the public employer in a bad spot, taking away their ability to plan, budget, and make the necessary changes in order to go forward with providing the uninterrupted public services as required by the statute. All of this could be occurring while there is adequate funding available in Program 490, unable to be used.

STREAMLINING OF SERVICES (ERP):

The Commission really only offers one service to its customers, who are the public employees and the public employers of Nebraska. That service is the resolution of disputes between the parties, whether that be conducting an election to certify or de-certify a bargaining representative, determining wages and benefits to provide comparability, or deciding whether or not a prohibited practice has been committed and determining the solution. In all of these situations, a statutorily-prescribed schedule is in place to determine how and when the petition is filed, when the answer to that petition is due, and from that point on, when filings must be made, and how those filings should be responded to. The commissioners actively move cases along as quickly as possibly, but if the parties cannot be ready for trial, due to availability of witnesses, experts, or other necessary parties, there is little the Commission can do. There are no steps that could be cut out of a process to "streamline" it.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Currently, the Commission operates with a staff of three, each of whom has distinctly separate responsibilities but at the same time, must by necessity support the others in their work. These employees consist of an Administrative Assistant who is reponsible for providing administrative support to both the Legal Counsel and the Clerk/Administrator; 2) a Legal Counsel/Deputy Clerk who is responsible for assisting the commissioners in doing legal research, preparing memos, and drafting decisions and orders; and 3) a Clerk/Administrator who is responsible for all administrative, fiscal and personnel operations, keeping full and true records of the proceedings of the Commission and docket control,

liaison with other State agencies when needed, conduction of elections, analysis and reporting of pending legislation.

It is the position of the commissioners that all three of these positions are imperative for the efficient operation of the Commission. Since none of the commissioners are full-time, it is essential that a complete staff be available at all times to provide the parties with the appropriate service when filing documents, requesting information, setting up hearings and conferences, and all of the other necessary parts of operating the agency. In an agency this small, the loss of one of these positions would seriously impact the ability of the agency to do its job in a timely and effective manner.

MANDATES AND REQUIREMENTS (ERP):

Since 1947, the Commission of Industrial Relations has only one mandate, as defined in Section 48-802. Public Policy. "To make operative the provisions of Section 9, Article XV, of the Constitution of Nebraska, the public policy of the State of Nebraska is hereby declared to be as follows:

(1) The continuous, uninterrupted and proper functioning and operation of the governmental service including governmental service in a proprietary capacity and of public utilities engaged in the business of furnishing transportation for hire, telephone service, telegraph service, electric service, or any one or more of them, to the people of Nebraska are hereby declared to be essential to their welfare, health and safety. It is contrary to the public policy of the State to permit any substantial impairment or suspension of the operation of governmental service, including governmental service in a proprietary capacity or any such utility by reason of industrial disputes therein. It is the duty of the State of Nebraska to exercise all available means and every power at its command to prevent the same so as to protect its citizens from any danger, perils, calamities, or catastrophes which could result therefrom. It is therefore further declared that governmental service including governmental service in a proprietary capacity, and the service of such public utilities are clothed with a vital public interest and to protect same it is necessary that the relations between the employers and employees in such industries be regulated by the State of Nebraska to the extent and in the manner hereinafter provided;

(2) No right shall exist in any natural or corporate person or groups of persons to hinder, delay, limit or suspend the continuity or efficiency of any governmental service or governmental service in a proprietary capacity of this State, either by strike, lockout, or other means; and

(3) No right shall exist in any natural or corporate person or groups of persons to hinder, delay, limit or suspend the continuity or efficiency of any public utility service, either by strike, lockout or other means."

Should this mandate be changed in some way, by changing the law, the Commission would incorporate the new legal requirements into their determinations and decisions.

FOUR-DAY WORK WEEK (ERP):

Should the Commission be required to implement a four-day work week, we would be able to do so by requiring our employees to work four 10-hour days. We would hope to be able to allow some flexibility in choice of beginning time, length of lunch time, and ending time, but with only 3 employees that could be difficult, particularly if we were required to keep our office open from, for example, 7 a.m. to 6 p.m. Based upon the assumption (possibly incorrect) that the office would not be open on Friday, our filing requirements for parties filing cases with us would be impacted at least somewhat. For example, a respondent is given 20 business days to answer a petition. It is our practice that if that 20th day falls on a

weekend or holiday, the next business day becomes the due date. If the office is closed on Friday, and that is the 20th day, and is followed by a Monday holiday, then the due date is effectively 4 days later, actually on the 24th day. This is probably not a major concern, but it would slow the progress of a case through our process to a certain extent. As far as accepting filings, we accept filings by fax, e-mail, as well as personal service and the U.S. mail, so we could docket filings based upon the dates of the fax and e-mail, but regular U.S. mail would be the day we actually received it, which again could make a slight difference to the parties.

Agency Efficiency Review Plan

Agency: 078 - COMM ON LAW ENFORCEMENT & CRIMINAL JUSTICE

PROGRAM CONSOLIDATION (ERP):

As a mid-sized agency, the Crime Commission's organizational structure is set up in functional areas, and there is no duplication of programs.

We have been assigned various statutory responsibilities over the past several years, and when this has happened we have used our organizational structure to most efficiently integrate the new responsibility.

For example, the Office of Violence Prevention (OVP) was added to our agency in 2009. The limited funds appropriated for this new office limited the staffing to one person. We have utilized our grants division staff and our administrative assistant to assist the OVP Director in the award of grant funds and conducting meetings.

STREAMLINING OF SERVICES (ERP):

The Crime Commission has absorbed several new responsibilities during the last five years. Many of them have been added with little or no operating funds. We have a dedicated staff that multi-tasks several functions. There is little or no need to streamline existing services. With a limited staff, each staff member performs several duties.

For example, our budget and accounting division is also the administrative core for our agency. Our informations services division operates a statewide criminal justice information service, collects statewide crime statistics, and also manages all the intra-agency information technology for our staff in Lincoln.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

In all cases, there are only two layers of management within the Crime Commission. In Lincoln, we have a Director and Division Chiefs. At the Training Center in Grand Island, we have a Director and a Deputy Director.

The reforms needed to reduce the number of employees in a rational way would require the elimination of statutory responsibilities.

MANDATES AND REQUIREMENTS (ERP):

Agency Efficiency Review Plan

Agency: 078 - COMM ON LAW ENFORCEMENT & CRIMINAL JUSTICE

Our agency narrative report, contained in our biannual budget request provides a comprehensive list of all the Crime Commission statutory duties. In all instances, these duties were added as legislative initiatives. The Commission staff is available to answer questions and provide a legislative history if necessary. As for the consequences of eliminating a mandate or requirement, if given specific examples then Crime Commission staff could provide accurate information.

FOUR-DAY WORK WEEK (ERP):

Our Law Enforcement Training Center would have a difficult time implementing a change to a four day work week, simply for the reasons that the mandatory basic training classes are conducted five days a week during a fourteen week session. By changing to a four day schedule, the basic training classes would have to be extended for two more weeks. This would provide a hardship for the students and the agencies that have hired them.

Agency Efficiency Review Plan

Agency: 081 - COMM FOR BLIND & VISUALLY IMPAIRED

PROGRAM CONSOLIDATION (ERP):

Nebraska Commission for the Blind and Visually Impaired (NCBVI) has one program in the budget system, 357. Within 357, NCBVI provides direct services to blind and visually impaired Nebraskans to enable them to gain employment and to live independently – to become self-sufficient tax-payers, eliminating or minimizing dependence on public support. A five-member gubernatorial appointed Board of Commissioners, at least three of whom must be blind or visually impaired, to provide consumer-driven leadership to NCBVI. The agency is managed by Administrative staff in a central Lincoln office. The Executive Director heads the agency. Two Deputy Directors provide joint leadership to field operations statewide. The Lincoln-based Nebraska Center for the Blind provides residential, intensive training to blind persons from across the State Nebraska. Direct field services of training and counseling are facilitated by three Districts, with caseloadcarrying supervisors. The Districts are served by six local offices (Lincoln, Omaha, Norfolk, North Platte, Kearney and Scottsbluff). Nebraska Business Enterprises (NBE) operates the RandolphSheppard blind vendor employment opportunities. Statewide, from the District office base, itinerant teaching and counseling are provided in the areas of vocational rehabilitation, independent living, transition from school to work, older blind, DeafBlind, supported employment, adaptive technology, and related services as needed. Training is provided for specific purposes, such as employment opportunities for youth, curriculum-based training for groups, workshops for persons entering college or seeking employment, job-seeking activities, leadership training, adaptive technology, etc. Efficiencies related to changing the non-budgetary programs within our agency are in process and are discussed in the next two sections: streamlining services and employee and management reform.

STREAMLINING OF SERVICES (ERP):

We do provide some training and counseling services in group settings. This approach has benefits in terms of clients learning from each other, but also serves to streamline our services by cutting down on travel time, increasing the number of clients who can be served in the same period of time, and maximizing the strengths of a team, rather than a single counselor or teacher. We are now considering further streamlining by combining the Lincoln group teaching program with similar training in Omaha. Clients are close enough in distance for this to lower costs, while maintaining the benefits of the approach. When possible, we could utilize free transit options for bringing clients in to the training. This could decrease costs for staff or driver's time. It might also be possible to combine opportunities which are not similar trainings, but which involve agency personnel. If sessions for blind job-seekers, youth, senior group teachings, etc. were held during the same time period, in the same facility, the amount of staff involved could be decreased and possibly streamline some components of these modalities. There would be an advantage to younger clients interacting with older clients, as well. There would be costs to these measures, too. It might impact the quality of the training in negative ways. Involvement can be quite intensive, so some of the training would be likely to suffer. Another issue is the limitations of 40 hour work week for contract covered staff (which are the majority). With training combined, there would be need for day, evening, and some overnight hours (for supervision of minors). We would need to assign enough personnel for adequate coverage.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

For State Fiscal Year 2010-2011, we have already implemented some strategies of management efficiency. To begin with, NCBVI is does not have a lot of layers of management. Supervisors of Lincoln and Omaha Districts also carry caseloads, providing direct client services. This is not a new practice, but is evidence or our long-time attention to Agency Efficiency. The North Platte District is comprised of offices in North Platte, Scottsbluff and Kearney. North Platte District supervision is now handled jointly by the two Deputy Directors, in addition to their existing duties, rather than having a third District Supervisor as had been the case in the past. The three NP District offices have each had one Vocational Rehabilitation Technician serving as support staff for the office staff. The VR Tech position also provides basic direct services, such as intake, referral, sometimes job

coaching or basic teaching tasks for new clients. The VR Tech position in Kearney had been staffed at a half time (.5 FTE) level. That individual recently completed a college degree and has gone on to full time employment elsewhere. We will not be filling that position. Needed support will be provided by the North Platte and Scottsbluff VR Techs. Most can be done electronically, from office to office. When needed, the VR Tech from North Platte will commute to Kearney for onsite duties. We are currently in the process of restructuring Nebraska Business Enterprises (NBE), the blind vendor program. NBE staff formerly included the Manager, a Vocational Rehabilitation (VR) Counselor and a part-time Accounting Clerk. A new team approach will strengthen the program while also saving funds. NBE had been managed by an individual managerial position. That position was vacated and will not be filled. Some staff positions are being reconfigured to get the work accomplished. NBE has been consolidated into the VR field services, and is now headed by the Deputy Director for VR, in addition to his other duties. Recently, the NBE Accounting Clerk was increased from .60 FTE to .75 FTE, to enable her to manage increased amount of same level duties. The VR Counselor has additional responsibilities; we are considering options for his position that will compensate the increased responsibility and work. We have added another existing staff to augment the NBE Team. NCBVI's Personnel Officer now has added responsibilities related to NBE; research for potential contracts, approve and post payments, assist with reconciling vendor financial reports, assist with training blind vendors in financial report preparation, assist in maintaining equipment inventory, consult on interpreting site contracts, permits, and issues of adherence to state and federal law (Randolph-Sheppard Act) governing NBE, prepare federal reports, inspect and perform limited internal audits of vendor facilities. Because the duties of this position are changing significantly, a request for reclassification is being processed. All the changes described are strengthening the program, enhancing results and efficiency, and will result in overall savings within the Nebraska Business Enterprises Program and the agency.

Finally, a management reform we can consider is to close one or more of our smaller offices. It is possible that efficiencies could be achieved if NCBVI personnel were located in space shared with another agency. Requirements of the Rehab Act (U.S. Dept. of Education/Rehabilitation Services Administration) mandate that this agency maintain current structure, but physical space might be co-located.

MANDATES AND REQUIREMENTS (ERP):

NCBVI is a state agency funded primarily with federal grants. Thus, there are both state and federal mandates and requirements which must be considered. STATE MANDATES The agency is governed by a Board of Commissioners which must meet at least four times per year. This system assures blind consumers and other members of the public, access to the agency's administrative body in a formal public setting. The cost for these meetings is not prohibitive, and is likely outweighed by the importance of this access. The Board has discussed ways they could more efficiently meet to minimize costs, such as car pooling. This is already done, but could be emphasized even more strongly. Another option raised was to meet in Lincoln only, rather than elsewhere throughout the state. To do so would save some funds, but would hamper the Board's commitment to being accessible to all Nebraskans, not just those on the Eastern edge of the State. NCBVI is required by state statute to provide electronic access to newspapers and other print media, for Nebraskans who are blind, visually impaired, or otherwise print-disabled. This mandate is met by a contract with NFB-Newsline for the Blind. There is no cost for the 1,441 Nebraska subscribers to use the service, but there is cost involved for the agency. Cost for phone calls (usage of the service) is $4,866 per year; the contract costs $34,558 per year. Eliminating the requirement would limit the ability of blind persons to stay informed, check job openings, and to access other important features of newspapers and other print media. Traditionally in the Biennium budget for NCBVI there are two earmarks requiring expenditures for certain services. First, there has always been an earmark requiring expenditures for Government Aid. These are purchased services for clients. Traditionally we have spent more than our earmark on these services. Because there is a lack of resources serving the blind in our state, well over two thirds of our expenditures in operations are for direct service provision by our own staff and facilities. The other earmark is for provision of services to Senior citizens who are blind. We currently fund two positions with the funding you have provided with that earmark. If it becomes necessary to make General Fund cuts, we would ask that the earmarks for also be lowered proportionally, allowing us flexibility with the overall budget. FEDERAL MANDATES There are a number of mandates which are a part of the Rehabilitation Act and federal regulations governing NCBVI. This text may not cover all, but will address the major ones. Maintenance of effort (MOE) is written into law, to assure that states keep a steady level of vocational rehabilitation services available to individuals with disabilities throughout the United States. It is required that the level of funding each year is at least equal to the fiscal year (two years prior to the fiscal year to which it is compared). Fiscal data related to administration, total expenditures, and administrative cost percentages are taken from the RSA-2 submitted by the agency. There is a process within federal regulations to apply for waiver of the mandate, but approval of any submitted waiver is not assured. Each federal grant has a requirement for a certain level of matched funding. The majority of NCBVI's program is funded by Title I of the Rehab Act, requiring 21.3%

match for 78.7% federal funds. Thus, each dollar of state funds, up to the full amount of federal appropriation, brings in $3.65 in federal funds. Part B Independent Living and the Older Individuals who are Blind grants are funded at a 90/10 ratio. Each one dollar of state funds for these programs bring $9.00 of federal funds to the State of Nebraska. The In-Service Training Grant is discretionary, rather than formula. That is, each year, we must apply for the staff training grant. It requires a 10% match for the federal funds; again, $1 brings $9 to Nebraska. Supported Employment is a small ($30,000) grant, requiring no match. The most important aspect of the match requirements for grants within the Rehab Act is that State funds are greatly stretched by bringing in the federal dollars. When funding is cut below the amounts required for match, any 'savings' to the State is decimated by the loss of federal funds to the state. 'Order of Selection' (OOS) is a requirement relating to the agency's capacity to serve all of those who qualify. NCBVI is not under OOS, so we are required to serve all qualified applicants as active clients. When a client has an Individualized Plan for Employment (IPE), we must provide all services which are a part of that plan, based upon the employment outcome identified in the IPE. If we became unable to serve all qualified applicants, due to decreased funds, we would be required to implement OOS. This would not save money, due to the fact that under OOS, the most significantly disabled must be served first. Blind persons are defined within the category of 'most significantly disabled.' It would mean much additional work, complying with federal requirements for OOS and would not accomplish much, if any, cost savings. The Rehab Act requires that up to 10% of funds must be spent on Innovation and Expansion efforts. Currently, this funds up to 10% of our support of the Statewide Independent Living Council (SILC). SILC, in partnership with the two vocational rehabilitation agencies (NCBVI and Dept. of Education/Voc Rehab), develops a State Plan for Independent Living (SPIL). The SPIL must be signed and supported by all parties or federal funds will be withheld from the State. For several years now, the SPIL has included a requirement that Voc Rehab funds from our agency and the general agency provide financial support to the Panhandle Independent Living Services Center (PILS). We are required to provide $15,500 annual support for PILS (in accordance with the SPIL) or there will be a loss of federal funds to Nebraska. If this amount could be decreased, during years of fiscal limitation, our overall budget would benefit.

FOUR-DAY WORK WEEK (ERP):

Obviously, hours of Commission staff would need to be changed to accommodate 10-hour work days. Our six offices are currently open to the public Monday through Friday, from 8:00 AM to 5:00 PM. This accessibility would change. Perhaps for some of the public, it would be a benefit, since our offices would be open later than the norm. Although, our offices in Omaha and North Platte are located within State Office Buildings; in Scottsbluff, we are located in a private business building. It might be more difficult for the public to access our offices if the building itself closed at 5:00 PM. The change would limit which days an individual could personally visit the local NCBVI office.

Some work is conducted in cooperation with other agencies, schools, community organizations, and businesses. The scheduling of such work could possibly be limited if our staff were not available five days per week. It might be difficult to manage attending meetings planned by other entities, such as Individualized Education Plans in the schools, scheduled on days that conflicted with the days scheduled for working. However, as long as there was flexibility of hours, it could be managed. In some cases, scheduling could be enhanced by the change. Services which are provided to individuals who are involved with school or their own jobs during the day, would be more easily scheduled in evening hours. Some services are provided in group sessions, which do require evening and weekend hours. There are already weeks in which staff members provide 40 hours of work in fewer than five days, in order to work these special programs. When necessary, the schedule is changed to keep schedules within 40 hours of work each week, even if it requires more than 8 hours work per day. Many direct services are provided by our staff in the home communities across the State, including the rural areas of greater Nebraska. Counselors and other staff members travel to clients because of the size of our state and the reality that clients do not drive due to vision loss. In some cases, the need for this travel would fit well into longer work days. It is also possible that we would require additional state cars to accommodate more staff members requiring transportation on the same days. As it is now, some sharing of vehicles occurs by counselors coordinating schedules. There would be additional burden on our budget if we were not able to manage such coordination.

Agency Efficiency Review Plan
Agency: 082 - COMM FOR DEAF & HARD OF HEARING

PROGRAM CONSOLIDATION (ERP):

There were two separate services. One was the public information, dissemination of information germane to deafness, and marketing program; and the other was the sign language certification and licensing conflict resolution, policies, and interpretation of the policies. It was decided to combine these two into one position. The clerical duties of the certification and licensing services was assigned to a staff assistant. Also, the Commission Board of Directors decided to have the field representatives provide services to the entire state of Nebraska instead of focusing on specific regions. To that end, the Board of Directors decided to remove service regions and focus more on strands of services.

STREAMLINING OF SERVICES (ERP):

The Commission for the Deaf and Hard of Hearing has streamlined its services in the following ways:

1) closed one office (Western Region)

2) Centralized the client call-in phone service from four offices to one (Lincoln office)

3) Reduced two staff position to half time

4) Combined two position duties into one position

5) Established a two-year schedule for attending booths and fairs for dissemination of information on deafness

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Commission has only one management layer (the Executive Director). Two positions were reduced to half time and two vacant positions were combined into one position with combined duties.

MANDATES AND REQUIREMENTS (ERP):

After review of the legislative mandates that established the Commission for the Deaf and Hard of Hearing, the Board of Directors have determined that all of the required activities in the enabling legislation are still needed today to meet the variegated needs of the Deaf and Hard of Hearing people in Nebraska. Given that there are approximately 153,000 people with various degrees of hearing losses, the Board of Directors recommend that all of the mandates should be retained. Instead of removing the mandates and requirements, the Commission will attempt to focus activities on prioritized needs.

FOUR-DAY WORK WEEK (ERP):

The four-day work week will only work if the work week is changed to 32 hours a week. If the state decides to change to a four-day work week with 32 hours per employee, then we

would establish a schedule to keep the office open five days. If the four-day work week requires that we maintain 40 hours for each employee, there will be no savings from this action.

Agency Efficiency Review Plan
Agency: 083 - AID TO COMMUNITY COLLEGES

PROGRAM CONSOLIDATION (ERP):

Each community college reviews all of their programs to determine efficiency. This is done through a rotating seven-year review process with the Coordinating Commission for Postsecondary Education (CCPE) as well as a constant review by each area college to ensure there is a sufficient demand to continue a program. Over the years, the community colleges have eliminated numerous programs that no longer have sufficient demand. The community colleges have also relied on the expertise from other community colleges as well as other educational entities to make use of other expertise through internet connections or through the telecommunications network to offer programs which are more cost-effective at their institutions. Many of the programs offered at the community colleges require specialized equipment or instructors. The colleges work closely with business and industry to provide specialized equipment and instructors in order to minimize the cost of the program. Partnerships are key for the community colleges with business and industry in the technical programs to ensure that community college graduates are properly prepared to assume their place in the workforce.

The community colleges had an enrollment increase of 12.7% in the 2009-2010 fiscal year. Due to that increase, some colleges have had to add faculty to facilitate the increase while some colleges had the capacity to absorb the increase. The projections for the current fiscal year (2010-2011) appear to point to another increase but not as large as in the 2009-2010 fiscal year.

STREAMLINING OF SERVICES (ERP):

The community colleges review their staffing on a regular basis. Each college does a thorough analysis of any existing positions which are open to determine if those positions should be filled. Some colleges have either left positions vacant or eliminated them in the past year to become more efficient. Travel expenditures have been reduced as much as possible in the last couple of years. The community colleges have also utilized the use of meetings conducted over the internet or by video conference to reduce travel expenses. The community colleges have also been doing utility assessments of their facilities to determine possible changes that may provide efficiencies in the operation of their facilities.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Each community college has in place evaluation systems to provide for employee review and as programs change, employee reduction if warranted. The provisions of the continuing contract law for faculty must be followed for any reductions of faculty to take place.

MANDATES AND REQUIREMENTS (ERP):

There are a number of federal and state reporting requirements that do require staff and administrative time to comply with these regulations. Much of the information reported is needed but if some of the reporting requirements are no longer necessary it would be very helpful if the mandate would be set aside to reduce the amount of time needed by staff to comply. The community colleges are to be the primary providers of remedial/developmental education services for individuals who are underprepared for college and additional funding for this state mandate was never provided. These services are necessary for success for these students. This has been verified by national studies which point out the low success rates for the underprepared college student if they do not receive these services. Another mandate that the community colleges have to deal with is a decision by the CIR. If salary negotiations fail to be resolved at the local level and the issues are taken to the CIR a decision by the CIR based solely on comparability for pay increases may be handed down without taking into account the ability of the college to fund such an increase. These CIR decisions can be very difficult to manage especially in difficult economic times.

Agency Efficiency Review Plan
Agency: 083 - AID TO COMMUNITY COLLEGES

FOUR-DAY WORK WEEK (ERP):

It would be very difficult to move to a four-day work week due to students' schedules and the inability to meet the classroom demand with the increased enrollment numbers. Many community colleges currently provide classes at night and weekends to accommodate students who may have employment or family issues which prevent them from attending classes on a regular four-day schedule.

Agency Efficiency Review Plan
Agency: 084 - DEPT OF ENVIRONMENTAL QUALITY

PROGRAM CONSOLIDATION (ERP):

The following list of program consolidations has been accomplished or is in process.

The department is in the process of consolidating the various Superfund grants.

A number of grants have been consolidated into the agency Performance Partnership grant. The primary benefit has been to maximize the department's ability utilize federal funds.

The department has reorganized and consolidated our Assistance programs and our Field office staff.

A number of years ago the department closed our laboratory and consolidated its functions into the HHS laboratory.

STREAMLINING OF SERVICES (ERP):

The department continually looks at ways to streamline services. Examples include providing Tier II forms so businesses that are required to submit information to comply with the Nebraska Community Right to Know Act can meet the requirement online. The department is presently working on a project which will simplify NPDES permitting. We are also developing a method to allow municipalities and other entities which are required to submit Discharge monitoring reports, to submit the information online. The department in recent years has conducted a number of Kaizen process improvement activities. These efforts focused on our permitting and compliance activities in our Air and Water programs. The department has also participated in joint state/EPA process improvement efforts. The purpose of these efforts was to streamline and improve EPA and state communication and approval processes for EPA delegated programs. The department will continue to use business improvement tools to examine the processes we employ and to make improvements. The department is beginning discussions with EPA and an EPA contractor to look at the financial aspects of our State Revolving Fund programs. A key purpose of this effort is to identify potential electronic processes which would help the department better manage SRF financial requirements.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

To reduce the number of employees, it would be necessary to eliminate either state or federally mandated programs. Many employees would have bumping rights pursuant to the NAPE/AFSCME Labor Contract. Oustsourcing is limited by the regulatory nature of our major activities. Although the department does have contractors who assist with some department functions. Examples include site cleanup, monitoring activities and some drafting of complex permits.

To reduce the number of managers would require some level of reorganization. In some cases, such as engineers, managers could be moved into nonmanagement positions without changes in classification. In the case of other management staff, managers would potentially have bumping rights. It should be noted that non contract employees are presently prohibited from bumping into NAPE/AFSCME contract covered positions.

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Agency: 084 - DEPT OF ENVIRONMENTAL QUALITY

It is expected that all supervisors are working supervisors. For example, first level supervisors, in addition to supervisory responsibilities, would be expected to carry their share of the Units workload.

MANDATES AND REQUIREMENTS (ERP):

Programs that are Delegated by EPA

The department has a number of federal programs either totally or partially delegated from EPA. It is difficult to predict the results, if one or all of the mandated programs were eliminated.

Programs mandated by the Federal Clean Air Act

Construction and Operating Permits

Air Quality Monitoring

Inspection and Compliance

Inventory of Emissions

Outreach to small businesses

Programs mandated by the Federal Clean Water Act or the Safe Drinking Water Act

Livestock Waste Management (Part of the program is state mandated)

Water Quality Monitoring

Underground Injection Control/Mineral Exploration

Nonpoint Source Management

National Pollutant Discharge Elimination System

Clean Water State Revolving Fund/Drinking Water State Revolving Fund

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Programs mandated by Resource Conservation and Recovery Act

Petroleum Remediation

Resource Conservation and Recovery Act

Programs mandated by the Federal Community Right to Know Act

Community Right to Know

It is most likely that the programs would be operated by EPA. That could lead to a number of results. Since they would be operated from Kansas City, it is likely that the citizens of Nebraska would have reduced opportunity to interact with the agency regulating them. It is also likely that compliance assistance efforts would be reduce. The potential exists that penalties for noncompliance would go up. The maximum daily penalty for violations is significantly higher for Federal actions than for State actions ($10,000 to $39,500 per day). The possibility exists that the state could suffer sanctions, such as the federal government withholding Federal Highway funding because the state no longer maintains the air program. The potential exists that federal funds for infrastructure projects such as the State Revolving Funds programs would go to other states. The possibility exists that the state would be vulnerable to citizen suits, because the state no longer manages the environmental regulatory programs. In the case of the Petroleum Remediation program, tank owners would likely be required to secure private insurance in the absence of a state program funding cleanups..

Programs that are required by State Statutes

Remedial Action Plan Monitoring Act

Solid Waste Management Act

Intergrated Waste Program Grants

Onsite Wastewater

Wastewater Operator Certification

Wastewater Construction Permits

Chemigation

Agriculture Chemical Containment

Ground Water Management

Burn Permits

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If state mandated programs were eliminated, the impacts would be directly to our citizens. Impacts would include loss of environmental grants programs, lack of protection of state resources including clean air and surface and ground water. State oversight of cleanups would be eliminated, thus making those industries vulnerable to federal requirements and oversight. For several programs, fees would be eliminated, because the state program would no longer operate.

FOUR-DAY WORK WEEK (ERP):

The only requirements for the department to implement a four day work week would be to meet requirements of the NAPE/AFSCME Labor Agreement.

It should be noted that most space leased by the department is private space and utility costs are included in the leases. Therefore, little if any, utility savings would be realized without renegotiation of the leases.

Agency Efficiency Review Plan

Agency: 085 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

PROGRAM CONSOLIDATION (ERP):

Program Consolidation – Retirement has three simple programs. Program 41 is the agency budget, program 42 is the Public Employees Retirement Board budget, and program 515 contains the additional contributions for the defined benefit and cash balance retirement plans. Program 41 and 42 are cash funded programs paid for by the retirement trust funds. Program 515 is paid from General Appropriations. There would be no advantage to consolidate these programs since they either have different purposes or are funded differently. It is much cleaner to identify these programs separately on the financial statements

STREAMLINING OF SERVICES (ERP):

NPERS mission is to administer the retirement for six plans, School, Judges, Patrol, State, County, and Deferred Compensation. The agency maintains the retirement records for the employer and employee contributions and distributes the benefits when members terminate, retire, or die. Each plan is different with a different set of statutes. There are some similarities for the three DB plans and NPERS has already combined staff responsibilities for those duties. Some examples would be in the areas of benefit estimates, calculations and purchase of service. The State and County plans each have a DC option and Cash Balance option. The agency has also consolidated staff responsibilities for those duties. Statutes require us to provide financial planning and retirement education to members. NPERS discontinued the toll-free services for investment advice to members which was costing the members $48,000 per year. The agency is providing an investment video and investment report on its website. NPERS also reduced its speaker fees for retirement seminars approximately 50 per cent.

The agency has streamlined its services for answering calls and office visits. NPERS is able to answer over 2500 calls a month with five staff members. The same employees also rotate member office appointments and walk-in visitors. The agency is very efficient in servicing the members. The agency has streamlined the mail procedures to avoid excess mail costs. NPERS is now sending newsletters via email to active and inactive members, and limiting the mail to active, inactive and retirees unless necessary to inform them of a benefit change. NPERS has searched for different locations and food service providers and reduced the costs of member educational seminars and the employer training seminars.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Employee and Management Reforms – NPERS has fifty full-time equivalent (FTE) positions. NPERS management structure is relatively flat. The director manages the entire agency and is responsible to the PERB. The deputy director assists the director and is also the finance manager. The agency is required by statute to have an attorney and internal auditor. The other managers are human resources, educational services, data services and benefits. NPERS has four lead workers and 38 staff positions. The agency has an educational services training position that has not filled since it became available last spring. NPERS also has an Information technology support position that will become available the end of this year that NPERS is not planning to fill. That will reduce us to 48 (FTE). Those positions are essential to provide the retirement plan administration. The education services manager is the editor of the newsletters and retirement publications, the webmaster and also a trainer. The data services manager supervises nine employees and is responsible for the mail room, office maintenance and supplies, purchasing, and name and address changes, service credit, tax with-holdings, and records management. The benefits manager is responsible for sixteen employees and all of the benefit functions including benefit processing, estimates, calculations, purchase of service, deaths, refunds, required minimum distributions, rollovers, vesting, and call center, etc. The state auditors require us to review many of the processes, so most of the staff are auditing each other for accuracy. Most everyone at the agency is cross-trained and performing double and triple duty. NPERS is extremely efficient for the complexity of the retirement plans. Additionally, NPERS has transitioned the IT support and maintenance from the vendor to the Office of the CIO. The agency has contracted with the OCIO for an IT manager and two programmer/developers

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Agency: 085 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

MANDATES AND REQUIREMENTS (ERP):

Mandates and Requirements – Membership in the retirement plans is mandatory except for the Deferred Compensation Plan. NPERS is responsible for employer reporting of contributions and making sure members are participating who should be. The agency is required by statute to provide financial planning and retirement planning seminars to members. NPERS is required to follow a complex set of federal codes and state statutes regarding retirement plan administration and tax deferral status. The agency is required to distribute benefits according to federal and state laws.

FOUR-DAY WORK WEEK (ERP):

Four-Day Work Week – The investment markets are generally open Monday through Friday. Moving to a four-day work week would create significant issues for NPERS, the Nebraska Investment Council, State Street Bank – the custodian, Ameritas – the record keeper of the State and County and DCP plans. The Investment Council needs to be investing the pension assets when the stock market is open. Working four of five market days would jeopardize the investment returns and the ability to make wise and timely investment decisions.

Changing to a four-day work week would require programming and scheduling changes for NPERS and Ameritas for transferring member data and account settlement. Members wanting to make transfers and allocation changes in their accounts on Fridays, would not be able to contact NPERS for assistance if the office was closed. They would need to use the record keeper's website for those transactions. NPERS would also need to reschedule some benefit payments and batch runs.

NPERS currently receives calls and office visitors Monday through Friday from 8:00 am to 5:00 pm. Assuming the office is closed on Fridays, a four-day work week might be a hardship for members who want to contact the office or travel to Lincoln on Fridays for retirement appointments. This would require a mass mailing to inform all members.

It would not save NPERS money on utilities, since the utilities are included as part of the lease agreement. It would be a hardship for employees trying to arrange schedules for children in school or day care. Some of the employees care for parents and disabled family members. Productivity and accuracy would be a concern. Condensing the work week into four ten-hour days would likely create more stress for some employees. Scheduling vacation and sick leave would also be a concern with a four-day work week.

Agency Efficiency Review Plan
Agency: 086 - DRY BEAN COMMISSION

PROGRAM CONSOLIDATION (ERP):

The Dry Bean Commission operates under one program to carry their statutory responsibilities of promotion, education and conducting research for the betterment of the Dry Bean Growers and processors in Nebraska.

STREAMLINING OF SERVICES (ERP):

The Dry Bean Commission works closely with the Department of Agriculture and the University of Nebraska to utilize fee collection, accounting, and administrative systems already in place.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Commission currently operates with less than a 1.0 FTE. The Commission annually reviews staffing needs and adjusts as needed.

MANDATES AND REQUIREMENTS (ERP):

The Commission operates under one statute. The mandates identified by the statute are reviewed by the Commission on an annual basis.

FOUR-DAY WORK WEEK (ERP):

The Commission currently staffs one individual at a .82 FTE resulting in an adjusted four day work week.

Agency Efficiency Review Plan

Agency: 087 - ACCOUNTABILITY & DISCLOSURE COMM

PROGRAM CONSOLIDATION (ERP):

The Commission has two programs. Program 94 is the administration and enforcement of the Nebraska Political Accountability and Disclosure Act. Program 95 is the administration and awarding of public funds to qualified candidates under the Campaign Finance Limitation Act. The programs are currently well integrated. Both programs are administered and supported by the same 8 Commission employees. The consolidation of these two programs would have no financial effect.

STREAMLINING OF SERVICES (ERP):

One of the primary functions of the Commission is to gather information on campaign receipts and expenditures and make it available to the press and public. The information is gathered from candidate committees, political party committees, political action committees, corporations, unions and others. In the past this information was available on paper at the Commission's office. Later the information was posted on the Commission's website. This requires manual data entry into a data base maintained by the Commission. The Commission currently has a program to allow PACs, corporations and unions to file reports electronically. This eliminates the need for manual data entry for the reports of participating electronic filers. The Commission is poised to launch a program that will allow candidate committees to file electronically as well.

The successful reduction in data entry costs requires a high participation in electronic filing. Some inducement or statutory requirement may encourage high participation. By way of example, a statutory requirement could be enacted that once a committee has raised or spent $10,000, it is required to file its reports electronically.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

A high participation in the electronic filing program by candidates, committees and others may permit the eventual elimination of one agency clerical position.

MANDATES AND REQUIREMENTS (ERP):

The Commission's prime mandate is to collect information and make it available to the public. This includes information on campaign receipts and expenditures, information pertaining to conflicts of interest and information on lobbyists, their principals and their receipts and expenditures. This mandate is the basis of the Commission's mission. Its elimination would diminish the ability of citizens to evaluate candidates, public officials and public employees, and the effectiveness of their government.

FOUR-DAY WORK WEEK (ERP):

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Assuming that the workweek consists of four 10 hour days rather than five 8 hour days, there would be no financial effect on the agency. Agency costs and revenues would remain the same. The due date for many campaign filings fall on Monday. In the event that Monday becomes the non-work day, state statute automatically moves the filing date to the next business day. In the event that Friday becomes the non-work day, the Commission staff will not available for consultation and questions on the last traditional business day before the filing are due. This can be overcome through education and website information.

Agency Efficiency Review Plan

Agency: 088 - CORN DEVELOPMENT MARKETING BOARD

PROGRAM CONSOLIDATION (ERP):

Checkoff programs are very unique to state government, as they do not utilize any general funds. The funds are generated from a checkoff (excise tax) better known as an investment, strictly from corn producers when they sell or take loan on corn that they are marketing. The checkoff is designed to be a self-help program to develop markets, conduct research, and to do education and promotional programming on behalf of corn producers in the state. (Please refer to the budget narrative provided in the Biennium Budget for FY 2011-12 and FY 2012-13.) Corn checkoff law was advocated by farmers on behalf of farmers and passed into law in 1978. It utilizes no general funds. Nebraska is the third largest corn producing state in the nation with the nation's lowest corn marketing checkoff. The scope of work and expectations of corn checkoff dollars are very broad and they include trade, ethanol, livestock, and industrial uses of corn. Communication responsibilities over the last few years have also required to corn checkoff to not only educate producers, consumers, media and policy makers, but to also defend our industry against a number of anti-agricultural interests. The budget decisions of how corn checkoff dollars are invested are entirely the function of nine grower members of the board and are carried out by a six member staff.

The responsibilities of corn checkoff dollars are very broad and diverse. We have a small staff compared to other states, and we have allocated different responsibilities across staff lines. At this point, we find it difficult to consolidate programs as new challenges are coming before our board and industry on a regular basis. We have had to add responsibilities to existing staff.

Requirements on checkoff dollars to cut spending or change programming with limiting staff, or consolidation, or streamlining of services do not have a direct impact on general funds. Our program does not use any general fund dollars, so restrictions on checkoff dollars only detracts on getting those checkoff dollars where they belong; investing in programs to help build and sustain markets; research on how to use corn and corn products; and promotion and defending corn and agriculture in general. Additional corn checkoff dollars can help support the existing 24 ethanol plants and the livestock industry, expand new uses for corn and promote our products around the world. These in turn help create more rural jobs, build rural communities and generate more tax revenue.

STREAMLINING OF SERVICES (ERP):

We deliver our services through a number of direct programs and we also utilize our national cooperators as contractors around the world via the U.S. Grains Council and the U.S. Meat Export Federation. These cooperators also generate matching dollars from other states and from the Federal government. State government requires a number of checks and balances that add to the time it takes to deliver services and multiple levels of oversight create additional expenses.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Our staff performs at a very high level and goes beyond their job descriptions to better serve our corn producer industry. Any reduction of staff provides no savings to the general fund, since we are financed solely with checkoff dollars. We are a small non-code agency with a wide berth of responsibilities that function well.

MANDATES AND REQUIREMENTS (ERP):

The mandates or legislative expectations imposed back in 1978 by the Legislature in serving the corn farmers across this state are well defined. Our board, made up of corn farmers,

clearly has their industry at heart when providing oversight. It is the multiple levels of checks and balances within state government that restrict some of the program development or mission of utilizing checkoff dollars to enhance profitability and viability of our industry.

FOUR-DAY WORK WEEK (ERP):

The structural and operational changes needed for the agency to move from a five-day to a four-day work week might work for some of our staff, but not all of them. Due to meetings out of state and the fact that no two weeks are the same, would not allow our office operations to function with a strict four-day week.

Agency Efficiency Review Plan
Agency: 092 - GRAIN SORGHUM BOARD

PROGRAM CONSOLIDATION (ERP):

Not Applicable. The Nebraska Grain Sorghum Board is a single program agency. The Nebraska Grain Sorghum Resources Act authorizes the Board the responsibility to develop, carry out, and participate in programs of research, education, market development, promotion, and federal legislative issues with the goal of enhancing the profit potential and economic well-being of sorghum producers in Nebraska.

STREAMLINING OF SERVICES (ERP):

Not Applicable. The Nebraska Grain Sorghum Board is a single program agency. The Nebraska Grain Sorghum Resources Act authorizes the Board the responsibility to develop, carry out, and participate in programs of research, education, market development, promotion, and federal legislative issues with the goal of enhancing the profit potential and economic well-being of sorghum producers in Nebraska.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

Not Applicable. The Grain Sorghum Board currently staffs one individual at .80 FTE.

MANDATES AND REQUIREMENTS (ERP):

The Board operates under on Statute. The mandates identified by Statute are reviewed by the Board on an annual basis. The biennium budget discusses a need for some legislative changes to the law.

FOUR-DAY WORK WEEK (ERP):

Not applicable to our agency. The Grain Sorghum Board currently staffs one individual at .80 FTE.

Agency Efficiency Review Plan
Agency: 093 - TAX EQUALIZATION & REVIEW COMM

PROGRAM CONSOLIDATION (ERP):

The agency does not have programs to consolidate. The agency has two functions; hearing appeals and statewide equalization of assessments. Those functions are conducted with the same resources, staff, space, and equipment.

STREAMLINING OF SERVICES (ERP):

The Commission has sought authority to conduct single commissioner hearings.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

The Commission has increased staff so that appeals could be heard in a timely manner. If the number of appeals is reduced, the staff could be reduced. Most of the appeals heard by the Commission are from decisions of county board's of equalization. The Commission has no control over county boards of equalization.

MANDATES AND REQUIREMENTS (ERP):

The Commission is required to hear appeals from county boards of equalization and others. Prior to creation of the Commission, those appeals were heard by the District Courts. Consideration of appeals now heard by the Commission could be returned to the District Courts. In calendar year 2009, 1,720 appeals were filed with the Commission. Filing fees for the Commission are lower than filing fees with the District Courts and filing with the District Courts would be probably be more complicated. The number of appeals that would be filed with the District Courts would probably be fewer than filings with the Commission. The Commission attempts to hear appeals within one year of filing. Due to the number of appeals, that objective has not been reached. The length of time an appeal would be held pending in the District Courts is unknown. Although there is a perception to the contrary, the Commissions procedures for hearing appeals are simpler than the procedures that are found in District Courts. An increase in the difficulty or cost of maintaining an appeal could reduce the number of appeals over time.

The Commission is required to affirm a decision it is reviewing unless the decision is found to be arbitrary or unreasonable. There have been various legislative proposals to lower that standard of review. Changing the standard of review to a lower standard would increase the number of appeals and increase the length of each appeal.

Art IV Section 28 of Nebraska's Constitution creates the Tax Equalization and Review Commission and gives it the power to review and equalize assessments of property within the State of Nebraska. The constitutional requirement is usually referred to as state wide equalization. Eliminating review of assessments in the 93 counties could result in over or under assessment.

The Commission is required to publish notice of statewide equalization in a newspaper of general circulation in the State of Nebraska. Publication for 2010 cost about $490. Elimination of the newspaper requirement and substitution of notice on a site maintained by the Secretary of State would produce a cost saving. Statutory authority is required to allow posting of notice on a website.

Section 77-5004 requires that two members of the commission be attorneys licensed to practice in Nebraska. Attorney members of the commission are required to annually attend a

Agency Efficiency Review Plan
Agency: 093 - TAX EQUALIZATION & REVIEW COMM

seminar or class of at least two days' duration that is (i) Sponsored by a recognized assessment or appraisal organization, in each of these areas: Utility and railroad appraisal; appraisal of complex industrial properties; appraisal of other hard to assess properties; and mass appraisal, residential or agricultural appraisal, or assessment administration; or(ii) Pertaining to management, law, civil or administrative procedure, or other knowledge or skill necessary for performing the duties of the office. Attorneys licensed to practice in Nebraska are also required by the Supreme Court to take 10 hours of continuing legal education each year with 2 of those hours in ethics/professional responsibility. There is an overlap in the requirement for 8 hours of continuing education on legal matters, however 2 hours of additional continuing legal education are required by the Court specifically for ethics/professional responsibility, and another 6 hours are required by 77-5004. Elimination of the commission's continuing education requirement would not significantly reduce the continuing education requirements for the attorney members of the commission but would reduce administration and costs.

FOUR-DAY WORK WEEK (ERP):

Expanded access to the State Office Building. Currently doors lock at 5:30 p.m.

Availability of county employees and officials outside their current working hours.

Revision of forms and sources of information about the Commission's business hours.

Agency Efficiency Review Plan

Agency: 094 - COMMISSION ON PUBLIC ADVOCACY

PROGRAM CONSOLIDATION (ERP):

In reviewing the possible consolidation of existing programs within this agency, the recommendations of this agency would be few and hard to find as any possible consolidation of programs has already been accomplished. The operations program of this agency contains the subprogram of the Legal Education for Public Service Loan program. The operations program of this agency shares its funding with the DNA program and responsibilities under the DNA Testing Act. Previous programs and duties have ceased to operate due to funding cuts: Federal and state grant dollars once assisted in criminal defense representations and the Standards Advisory Council once existed for the reimbursement of qualifying counties for compliance with developed defense law standards.

STREAMLINING OF SERVICES (ERP):

In looking at opportunities for streamlining existing services, the recommendations of this agency would be to continue implementations already in place for the improved economical efficiency of the services this agency provides. Costs necessary to provide legislated services are closely scrutinized and staff are constantly reminded to keep economics in mind. Expenses are carefully analyzed as to their necessity, especially in case preparation, use of experts/interpreters, travel, technological tools, and others. Examples of streamlining services are: efiling and faxing of court pleadings instead of mailing, e-mailing of large documents instead of copying and mailing, coordinating long distance trips and covering each other's (long distance) cases whenever possible, breaking down specific duties for experts, etc. While at the same time keeping in mind that agency personnel are legislated to provide a service, all of those services and associated costs are streamlined in every possible way.

EMPLOYEE AND MANAGEMENT REFORMS (ERP):

If a reduction of the number of employees and/or layers of management within this agency were implemented, the recommendations of this agency for necessary reform could be to eliminate one staff attorney position and reassign the caseload to other staff attorneys within the office. This would create a hardship as caseload maximums are intended to prevent overtaxing an attorney in his/her work to the point of being inefficient and/or providing ineffective representation.

Another possible reform could be to eliminate the part-time investigator position and transfer his duties to the paralegal or assigning attorney. This position has already been cut 50% due to previous budget constraints. However, the paralegal position does not require investigator qualifications needed to efficiently perform investigator duties. Some training would be necessary. An attorney performing his/her own investigatory duties could again be faced with overwork and making tough choices within the work day.

Layers of management would not be possible to reform as the management in place in this agency is required in all aspects of agency operation. Cutting or limiting management capabilities would seriously deteriorate agency function. Such duties could not be permanently transferred to another staff position as position requirements must be met and management duties would overburden any other position in this agency already performing its tasks.

MANDATES AND REQUIREMENTS (ERP):

Review of governing mandates/requirements imposed on this agency is constant as our functions are dictated by the same. Agency recommendations would be to continue such adherence to such requirements. In addition to state statutes, the Nebraska Supreme Court mandates continuing legal education for attorneys, requiring attorneys to attend seminars and conferences. The cost and distance of such conference is always taken into consideration. The Code of Professional Responsibility

Agency Efficiency Review Plan
Agency: 094 - COMMISSION ON PUBLIC ADVOCACY

governing attorney practices requires adherence to all rules pertaining to providing effective assistance of counsel. If any elimination/change of any governing statute/mandate/requirement were to occur, this agency would act accordingly.

FOUR-DAY WORK WEEK (ERP):

If agency operational hours were changed from a five-day to a four-day work week, the structural and operational changes recommended by this agency would be to operate in accordance with whatever Nebraska courts implement to handle the change. The functions of this agency perform directly with the courts, so whatever hours they change to, this agency would do the same. Employee workloads would likewise be adjusted in the hours in a day that they have to perform the tasks.