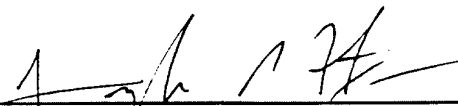




January 24, 1995

The State Suggestion System Rules dated February 15, 1995, and promulgated under provisions of Sections 81-1346 to 81-1350 and 81-1353 through 81-1354.01, RRS Nebraska, 1943, are hereby approved January 24, 1995.

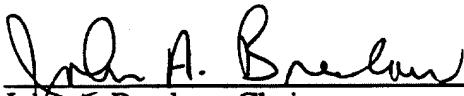


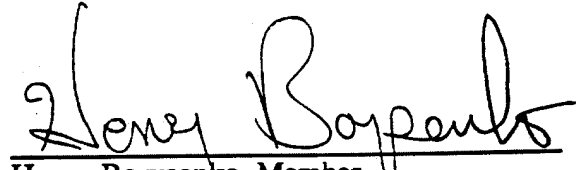
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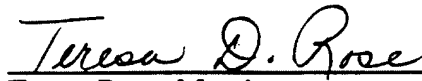
Joseph P. Foster, Director  
DAS - State Personnel Division

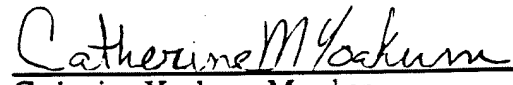
January 24, 1995

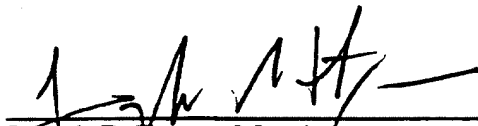
The State Suggestion System Rules dated February 15, 1995, and promulgated under provisions of Sections 81-1350 through 81-1351, RRS Nebraska, 1943, are hereby approved January 24, 1995.

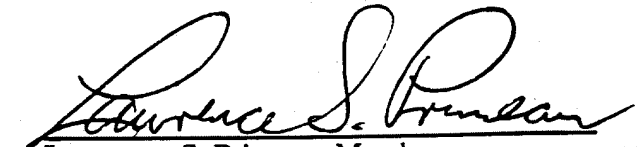
  
\_\_\_\_\_  
John A. Breslow, Chair  
Suggestion Award Board

  
\_\_\_\_\_  
Henry Borysenko, Member  
Suggestion Award Board

  
\_\_\_\_\_  
Teresa Rose, Member  
Suggestion Award Board

  
\_\_\_\_\_  
Catherine Yoakum, Member  
Suggestion Award Board

  
\_\_\_\_\_  
Joseph P. Foster, Member  
Suggestion Award Board

  
\_\_\_\_\_  
Lawrence S. Primeau, Member  
Suggestion Award Board


# AFFIDAVIT OF PUBLICATION

State of Nebraska, }  
LANCASTER COUNTY, } ss.

**NOTICE OF PUBLIC HEARING**  
Notice is hereby given that the State of Nebraska Suggestion Award Board will hold a public hearing concerning the proposed amendments to Title 276 - Nebraska Administrative Code Chapter 7, entitled Suggestion System Rules. The hearing will be held at 4:00 p.m. on January 2, 1995, in the State Personnel Large Conference Room, 1st Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.  
Fiscal Impact Statement can be obtained at the Auditor of Public Accounts Office. Draft copies of the Rules and Regulations are available for review and written comment in the Auditor of Public Accounts Office, State Capitol, Room 2303: John A. Breslow, State Auditor, Chairperson, Nebraska Suggestion Award Board  
December 6, 1994  
# 8080032—TT December 6

The undersigned, being first duly sworn, deposes and says that she/he is a Clerk of The Lincoln Star, Lincoln Journal, and Sunday Journal-Star, legal newspapers printed, published and having a general circulation in the County of Lancaster and State of Nebraska, and that the attached printed notice was published in said newspapers one successive time the first insertion having been on the 12 day of December A.D., 1994 and thereafter on 19, 1994 and that said newspapers are legal newspapers under the statutes of the State of Nebraska. The above facts are within my personal knowledge and are further verified by my personal inspection of each notice in each of said issues.

Subscribed in my presence and sworn to before me this 12 day of December, 1994  
Ronald Kalkwarf  
Notary Public  
Printer's Fee, \$ 12.11


**GENERAL NOTARY-State of Nebraska**  
**RONALD KALKWARF**  
 My Comm. Exp. July 26, 1998

**Certification  
State of Nebraska  
State Suggestion System Board  
Nebraska Department of Administrative Services**

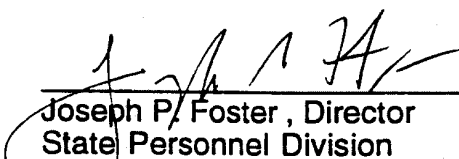
I, Joseph P. Foster, Director of the State Personnel Division of the Nebraska Department of Administrative Services, certify the attached are true and correct copies of Chapters 1 through 7 of the Suggestion System Rules and Regulations. These rules were adopted after public hearing held on January 12, 1995.

The purpose of these Rules are to

- 1) Establish a program to be known as the employee suggestion system.
- 2) Encourage the development of ideas for improving the economy and efficiency of state government.
- 3) To grant awards for ideas of proper merit and implement them in the governmental process.
- 4) Promote economy and efficiency in state government through the implementation of cost savings suggestions.
- 5) Provide for a uniform system of suggestion evaluation.
- 6) Retain maximum authority and responsibility at the agency level for decisions to implement suggestions.
- 7) Establish the necessary procedures to assure reasonably uniform and consistent review and monitoring activities and provide a reliable basis for gathering statistical information necessary for annual accounting and reporting.

I further certify that all previous Rules are superseded by the contents of this filing.

Done this 24th day of January, 1995.

  
\_\_\_\_\_  
Joseph P. Foster, Director  
State Personnel Division  
Nebraska Department of Administrative Services  
for the State Suggestion Award Board

<u>Chapter/Section</u>	<u>Action</u>	<u>Last Filing Date</u>
One	Amended	August 21, 1978
Two	Amended	
Three	Amended	July 3, 1979
Four	Amended	
Five	Amended	
Six	Amended	
Seven	Amended	
Eight	Deleted	
Nine	Deleted	July 3, 1979
Ten	Deleted	
Eleven	Deleted	
Twelve	Deleted	
Thirteen	Deleted	
Fourteen	Deleted	
Fifteen	Deleted	
Sixteen	Deleted	
Seventeen	Deleted	July 3, 1979
Eighteen	Deleted	
Nineteen	Deleted	
Twenty	Deleted	
Twenty-one	Deleted	August 21, 1978

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**FILED**  
SECRETARY OF STATE  
FEB 28 95 01 24 59

Title 276 - Suggestion System Rules

Chapter 7

# Chapter 1 - Scope

**001 Applicability.** All State employees are eligible to receive awards with the exception of: employees of the University of Nebraska System and the Nebraska State Colleges; Constitutional officers; department heads and elected officials.

**002 Purpose.** The Employee Suggestion System is established for the purpose of recognizing, through the use of cash awards, State employees who make acceptable suggestions that result in efficiency and economy in Nebraska State Government as evidenced by cost savings.

**APPROVED**  
DON STENBERG  
ATTORNEY GENERAL

FEB 21 1995  
BY *John G. Cover*  
Assistant Attorney General

**APPROVED**

FEB 28 1995

*Benjamin Wells Overn*  
BENJAMIN WELLS  
OVERN



## Chapter 2 - Definitions

**001 Adopt** - is to accept an employee's idea for implementation. The "adopt" status is determined from the report prepared by the evaluating authority.

**002 Agency** - any legally constituted board, commission, department or other branch of state government in which all positions are under the same appointing authority.

**003 Agency Head** - the administrative head of an agency, such as Director, Executive Director, Commissioner, Executive Secretary, etc., reporting directly to the Governor, a commission, or board.

**004 Eligible** - shall mean the suggester and the suggestion meets the requirements set forth in Chapters 1 and 5.

**005 Employee** - shall mean any person, permanent or temporary, full or part time, except an agency head who receives a salary or wage from the State. (Employees on approved Family and Medical Leave shall be eligible to participate in this program.)

**006 Ineligible** - shall mean either the suggester or the suggestion did not meet the requirements set forth in Chapters 1 and 5.

**007 Non-adopt** - To non-adopt a suggestion is to not accept it for implementation as determined by the agency head.

**008 Suggestion** - A suggestion is a constructive idea to improve directly, with economic benefit and tangible dollar savings, the operations of the Nebraska State Government, i.e., "the State of Nebraska uses too much paper and should use less." This is not a suggestion. "Forms H114 and H116 used in the Nebraska Department of Space Exploration could be combined into a single form, sample attached." This is considered a suggestion.

## Chapter 3 - Suggestion Award Board

**001 Composition** The Suggestion Award Board consists of the DAS - State Personnel Director, The Director of Administrative Services, the Auditor of Public Accounts and three persons, each to serve a term of one year, selected and appointed by the Governor from the bargaining units listed. Of the persons selected from such bargaining units, one person shall be selected from each of such bargaining units as follows: (1) The first year (January 1, 1994 through December 31, 1994) from the Maintenance, Trades, and Technical Unit, Administrative Support Unit, and Supervisor Unit. The second year from the Health and Human Care nonprofessional Unit, Social Services and Counseling Unit and Law Enforcement Unit. The third year from the Administrative Professional Unit, Protective Services Unit and Health and Human Care Professional Unit. The fourth year from the Examining, Inspection and Licensing Unit, Engineering, Science and Resources Unit and Teachers Unit. After the fourth year, the appointments shall be made starting with the first years sequence and continue as stated. Four members shall constitute a quorum.

**002 Administrative Organization and Duties of the DAS - State Personnel Division Director** The Director of the DAS - State Personnel Division is responsible for the overall management of the Employee Suggestion System. The duties of the State Personnel Director shall be to:

- (1) Develop and promulgate rules and regulations for the administration of the Suggestion System on behalf of the Suggestion Award Board. This may be delegated to the DAS - State Personnel Director's designated representative. Any rules or regulations pertaining to Statutes 81-1350 and 81-1351 shall be established by the Suggestion Award Board.
- (2) Draft suggested changes to the law governing the Employee Suggestion System.
- (3) Prepare and annually transmit a report to the Governor and Legislature detailing the operations of the Employee Suggestion System including an accounting of all awards granted.
- (4) Provide for the direct submission of all suggestions to the Director or the Director's designated representative and shall provide that the names of individuals who made suggestions shall be kept confidential unless such person is granted an award.
  - (a) To ensure confidentiality, each Suggester and their suggestion shall be assigned a number for identification purposes.

- (5) Make a determination as to the initial eligibility of the suggester and the suggestion.
  - (a) Initial eligibility is determined by evaluating whether or not the employee is a state employee as defined in Chapter 2; and
  - (b) The suggestion is determined eligible as defined in Chapter 5. If eligible, a written acknowledgment shall be sent to the suggester and the suggestion will be forwarded to other agencies if appropriate. If ineligible, a letter shall be sent to the suggester explaining the reasons for the ineligibility or rejection.
- (6) Forward suggestions to departments other than the suggester's department when deemed appropriate.

**003 Authority and Responsibility of the Suggestion Award Board**

- (1) Establish rules and regulations governing the size of any award granted subject to the limits imposed in Chapter 3.
- (2) Determine the amount of the award for each adopted suggestion.
- (3) The hearing of appeals related to the Employee Suggestion System.

**004 Vacancies** Whenever a vacancy occurs on the board for any reason, the Governor shall appoint an individual to fill such vacancy from the same bargaining unit in which the vacancy exists.

**005 Deferral of Payment of Awards** At the discretion of the Suggestion Award Board, payment of awards may be made at the time of adoption or in cases where savings cannot be immediately determined, awards can be delayed a reasonable length of time while the savings are calculated. Interest shall not be paid upon any deferred payment.

**006 Payments by Agencies** When practicable, awards shall be paid, within sixty calendar days from the date of the Suggestion Award Board decision, by the agency(ies) where benefit will occur. When more than one agency will benefit, each such agency shall contribute its prorated share of the award as determined by the Suggestion Award Board.

**007** **Payment of Awards** A one-time payment of 10 percent of the first year's dollar cost savings, is to be awarded for suggestions which are adopted and implemented. Example: First year's cost savings \$4,000; cost of implementation \$500; award is based on \$3,500 @ 10% = \$350.

**007.01** Awards begin with a minimum cash award of \$25 and end with a maximum cash award of \$5,000 for savings of \$100,000 and more unless a larger award is recommended by resolution of the Legislature.

**007.02** In cases where actual cost savings are more than were originally estimated in determining the award for a suggestion, the Suggestion Award Board shall determine the additional award amount to be made to the suggester. In cases where the original estimate used in determining the award for a suggestion exceeds the actual amount saved, the suggester shall not be liable for any reimbursement to the agency. In no case shall the time period in evaluating the award exceed two years for determining additional savings.

**007.03** Cash awards are considered to be taxable income for Federal and State income purposes, including the State's mandatory retirement plan. In the event of death, the employee's estate shall be granted the award amount.

## Chapter 4 - Duties of the Agencies and Procedure

**001 Written Suggestions** Suggestions must be submitted in writing on the Suggestion Award Form and must be forwarded through the United States mail to the DAS - State Personnel Division Director. Verbal suggestions will not be processed.

**002 Duties of the Agency** Shall be the responsibility of the agency head.

**002.01 Agency Coordinators.** Each agency head shall assign an agency employee suggestion system coordinator who shall act as the liaison between the Suggestion Award Board and the Agency Award Committee. The union(s) shall also assign, where practicable, a co-coordinator who shall share in the liaison responsibilities.

- (a) The DAS - State Personnel Director, or their designee, shall forward eligible suggestions to the Agency Coordinator(s)
- (b) The Agency Coordinators will ensure that all timelines are met and coordinate suggestions with the Agency Award Committee and Agency Head.

**002.02 Agency Award Committee.** Each agency head shall also appoint the management members of the Agency Award Committee. The union(s), where practicable, shall appoint bargaining unit representatives to the agency award committee. (The total number of union representatives will be equal to the number of management representatives.) This may be a standing committee to evaluate all suggestions or individual committees of a temporary nature appointed to evaluate each unique suggestion. The committee's responsibility will be to:

- (1) Make a detailed investigation and evaluation of suggestion and make a recommendation regarding implementation to the agency head.

**002.03 Time-lines and Procedure**

- a. Within 15 work days of receipt of a suggestion for evaluation, the agency award committee shall forward its recommendation to the agency director.
- b. Within 15 work days of receipt of a recommendation from the agency award committee, the agency head shall forward his/her

decision on implementation and recommendation for the amount of the award to the Suggestion Award Board.

- c. The agency award report shall indicate whether a suggestion has been adopted, the date on which it was placed in effect, (or will be put into effect) any actual or estimated reduction, elimination or avoidance of expenditures or improvement in operations made possible by a suggestion; or the reasons in detail for non-adoption or rejection.
- d. If an agency is unable to make a decision and recommendation within 30 work days of the receipt of the suggestion, the agency award coordinator(s) shall request a further extension in writing, through the DAS - State Personnel Director to the Suggestion Award Board and shall state the reasons why a decision has not been made and shall also estimate the amount of additional time necessary to evaluate the suggestion. The Suggestion Award Board shall then set a date for the agency to complete the agency's evaluative report.

**002.04 Non-adoption** If the suggestion is non-adopted by the Agency, the Agency Award Committee will send written notification letter to the suggester, through DAS - State Personnel with a detailed analysis and a copy of the Agency Evaluation Form stating the number of other agencies adopting (if any) or non-adopting the suggestion.

**002.05 Adoption** If the suggestion is adopted by the Agency, the Agency Evaluation Report will be forwarded to the Suggestion Award Board for its determination as to the amount of award.

**002.06 Final Decisions** The agency head shall make the final decision as to whether the suggestion is to be adopted within the agency.

## Chapter 5 - Eligibility of Suggestions

**001 Exclusions** Suggestions pertaining to the following areas will not be eligible for awards: grievances; classification and pay; matters already recommended for study, review or summary; matters which are the result of assigned or contracted audits, budget and fiscal preparations studies, surveys, reviews or research; matters requiring the enactment of legislation; a suggester who applies for patent rights to his/her suggestion is not eligible for an award.

**002 Exceptions** Suggestions which are directly related to an individual's assigned duties or responsibilities will not be considered eligible; however, if a suggestion is so superior or meritorious as to be considered above and beyond the scope of the suggester's job, then the suggestion will be allowed. In order to determine eligibility in the above mentioned cases, the following questions must be answered specifically in the negative: (a) Is the employee expected or required to make suggestions of the type under consideration as a part of his/her employment? (b) Is the nature of the suggestion such that the employee's performance would be judged less than satisfactory had he/she not made the suggestion? (c) Can the suggestion be implemented by the employee without consulting higher authority?

**003 Modifications** An individual may be entitled to an award even though his/her suggestion is adopted in a modified form. Whether the suggestion has been adopted in a modified form shall be determined by the Suggestion Award Board.

**004 Duplicate Suggestions** Each suggestion will be reviewed by the Suggestion Award Board to determine if it is a duplicate of, or similar to, a suggestion which has been submitted or adopted. If duplicate suggestions are received, the one bearing the earliest postmark will be eligible for consideration and all others shall be ineligible. If duplicate suggestions are received on the same date, both may be considered eligible and if adopted, a split award on a percentage basis determined by the Board will be paid.

**005 Group Suggestions** may be eligible when submitted by a group of employees and if the suggestion is adopted, the award will be prorated evenly among the eligible employees. A different proportion will be considered by the Suggestion Award Board if specified by the group on the official suggestion application form. A suggestion will not be considered a group effort unless signed by all parties concerned. Supervisory assistance, while encouraged, does not necessarily classify a suggestion as a group suggestion.

## Chapter 6 - Rights of Parties

**001 Time Limit on Award Consideration** An employee's right to an award shall be protected, provided: (1) The suggestion is implemented within 24 months of the original notification of non-adoption; and (2) The Suggestion Award Board is notified that the suggestion was implemented. (3) If a suggester wishes to keep a proposal alive after the period of protection expires, it must be resubmitted as a new suggestion, however, the suggester must be an employee of the State in a paid status at the time of the re-submission. (4) Payment will be made during the two-year protection period even if the suggester is no longer an employee of the State.

**002 Suggester's Rights** The suggester has the sole right to: (1) Receive an award subject to the provisions of the Employee Suggestion System; (2) Anonymity, for all non-adopted or rejected suggestions; (3) Appeal to the Suggestion Award Board if a suggestion has been declared ineligible, non-adopted, or rejected.

**003 State's Rights** The State of Nebraska has the right to use a suggestion in any form or modification it deems appropriate without making any payment except for an award determined by the Suggestion Award Board. All suggestions, whether implemented or not, become the property of the State of Nebraska. The State of Nebraska has the right to make public all suggester's identities who are granted an award under the Employee Suggestion System.



*DP*  
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Title 276 - Suggestion System Rules

Chapter 7

## Chapter 7 - Appeals

1. Employees who have been declared ineligible, or whose suggestions are non-adopted or rejected; may appeal to the Suggestion Award Board.
2. Appeals must clearly state the basis for any further consideration and must be submitted in writing to the Chairperson of the Suggestion System Award Board through the DAS - State Personnel Division Director within 30 calendar days following the date of notification of non-eligibility, non-adoption, or rejected.
3. All decisions relating to appeals will be made by the Suggestion Award Board and are considered final.

**APPROVED**  
DON STENBERG  
ATTORNEY GENERAL  
FEB 21 1995  
*[Signature]*  
Assistant Attorney General

**APPROVED**  
FEB 28 1995  
*[Signature]*  
BENJAMIN NELS  
GOVERN

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