



Operations Assessment
Nebraska Environmental Trust
July 2021

NEBRASKA
DEPT. OF ADMINISTRATIVE SERVICES

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I. Introduction

Department of Administrative Services Engagement

On November 5, 2020, in an effort to review Nebraska Environmental Trust Board (“NET” or “Board”) operations, the Board considered engaging the assistance of a separate organization to ensure that the Board was performing adequately and complying with applicable law. Whereas the Department of Administrative Services (“DAS”) administers the Center of Operational Excellence (“COE”) and is charged with investigating the “needs and requirements [of various government organizations] and whether the appropriations are being judiciously and economically expended for the purposes for which they were made,” as further described in Appendix A, on February 2, 2021, the Board authorized DAS to conduct the review. This Operations Assessment (“Assessment”) is intended to serve as the final report resulting from NET’s authorization.

What is an Operations Assessment?

An operations assessment is a collaborative examination of various aspects of an organization’s operations and can include a review of areas such as compliance with statutes, compliance with internal policies, and engagement of best practices by management. The assessment establishes a set of questions which guides the work of the project. The goal is to provide management with an assessment of the overall operational efficiency and effectiveness of the organization in the subjects examined and provide constructive feedback that can drive change. An operations assessment is meant to be a positive, team-based engagement that helps identify and align resources to address opportunities for improvement.

Scope

To determine NET’s performance, the Operations Assessment Team (“Team”) reviewed statutes, rules and regulations, bylaws, and internal policies. Additionally, the Team reviewed other relevant materials, including but not limited to, samples of meeting minutes and documents considered at Board and Grants Committee meetings from the last three years, contracts, quarterly reports, reimbursement requests, and other grant tools. The Team also reviewed performance evaluations methods by reviewing applicable materials, handbooks, and interviewing staff. Further, the team interviewed Board members, the Executive Director, and NET staff. Two Board members could not be reached during the interview period.

This Assessment was not exhaustive, but instead attempted to focus on and assess some of the most impactful elements of NET’s operations using a representative sample of available information. This Assessment did not attempt to identify areas of high performance, but rather focused on areas where there may be opportunities for improvement. Areas identified for improvement are discussed further in sections III through VI. Adoption and implementation of any recommendations shall be at the sole discretion and duty of the Board.

Limitations

This Operations Assessment does not guarantee compliance with any particular provision of applicable law, nor is it definitive of non-compliance. The Assessment may state that documentation could not be located or was not provided, but such statements are not intended to be conclusive as to whether documentation exists or not. The Assessment is not and does not contain legal advice and any information contained herein should not be construed as legal advice. Rather, this Assessment is intended to be used as a guide or a starting point for the Board to assess, review, and revise current practices. In the event that NET desires legal advice, NET should consult an attorney hired by or assigned to NET for such purposes.

While this Assessment, at a high level, may address some financial practices and operations, the Assessment does not cover financial compliance in detail; such an examination may be handled by the Auditor of Public Accounts (“APA” or “State Auditor”) as engaged by NET.

II. Nebraska Environmental Trust



Legislative Intent

Established in 1992, the Legislature stated in Nebraska Revised Statute §81-15,168 its vision in establishing the Nebraska Environmental Trust:

“It is the intent of the Legislature to establish the Nebraska Environmental Trust for the purpose of conserving, enhancing, and restoring the natural physical and biological environment in Nebraska, including the air, land, ground water and surface water, flora and fauna, prairies and forests, wildlife and wildlife habitat, and natural areas of aesthetic or scenic values. The current and future well-being of the state and its citizens is vitally dependent on a safe and clean environment and requires a dynamic, proactive approach to address environmental needs. The trust shall complement existing governmental and private efforts by encouraging and leveraging the use of private resources on environmental needs with the greatest potential impact on future environmental quality in Nebraska. The trust shall develop a long-range environmental focus which encompasses the vision of all Nebraskans regarding the future of the environment and shall join public and private efforts in achieving the collective environmental goals of Nebraska's citizens.”

Mission Statement

The Nebraska Environmental Trust is established to conserve, enhance and restore the natural environments of Nebraska. A prosperous future requires a sound natural environment. We must act dynamically, progressively and systematically to ensure bountiful and thriving natural resources.

Projects and Funding

NET focuses on public-private partnership projects that provide lasting results for Nebraskans. Current priority areas are: habitat, surface and ground water, waste management, air quality, and soil management. These projects are funded through an NET-managed grant process that receives 44.5% of the profits of the Nebraska Lottery.

Board and Staff

Board	
District I	Jeff Kanger Jim Hellbusch John Orr
District II	Felix B. Davidson Paul Dunn Mark Quandahl
District III	Rod Christen Quentin Bowen Josh Andersen
Game and Parks Commission	Director Jim Douglas
Dept. of Agriculture	Director Steve Wellman
Dept. of Environment and Energy	Director Jim Macy
Dept. of Natural Resources	Director Tom Riley
Div. of Public Health - DHHS	Dr. Gary Anthone

Staff	
Executive Director	Mark Brohman
Grants Administrator	Holly Adams
Public Information Officer	Sheila Johnson
Administrative Secretary	Sandra Weaver
Grants Assistant	Pam Deines

III. Nebraska Environmental Trust Act & Nebraska Administrative Code Title 137

A. Application Process

- a. **Best Practice** – When working with a competitive process, it is best practice to provide as much transparency and clarity as possible to the potential applicants and those facilitating the process (i.e. Board staff) as to what is expected of them. Doing so avoids misunderstandings and potentially mitigates legal consequences.
 - i. *Findings* – No clear guidance could be found as to whether a grantee could be awarded more than one grant or if disclosure of grantee relationships with other grantees is required.
 1. **Recommendation** – The Board, at its discretion, should consider adopting clear guidance (e.g. rules and regulations) as to whether a grantee may receive more than one grant and whether a grantee must disclose relationships with other grantees.
 - ii. *Findings* – Records and interviews were inconsistent as to whether individuals, as opposed to groups or entities, are able to receive grants.
 1. **Recommendation** – The Board, at its discretion, should consider clearly communicating whether an individual is eligible for an award. Explicit communication should clear up any confusion as to whether an individual is able to receive a grant or not.
 - iii. *Findings* – There is no known documentation or guidance as to NET staff’s role in assisting potential grant applicants. NET staff seemingly go beyond administering the application process by providing substantive consultation to potential grant applicants. Such substantive consultation may include, but is not limited to, review of drafts and whether, based on staff’s experience with the Board and Board precedent, the grant is likely to be approved or not, but there is no evidence that staff say conclusively that the project will or will not be funded.
 1. **Recommendation** – The Board, at its discretion, should make an intentional decision as to whether NET should assist applicants with their proposed projects. If the Board decides to continue this practice, the Board should determine, in writing, the scope and method of assistance for both staff and applicants to rely on. Without guidance, staff cannot meet the Board’s expectations. Additionally, if staff use a consultative approach, at least without clear guidance from the Board, members of the public could have incorrect expectations or misunderstandings as to whether their grant is eligible or ineligible or likely to be funded.
- b. **Law** – In order to evaluate financial feasibility, 137 Neb. Admin. Code, ch. 5, § 006.01 requires applicants to submit “a schedule indicating when such funds will be received and a schedule indicating when the funds available will be expended for project purposes.”
 - i. *Findings* – Although a timeline is provided by applicants that may or may not include elements of a funding schedule, NET did not provide documentation that substantiated this requirement is being fulfilled.
 1. **Recommendation** – Because failure to follow applicable law could subject the Board to greater legal risk, the Board, at its discretion, should consider reviewing and revising the application and any accompanying guidance to comply with current provision or reviewing and revising regulation to match existing practice.
- c. **Law** – 137 Neb. Admin. Code, ch. 9, § 007 requires the applicant to “assure the Executive Director that all legal requirements have or can be met prior to the allocation of funds.” Subsections of such section detail ways in which such assurances may be given.

- i. *Findings* – Although there are elements that address some of these concerns in the applications, such as asking the applicant whether they need a permit or not, NET does not appear to utilize all of the suggestions in the regulation.
 1. **Recommendation** – The Board, at its discretion, should consider reviewing and revising the application and any accompanying guidance to comply with current provision or reviewing and revising regulation to match existing practice.

B. Eligibility

- a. **Law** – Neb. Rev. Stat. § 81-15,176(2) directs the Board to establish criteria to determine eligibility of projects for financial assistance. The eligibility criteria must include at least the nine considerations set out in Neb. Rev. Stat. § 81-15,176(2)(a)-(i), as well as criteria set forth in 137 Neb. Admin. Code, ch. 5. Chapter 6 of Title 137 describes the process of evaluating grant eligibility. Once an application is received, the Executive Director submits the application to the Grants Committee and advisory committees. After comments are received from the technical advisory committees, the Grants Committee officially determines if the project complies with Chapter 5 of Title 137 and then: 1) recommends approval or rejection of eligibility, 2) recommends an amount of assistance if the project is both eligible and receives a sufficient ranking, and 3) provides the board with its eligibility determinations and preliminary ranking list.
 - i. *Findings* – It could not be determined how eligibility is preliminarily determined by the Grants Committee or officially determined by the Board. NET documentation suggests that an eligibility determination is made by the Grants Committee, but such documentation is signed by the Executive Director on behalf of the Grants Committee Chair. Additionally, it is unclear how and when the additional eligibility criteria found in the Adopted Policies is considered.
 1. **Recommendations** – Because failure to follow applicable law could subject the Board to greater legal risk, the Board, at its discretion, should consider:
 - a. Clearly defining the eligibility determination process for both the Grants Committee and the Board, including how that determination is officially made and documented;
 - b. Reviewing current eligibility criteria, making any desired or needed modifications, and placing revisions in one place, such as a rule and regulation; and
 - c. Communicating the eligibility process and criteria to staff, Board members, and members of the public.

C. Rating System

- a. **Law** – Neb. Rev. Stat. § 81-15,175(2) requires the Board to “establish rating systems for ranking proposals which meet the board’s environmental categories and other criteria.” With 137 Neb. Admin. Code, ch. 7, § 001, the Board has delegated the responsibility to establish ranking systems to the Executive Director, but the Board maintains the responsibility of approving any such rating system after a vote and a public hearing. The rating system criteria set in law can be found at Neb. Rev. Stat. § 81-15,175(2) and 137 Neb. Admin. Code, ch. 7, § 003. Neb. Rev. Stat. § 81-15,175(5) allows the Board to establish a subcommittee to use the rating systems to rate grant applications, which the Board has done by establishing and charging the Grants Committee with such duties pursuant to 137 Neb. Admin. Code, ch. 7, § 002.
 - i. *Findings* – No guidance or documentation could be located that assists the Grants Committee or Board with applying the rating criteria in the law or established by the Board. Guidance or documentation would likely assist both applicants and the Board in meeting mutual expectations of clarity and transparency.

1. **Recommendations** – The Board, at its discretion, should consider:
 - a. Reviewing the rating system, which may include establishing the intent of each criterion and developing a clear methodology and accompanying guidance on how to use the rating system; and
 - b. Whether it would be beneficial to establish a unique rating system for each category.
- b. **Law** –137 Neb. Admin. Code, ch. 8, § 002 provides, in part, that “[i]n deciding the assignment of points for each eligible project, the [Grants] Committee shall do so in a manner which provides a fair comparison of projects regardless of cost. More expensive projects shall not receive additional points just because they are larger in scale. Points shall be assigned with consideration of the anticipated effects of the project relative to its costs.”
 - i. *Findings* – No guidance or documentation could be located that assists the Grants Committee in assigning points pursuant to this provision. Guidance or documentation would likely assist both applicants and the Grants Committee in meeting mutual expectations of clarity and transparency.
 1. **Recommendations** – The Board, at its discretion, should consider developing guidance on applying this provision or reviewing and revising regulations to match existing practice.
- c. **Law** – Neb. Rev. Stat. § 81-15,175(2)(d) requires the Board to have a “[g]eographic mix of projects over time.” 137 Neb. Admin. Code, ch. 7, § 003.05 states that “points may be awarded to projects in specific areas if it becomes apparent that the area is receiving funding for proportionately fewer projects than other areas of the state.”
 - i. *Findings* – The Board determines project distribution using seven districts, which are based off of districts formerly used by the Nebraska Game and Parks Commission. The Board records the geographic mix by recording the total amount of funding each district receives. The Board then uses these totals to determine which district will receive additional points for the next grant year. There is no known written guidance as to whether the documentation of geographic mix is based on number of projects, amounts of funding, or both.
 1. **Recommendation** – The Board, at its discretion, should consider adopting clear guidance (e.g. rules and regulations) as to how the Board will distribute projects evenly across Nebraska and, if the current system continues, clear communication on whether distribution is based on number of projects, amount of funding, or both. Guidance would likely assist both applicants and the Board in meeting mutual expectations of clarity and transparency.

D. Allocations

- a. **Law** – Pursuant to Neb. Rev. Stat. § 81-15,175(1), “the board shall make annual allocations from the Nebraska Environmental Trust Fund and may make annual allocations each fiscal year from the Nebraska Environmental Endowment Fund for projects which conform to the environmental categories of the board established pursuant to section 81-15,176 and to the extent the board determines those projects to have merit.” Furthermore, if a subcommittee is used to rank projects, which NET does use (the Grants Committee), the subcommittee is required to recommend an amount of funding for each eligible project pursuant to Neb. Rev. Stat. § 81-15,175(5)(c) and 137 Neb. Admin. Code, ch. 6, § 002.02.
 - i. *Findings* – No documentation could be located that outlines guidance or a clear methodology for the Grants Committee or the Board to use in deciding how much financial assistance each project will receive or whether expenses incurred before a grant was awarded are eligible for reimbursement. Guidance would likely assist both applicants and the Board in meeting mutual expectations of clarity and transparency.

1. **Recommendations** – The Board, at its discretion, should consider adopting clear guidance (e.g. rules and regulations) as to:
 - a. How funding amounts are determined by the Grants Committee and the Board; and
 - b. What grantee expenses are eligible for reimbursement once a grant is awarded.

E. Grant Administration & Review

- a. **Law** – As part of the grant administration, 137 Neb. Admin. Code, ch. 9, § 001.01 requires a disbursement schedule to be provided in the grant documents.
 - i. *Findings* – NET did not produce documentation that substantiated this requirement.
 1. **Recommendation** – The Board, at its discretion, should consider reviewing and revising the grant documents and any accompanying guidance to comply with current provision or reviewing and revising regulation to match existing practice.
- b. **Law** – Neb. Rev. Stat. § 81-15,175(7) requires the Board to “conduct annual reviews of existing projects for compliance with project goals and grant requirements.” Furthermore, Neb. Rev. Stat. § 81-15,175(8) permits the Board to “evaluate the long-term effects of the projects it funds” every five years.
 - i. *Findings* – Typical NET contracts with grantees require quarterly reports and a final report. NET’s boilerplate contract is provided with this assessment as Appendix D. The sample of quarterly narratives reviewed by the Team contained updates from the grantee as to the grantee’s activities in the most recent quarter. Many of the reviewed quarterly narratives included pictures. Additionally, line item expenses, receipts, and other details were provided in the reviewed reimbursement requests. Outside of these documents, records substantiating consistent, strong performance reviews of grants, such as site visits, or records substantiating that the grantees comply with contractual obligations were not provided by NET.
 1. **Recommendations** – The Board, at its discretion, should consider:
 - a. Strengthening grant management and oversight efforts, such as by utilizing rules and regulations or relying on clear and effective contractual terms and conditions;
 - b. Ensuring that the Board has mechanisms and information to properly monitor grant progress in relation to payments; and
 - c. Ensuring that the Board has the ability to monitor and enforce post-completion terms and conditions, such as whether the project had the effect intended and whether the project complied with applicable contractual terms and conditions.
- c. **Law** – 137 Neb. Admin. Code, ch. 9, § 004 states, “the grant period shall be a set period of time designated in the grant documents based upon activities approved for grant funding. All grant funds shall be expended in accordance with conditions of the grant. Any unexpended funds remaining after the grant period shall be returned by the grantee to the Fund.” Additionally, 137 Neb. Admin. Code, ch. 9, § 014 requires the Executive Director to conduct periodic financial audits of projects “to ensure proper use of grant funds and to determine compliance with these regulations and with the grant agreement.” Other provisions within chapter 9 of Title 137 discuss other conditions on grant funds, such as sections 010 through 012.
 - i. *Findings* – While there is at least one record that indicates an on-site audit was conducted in 2011, NET did not produce documentation that substantiated these requirements are met or that NET consistently verifies that grant funds are expended in accordance with the conditions of the grant or with regulations.
 1. **Recommendation** – The Board, at its discretion, should consider examining whether grant review is adequate and meets NET’s needs and expectations.

- d. **Law** – 137 Neb. Admin. Code, ch. 9, § 009 requires grantees to “submit periodic progress reports as required to the Executive Director during the grant period. At the end of the grant period, the grantee shall submit a final financial report summarizing the project. Failure to submit the progress reports may be considered a violation of the grant agreement.”
 - i. *Findings* – NET provided documentation that grantees submit financial documents to NET when requesting reimbursement, however, NET did not demonstrate that all grantees submit a “final financial report summarizing the project” after the grant period.
 - 1. **Recommendation** – The Board, at its discretion, should consider reviewing and revising the contractual agreement and any accompanying guidance to comply with current law or reviewing and revising regulations to match existing practice.
- e. **Law** – In addition to periodic financial reports, Grantees must submit annual reports to the Board in accordance with 137 Neb. Admin. Code, ch. 9, § 013.
 - i. *Findings* – NET did not produce documentation substantiating that Grantees submit annual reports. Per the contractual agreements, Grantees do submit quarterly progress reports to NET and a final project report after the project has completed.
 - 1. **Recommendation** – The Board, at its discretion, should consider reviewing and revising the contractual agreement and any accompanying guidance to comply with current law or reviewing and revising regulations to match existing practice.
- f. **Law** – 137 Neb. Admin. Code, ch. 9, § 005 provides that “[a]ny grant agreement which includes the transfer or acquisition of real property which is taxable before such transfer or acquisition shall specify a mechanism to address the continued payment of property taxes or payments in lieu of property taxes.”
 - i. *Findings* – NET requires grantees to provide proof of annual tax payments.
 - 1. **Recommendation** – The Board, at its discretion, should consider examining the regulation and determining whether the Board should address property tax concerns prospectively, retrospectively, or both.
- g. **Law** - 137 Neb. Admin. Code, ch. 9, § 006 permits, but does not mandate, grant agreements that include construction projects to have very specific terms and conditions that assist with NET oversight of such construction projects.
 - i. *Findings* – NET did not provide records demonstrating that NET leverages specific terms and conditions permitted by law for grants that include construction projects.
 - 1. **Recommendation** - The Board, at its discretion, should consider incorporating construction-specific terms and conditions in grant agreements that include construction projects.

F. Transparency & Communication

- a. **Best Practice** – When working with a competitive process, it is best practice to provide as much transparency and clarity as possible to the potential applicants and those facilitating the process as to what is expected of them. Doing so avoids misunderstandings and can potentially mitigate legal consequences.
 - i. *Findings* – Title 137 of the Nebraska Administrative Code and NET’s website describe aspects of NET’s grant process, but clear and comprehensive guidance is not accessible to the public.
 - 1. **Recommendations** – The Board, at its discretion, should consider:
 - a. Seeking assistance of the state’s Center of Operational Excellence for assistance in reviewing and potentially optimizing the entire grant process, including the processes related to application intake, review and award of grants, and post-award oversight;

- b. Clarifying to the public when funding is awarded so that potential grantees do not start incurring expenses until the Board, as opposed to the Grants Committee, finally approves an award; and
- c. Ensuring that Board members, staff, and the public understand the entire grant process.

G. Open Meetings Act

- a. **Law** – If the Board uses a subcommittee to rate grant applications, Neb. Rev. Stat. § 81-15,175(5) states that the subcommittee is subject to the Open Meetings Act. Neb. Rev. Stat. §§ 84-1407 to 84-1414 outlines the requirements of the Open Meetings Act.
 - i. *Findings* – Compliance with portions of the Open Meetings Act could not be substantiated for the Grants Committee.
 - 1. **Recommendations** – The Board, at its discretion, should consider having the Grants Committee review the Open Meetings Act and make adjustments accordingly.

IV. Bylaws of the Nebraska Environmental Trust Board

Per the Nebraska Environmental Trust Act, specifically Nebraska Revised Statute § 81-15,173, the Board “shall have and may exercise the following powers and duties,” which includes “[adopting] bylaws to govern the proceedings of the board.”

A. Committees

- a. **Law** – Article IV, Section 1.E. of the Board’s Bylaws establishes a Performance Review Committee.
 - i. *Findings* – The committees in the Adopted Policies and the Bylaws are not consistent. Specifically, the Bylaws, but not the Policies, provide for a Performance Review Committee. The Policies, but not the Bylaws, provide for a Technical Review Committee.
 1. **Recommendation** – The Board, at its discretion, should consider establishing and listing all committees in one place or making the committees consistent across documentation.

V. Adopted Policies of the Nebraska Environmental Trust

A. Generally

- a. **Law** – NET is primarily governed by statutes, rules and regulations, bylaws, and policies. Each type of legal authority has a proper place and purpose. Statutes are written laws passed by a legislative body. Rules and regulations are written aids for complying with statute that have the force of law when properly adopted and promulgated. Official guidance documents, which are binding on the agency when properly adopted, aid the public in interpreting or implementing statutes or rules or regulations. Bylaws are rules primarily used to govern conduct of meetings and members. Policies are best used for internal operation documents to guide agency staff and do not usually have the force of law or bind the public.
 - i. *Findings* – There are several topics in NET’s Adopted Policies that seem to place additional requirements on grant applicants or address matters that may be more appropriate in a bylaw or rule or regulation.
 1. **Recommendations** – The Board, at its discretion, should consider:
 - a. Utilizing official guidance documents to assist members of the public;
 - b. With the assistance of the Attorney General’s office, reviewing and revising all governing documents, including the Adopted Policies, to ensure that the topics are located in the most appropriate place; and
 - c. At a minimum, de-regulating by removing regulations in Title 137 that mirror statutes.

B. Technical Advisory Committee

- a. **Law** – 137 Neb. Admin. Code, ch. 5, § 006 & ch. 6, § 001 discuss using technical advisory committees to assist reviewing grants. 137 Neb. Admin. Code, ch. 6, § 001 mentions that these committees are established by the Board, which is consistent with Neb. Rev. Stat. § 81-15,175(1). These committees are not discussed in the Bylaws, but are brought up in the Adopted Policies for the purposes of outlining qualifications. Specifically, a technical adviser may be: “An employee of a state or federal agency may be nominated by the agency to serve as a technical advisor to the Trust who has expertise in fields relevant to evaluation of application including finance. A privately employed individual must possess advanced training in a field relevant to evaluation of applications or finance submitted to the Trust, and five years of professional experience.”
 - i. *Findings* – NET did not provide documentation as to who officially chooses the technical advisers, the process in which they are chosen, or whether private advisers have five years of professional experience. Appendix E lists NET’s current technical advisers and the labels indicating NET’s designated area of expertise. Furthermore, technical reviewers are sorted into review groups, but documentation was not provided as to how the technical reviewers are sorted or how the review groups are established. The current review categories are listed in Appendix F.
 1. **Recommendations** – The Board, at its discretion, should consider:
 - a. Establishing a clear written process for selection of reviewers, including developing written minimum qualifications or expectations of technical reviewers; and
 - b. Paying experts or entities for review services.
- b. **Policy** – Per section III, subsection C of the Adopted Policies, members of the technical advisory committee are required to “[d]isclose any relationship s/he may have or have had with an applicant or project that could influence [the reviewer’s] evaluation” and “[d]eclare a conflict of interest, if s/he feels one exists for any reason. No explanation of the nature of the conflict is required. The reviewer is to return any such application to the Trust office immediately.”

- i. *Findings* – It is unknown how often this occurs or whether technical advisory committee members are abiding by this.
 - 1. **Recommendations** – The Board, at its discretion, should consider reviewing the conflict of interest provisions placed on technical reviewers and revising as the Board sees fit. In the Board’s review, the Board may want to consider what is asked of executive branch officials and employees pursuant to Neb. Rev. Stat. § 49-1499.02, which provides, in part, as follows:
 - a. “(1) An official or employee of the executive branch of state government who would be required to take any action or make any decision in the discharge of his or her official duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner: (a) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and (b) Deliver a copy of the statement to the commission and to his or her immediate superior, if any, who shall assign the matter to another. If the immediate superior does not assign the matter to another or if there is no immediate superior, the official or employee shall take such action as the commission shall advise or prescribe to remove himself or herself from influence over the action or decision on the matter.”

C. Open Meetings Act

- a. **Law** – Section II.E. of the Adopted Policies states that “[a] technical advisor has the right to . . . expect their comments to be treated as confidential until the evaluation process is complete.” Neb. Rev. Stat. §§ 84-1407 to 84-1414 outlines the requirements of the Open Meetings Act.
 - i. *Findings* – Grants Committee compliance with portions of the Open Meetings Act could not be substantiated.
 - 1. **Recommendation** – The Board, at its discretion, should consider reviewing this policy, having the Grants Committee review the Open Meetings Act, and adjusting accordingly.

VI. NET Board Staff Operations & Management

A. Personnel Management & Resources

- a. **Law** – Nebraska Revised Statute Section 81-15,173(3) and chapter 1, subsection 003.04 of Title 137 of the Nebraska Administrative Code provide for NET to contract with Nebraska Game and Parks for administrative support. Section IX (A) of the Adopted Policies notes that the Executive Director is responsible for “evaluation of Trust staff” and sections IX (C) (1-6) of the Adopted Policies provide a very detailed process, driven by the Executive Committee, for the board to evaluate the Executive Director, which includes evaluation by board members and teammates.
 - i. *Findings* – NET has contracted with Nebraska Game and Parks for administrative support at least since 2004. See Appendix G. Accordingly, NET teammates use the Nebraska Game and Parks Commission Policy Manual, which includes guidelines for performance management and evaluation. The Policy Manual is included in this assessment as Appendix H. Board staff indicated that they have annual performance reviews and provided examples of staff members’ goals. Most of the goals for the reviewed staff members did not include any specific deadlines, milestones, or data points to be measured.
 1. **Recommendations** – The Board, at its discretion, should consider reviewing current practices to ensure performance management of the Executive Director and teammates is in line with NET’s expectations.

VII. Appendices

Appendix A

The Department of Administrative Services (DAS) has the authority to conduct such reviews per Nebraska Revised Statute § 81-129, which states:

“It shall be the duty of the Director of Administrative Services to keep in close communication with each department, office, board, bureau, commission, or institution in the state for which money is to be appropriated and expended, including the executive and judicial departments, state colleges, university, and state institutions. The director shall make or cause to be made under his or her supervision an investigation of the needs and requirements thereof and whether the appropriations are being judiciously and economically expended for the purposes for which they were made and shall transmit to the Governor and to the expending agency a complete report of each such investigation. In making such inspections and investigations, he or she shall, at all reasonable times, have access to the offices of all state departments, boards, bureaus, commissions, and institutions and all public works of the state and may, for the purpose of obtaining information as to the operation and fiscal needs thereof, examine the books, papers, and public records therein, and the activities shall, through their proper officers, furnish such data, information, or statements as may be requested of them.”

Appendix B

Assessment of the Nebraska Environmental Trust Act

The below chart catalogs the Act's contents in detail and records the assessment of NET's performance against its obligations. The performance is denoted as follows:

- N/A: Not applicable or not assessed.
- No Issue Found: Evidence of compliance exists and there was no evidence of non-compliance.
- Issue Found: Performance improvement is recommended; at least one issue exists, there is a lack of clarity in how the requirement is met, or there are indications of non-compliance.

Statute	Provision	Performance
81-15,167	Act, how cited	N/A
81-15,168	Legislative intent.	N/A
81-15,169	Terms, defined.	N/A
81-15,170	Director of Environment and Energy	No Issue Found
	Director of Natural Resources	No Issue Found
	Director of Agriculture	No Issue Found
	Secretary of the grant and Parks Commission	No Issue Found
	Chief Executive Officer of the DHHS or designee	No Issue Found
	Nine citizens appointed by the Governor	No Issue Found
	... with the approval of a majority of the Legislature.	No Issue Found
	Three appointees from each of the three congressional districts.	No Issue Found
	The board shall hire an executive director	No Issue Found
	The Game and Parks Commission shall provide administrative support	No Issue Found
81-15,170.01	Comply with the conflict of interest provisions of the Accountability and Disclosure Act.	No Issue Found
	State agency director abstains from voting on applications funding to his or her agency.	N/A
81-15,171	The citizen members of the board shall be appointed for terms of six years.	N/A
	Replacement appointed for the remainder of such term	N/A
	All members shall be reimbursed for expenses.	N/A
81-15,172	Annually elect a chairperson from among the citizen members	No Issue Found
	meet at least quarterly	No Issue Found
81-15,173	The board shall have and may exercise the following powers and duties:	N/A
81-15,173(1)	Adopt bylaws to govern the proceedings of the board	No Issue Found
81-15,173(2)	Keep records, conduct hearings, and adopt and promulgate rules and regulations	No Issue Found
81-15,173(3)	Contract with the Game and Parks Commission for administrative support	No Issue Found
81-15,173(4)	Contract ... to receive services and technical assistance	N/A
81-15,173(5)	Contract ... to provide services and technical assistance;	N/A
81-15,173(6)	Establish categories for use of funds and develop an appropriate rating system for each.	No Issue Found
81-15,173(7)	Establish ad hoc advisory boards and subcommittees;	No Issue Found
81-15,173(8)	Sponsor or assist environmental proposals pertaining to the environmental categories of the board, including issuing grants to agencies, organizations, and persons engaged in the purposes of the trust;	No Issue Found
81-15,173(9)	Cooperate with or assist any unit of the state, any political subdivision, or any private, public, or federal agency, foundation, or person in furtherance of the purposes of the trust;	No Issue Found
81-15,173(10)	Acquire and dispose of personal property in furtherance of the purposes of the trust;	N/A
81-15,173(11)	Apply for or accept any gift, grant, bequest, royalty, or donation, designate the fund to which it will be credited, and expend the proceeds in furtherance of the purposes of the trust.	N/A
81-15,174	Nebraska Environmental Trust Fund is created	N/A

	maintained in the state accounting system as a cash fund	N/A
	the fund shall be used to carry out the purposes of the Nebraska Environmental Trust Act, including the payment of administrative costs	N/A
	include proceeds credited pursuant to section 9-812	N/A
	and proceeds designated by the board pursuant to section 81-15,173	N/A
	Funds available for investment shall be invested by the state investment officer.	N/A
81-15,174.01	Nebraska Environmental Endowment Fund is created	N/A
	include proceeds designated by the board pursuant to section 81-15,173, including grants from the Nebraska Environmental Trust Fund.	N/A
	Fund shall be no more than twice the total of any other proceeds received by the Nebraska Environmental Endowment Fund for the same year	
	Such grants, considered in the aggregate, shall in no case exceed fifty percent of the total proceeds credited to the Nebraska Environmental Trust Fund pursuant to section 9-812 for that year.	
	Funds available for investment shall be invested by the state investment officer.	
	Allocations received by the Nebraska Environmental Endowment Fund from the Nebraska Environmental Trust Fund shall not be reallocated by the board, but shall remain invested.	
	Any interest income earned by the Nebraska Environmental Endowment Fund shall be available for allocation by the board as provided in section 81-15,175.	
81-15,175(1)	The board may make an annual allocation each fiscal year from the Nebraska Environmental Trust Fund to the Nebraska Environmental Endowment Fund as provided in section 81-15,174.01.	N/A
	The board shall make annual allocations from the Nebraska Environmental Trust Fund and may make annual allocations each fiscal year from the Nebraska Environmental Endowment Fund for projects which conform to the environmental categories of the board established pursuant to section 81-15,176 and to the extent the board determines those projects to have merit.	No Issue Found
	The board shall establish a calendar annually for receiving and evaluating proposals and awarding grants.	No Issue Found
	To evaluate the economic, financial, and technical feasibility of proposals, the board may establish subcommittees, request or contract for assistance, or establish advisory groups.	No Issue Found
	Private citizens serving on advisory groups shall be reimbursed for expenses pursuant to sections 81-1174 to 81-1177.	N/A
81-15,175(2)	The board shall establish rating systems for ranking proposals which meet the board's environmental categories and other criteria. The rating systems shall include, but not be limited to, the following considerations:	No Issue Found
81-15,175(2)(a)	Conformance with categories established pursuant to section 81-15,176	Issue Found
81-15,175(2)(b)	Amount of funds committed from other funding sources	Issue Found
81-15,175(2)(c)	Encouragement of public-private partnerships;	Issue Found
81-15,175(2)(d)	Geographic mix of projects over time;	Issue Found
81-15,175(2)(e)	Cost-effectiveness and economic impact;	Issue Found
81-15,175(2)(f)	Direct environmental impact;	Issue Found
81-15,175(2)(g)	Environmental benefit to the public and the long-term nature of such public benefit	Issue Found
81-15,175(2)(h)	2011-12, 2012-13, and 2013-14 funding actions.	N/A
81-15,175(3)(a-c)	2013 and 2014 funding actions.	N/A
81-15,175(4)	It is the intent of the Legislature that the Department of Natural Resources apply for an additional three-year grant from the Nebraska Environmental Trust Fund that would begin in fiscal year 2014-15, a three-year grant that would begin in fiscal year 2017-18, and a three-year grant that would begin in fiscal year 2020-21 and such application shall be awarded fifty priority points in the ranking process as set forth in subdivision (2)(h) of this section if the following criteria are met:	N/A
81-15,175(4)(a)(i-iii)	Committee report due in 2012.	N/A
81-15,175(4)(b)	Committee report due in 2014.	N/A
81-15,175(4)(c)(i-iii)	Reporting due to the Board in 2014.	N/A

81-15,175(5)	The board may establish a subcommittee to rate grant applications. If the board uses a subcommittee, the meetings of such subcommittee shall be subject to the Open Meetings Act.	Issue Found
81-15,175(5)(a)	[The subcommittee shall] use the rating systems established by the board under subsection (2) of this section,	No Issue Found
81-15,175(5)(b)	[The subcommittee shall] assign a numeric value to each rating criterion, combine these values into a total score for each application, and rank the applications by the total scores	No Issue Found
81-15,175(5)(c)	[The subcommittee shall] recommend an amount of funding for each application, which amount may be more or less than the requested amount	Issue Found
81-15,175(5)(d)	[The subcommittee shall] submit the ranked list and recommended funding to the board for its approval or disapproval.	No Issue Found
81-15,175(6)	The board may commit funds to multiyear projects, subject to available funds and appropriations. No commitment shall exceed three years without formal action by the board to renew the grant or contract. Multiyear commitments may be exempt from the rating process except for the initial application and requests to renew the commitment.	No Issue Found
81-15,175(7)	The board shall adopt and promulgate rules and regulations and publish guidelines governing allocations from the fund. The board shall conduct annual reviews of existing projects for compliance with project goals and grant requirements.	Issue Found
81-15,175(8)	Every five years the board may evaluate the long-term effects of the projects it funds. The evaluation may assess a sample of such projects. The board may hire an independent consultant to conduct the evaluation and may report the evaluation findings to the Legislature and the Governor. The report submitted to the Legislature shall be submitted electronically.	Issue Found
81-15,176(1)	The board shall establish environmental categories of projects eligible for funding by the trust. The board, after allowing opportunity for public comment, shall designate as categories those environmental goals which most affect ...	No Issue Found
	In designating environmental categories, the board shall attempt to focus on the areas which promise the greatest opportunities for effective action to achieve and preserve the future environmental quality in the state	No Issue Found
	The board shall establish categories for five-year periods beginning July 1, 1995.	No Issue Found
	The board shall provide for public involvement in developing the categories for such five-year periods and any priorities within these categories, including, but not limited to, public meetings in each of the three congressional districts.	No Issue Found
81-15,176(2)	The board shall establish criteria for determining the eligibility of projects for grant assistance, which criteria shall include the following:	Issue Found
81-15,176(2)(a)	The grants shall not provide direct assistance to regulatory programs or to implement actions mandated by regulations except remediation;	Issue Found
81-15,176(2)(b)	No more than sixty percent of grant allocations in any year shall assist remediation of soils or ground water, and no grants for this purpose shall occur unless all other available sources of funding are, in the opinion of the board, being substantially utilized;	Issue Found
81-15,176(2)(c)	The grants shall not pay for projects which provide primarily private benefits or relieve private liability for environmental damage;	Issue Found
81-15,176(2)(d)	The grants shall not pay for projects which have direct beneficiaries who could afford the costs of the benefits without experiencing serious financial hardship;	Issue Found
81-15,176(2)(e)	The grants should assist those projects which offer the greatest environmental benefits relative to cost;	Issue Found
81-15,176(2)(f)	The grants should assist those projects which provide clear and direct environmental benefits;	Issue Found
81-15,176(2)(g)	The grants should assist those projects which will make a real contribution to achieving the board's environmental categories;	Issue Found
81-15,176(2)(h)	The grants should assist those projects which offer the greatest public benefits; and	Issue Found
81-15,176(2)(i)	The grants shall not pay for land or easements acquired without the full and express consent of the landowner.	Issue Found
81-15,176(3)	Until the first five-year categories become effective on July 1, 1995, the board shall observe the following categories for allocating grants:	N/A

81-15,176(3)(a)	Critical habitat areas, including wetlands acquisition, preservation, and restoration and acquisition and easements of areas critical to rare or endangered species;	N/A
81-15,176(3)(b)	Surface water quality, including actions to preserve lakes and streams from degradation;	N/A
81-15,176(3)(c)	Ground water quality, including fostering best management practices as defined in section 46-706, actions to preserve ground water from degradation, and remediation of soils or ground water; and	N/A
81-15,176(3)(d)	Development of recycling markets and reduction of solid waste volume and toxicity.	N/A
81-15,176(4)	The board may refine and clarify these initial categories.	N/A

Appendix C

Assessment of Title 137 of the Nebraska Administrative Code

The below chart catalogs Title 137 of the Nebraska Administrative Code’s contents in detail and records the assessment of NET’s performance against its obligations. The performance is denoted as follows:

- N/A: Not applicable or not assessed.
- No Issue Found: Evidence of compliance exists and there was no evidence of non-compliance.
- Issue Found: Performance improvement is recommended; at least one issue exists, there is a lack of clarity in how the requirement is met, or there are indications of non-compliance.
- See [Statute]: Regulation is similar to or mirrors statute; refer to corresponding statute in Appendix B.

Section	Subject	Status
137 Neb. Admin. Code, ch. 1, § 001	The Environmental Trust Fund shall be administered by the Board for the purpose of conserving, enhancing, and restoring the natural physical and biological environment in Nebraska, including the air, land, ground water and surface water, flora and fauna, prairies and forests, wildlife and wildlife habitat, and natural areas of aesthetic or scenic values. In a manner consistent with these rules and regulations and the governing statute, the Board shall administer the Trust Fund to complement existing governmental and private efforts by encouraging and leveraging the use of private resources on environmental needs with the greatest potential benefit on future environmental quality in Nebraska.	See § 81-15,168
137 Neb. Admin. Code, ch. 1, § 002	The Nebraska Environmental Endowment Fund shall be administered by the Board to provide an enhanced and partially self-perpetuating source of income for the Trust. The Endowment Fund shall include proceeds designated therefore by the board from any gift, grant, bequest, royalty or donation and the proceeds of any grant made by the Board to the Endowment Fund pursuant to Neb. Rev. Stat. § 81-15,174.01.	See § 81-15,174.01
137 Neb. Admin. Code, ch. 1, § 003	The functions of the Board shall be to:	See § 81-15,173
137 Neb. Admin. Code, ch. 1, § 003.01	Administer the Environmental Trust Fund and the Nebraska Environmental Endowment Fund in a manner consistent with the rules and regulations and applicable statutes of the state of Nebraska.	N/A
137 Neb. Admin. Code, ch. 1, § 003.02	Apply for and accept gifts, grants, bequests, royalties and donations for the purposes of the Funds; acquire and dispose of personal property in furtherance of the purposes of the Funds; and designate the Fund where such gifts, grants, bequests, royalties and donations shall be credited.	See § 81-15,173(10) & (11)
137 Neb. Admin. Code, ch. 1, § 003.03	Adopt by-laws to govern the proceedings of the board; keep records, conduct hearings, adopt and promulgate rules and regulations to carry out its duties and implement the Nebraska Environmental Trust Act.	See § 81-15,173(1) & (2)
137 Neb. Admin. Code, ch. 1, § 003.04	Contract with the Nebraska Game and Parks Commission for administrative support including, but not limited to, payroll and accounting functions.	See § 81-15,173(3)
137 Neb. Admin. Code, ch. 1, § 003.05	Contract with governmental and private agencies to receive services and technical assistance.	See § 81-15,173(4)

137 Neb. Admin. Code, ch. 1, § 003.06	Contract with governmental and private agencies to provide services and technical assistance.	See § 81-15,173(5)
137 Neb. Admin. Code, ch. 1, § 003.07	Establish ad-hoc advisory boards and subcommittees.	See § 81-15,173(7)
137 Neb. Admin. Code, ch. 1, § 003.08	Establish environmental funding categories for the use of the funds.	See § 81-15,173(6)
137 Neb. Admin. Code, ch. 1, § 003.09	Sponsor or assist environmental proposals; cooperate with or assist other units of the state, political subdivisions, and private, public and federal agencies, foundations and individuals in furtherance of the purposes of the Trust.	See § 81-15,173(8)
137 Neb. Admin. Code, ch. 1, § 003.10	Award and issue grants pursuant to a calendar established annually to govern grant submission, review and award.	See § 81-15,175(1)
137 Neb. Admin. Code, ch. 1, § 003.11	The Board shall hire an Executive Director, who shall hire and supervise other staff members as may be authorized by the board. The Executive Director shall serve at the pleasure of the Board and be solely responsible to it.	See § 81-15,170
137 Neb. Admin. Code, ch. 1, § 003.11	Initial statutory funding categories; refining and clarifying initial funding categories; establishing five-year funding categories; refinements and clarifications in five-year funding categories; annual priorities within funding categories.	See § 81-15,176(1), (3), & (4)
137 Neb. Admin. Code, ch. 1, § 004	The Board shall not:	N/A
137 Neb. Admin. Code, ch. 1, § 004.01	Own land or be the holder of any other legal interest in land.	N/A
137 Neb. Admin. Code, ch. 1, § 004.02	Undertake conservation projects under the funding categories for expenditure of the Funds as a sole sponsor.	No Issue Found
137 Neb. Admin. Code, ch. 1, § 005	Members of the board shall comply with the conflict of interest provisions of the Nebraska Political Accountability and Disclosure Act.	See § 81-15,170.01
137 Neb. Admin. Code, ch. 1, § 005.01	Agency Director Abstentions. In addition, any board member who is also director of a state agency shall abstain from voting on applications where more than 50% of the value of grant award accrues to the agency as primary, tangible benefits. Grant funds administered by the agency and passed through to other grant recipients are not considered to accrue value to the agency.	See § 81-15,170.01
137 Neb. Admin. Code, ch. 1, § 006	The board may evaluate the long-term effects of the projects it funds every five (5) years. The evaluation may assess a sample of projects. The Board may hire an independent consultant to conduct the evaluation and may report the evaluation findings to the Legislature and the Governor.	See § 81-15,175(8)
137 Neb. Admin. Code, ch. 2, § 001	The Board shall observe the following initial funding categories for allocating funds prior to July 1, 1995. The funding categories listed below are not listed with any particular significance as to their priority.	See § 81-15,176(3)
137 Neb. Admin. Code, ch. 2, § 001.01	Critical habitat areas, including wetlands acquisition, preservation, and restoration and acquisition and easements of areas critical to rare or endangered species.	See § 81-15,176(3)(a)
137 Neb. Admin. Code, ch. 2, § 001.02	Surface water quality, including actions to preserve lakes and streams from degradation;	See § 81-15,176(3)(b)

137 Neb. Admin. Code, ch. 2, § 001.03	Ground water quality, including fostering “best management” practices as defined in Nebraska Revised Statute § 46-706, actions to preserve ground water from degradation, and remediation of soils or ground water; and	See § 81-15,176(3)(c)
137 Neb. Admin. Code, ch. 2, § 001.04	Development of recycling markets and reduction of solid waste volume and toxicity	See § 81-15,176(3)(d)
137 Neb. Admin. Code, ch. 2, § 002	The Board may make any desired refinements and clarifications in these initial funding categories as appropriate. Before making such refinements and clarifications, the Board shall hold at least one public meeting where the public is offered the opportunity of commenting on the proposed refinements and clarifications.	See § 81-15,176(4)
137 Neb. Admin. Code, ch. 2, § 003	The Board shall establish funding categories for Trust Fund allocations for five-year periods, the first period beginning on July 1, 1995. The Board will conduct at least one public meeting in each of the three congressional districts to obtain input and recommendations for the first five-year funding categories. Decisions on the initial five-year categories shall be made in accordance with the adopted calendar and shall govern allocations made from the fund after July 1, 1995. Projects which have received allocations in accordance with the statutory categories lasting until July 1, 1995, will remain eligible for disbursements until the project is completed consistent with the original grant agreement.	See § 81-15,176(1)
137 Neb. Admin. Code, ch. 2, § 004	The Board may make any desired refinements and clarifications in five-year funding categories at any time. However, such refinements and clarifications shall not adversely affect the eligibility of a project for funding assistance unless they were adopted prior to the date established by the Board opening the subsequent applications cycle. Before making such refinements and clarifications, the Board shall hold at least one public meeting where the public is offered the opportunity of commenting on the proposed refinements and clarifications.	No Issue Found
137 Neb. Admin. Code, ch. 2, § 005	The Board may establish annual priorities within the Five-Year Categories. The Board will conduct at least one public meeting in each of the three congressional districts to obtain input and recommendations on any annual priorities it may designate.	See § 81-15,176 (1)
137 Neb. Admin. Code, ch. 3, § 001	The Board will establish a fundraising plan and will review the plan at least annually. No solicitation of gifts, grants, bequests, royalties or donations will be conducted outside of this plan, without approval of the Board.	N/A
137 Neb. Admin. Code, ch. 3, § 002.01	The Board may accept any gift, grant, bequest, royalty or donation specifically designated for restricted purposes or projects which fall within the scope and purpose of the Trust as defined in Chapter 1 and funding categories as defined in Chapter 2, except that the Board will not accept title to or legal interest in real property. The Board may establish a dollar value below which it will not accept specifically designated gifts. The Board may refuse any gift, grant, quest, royalty or donation at its sole discretion.	See § 81-15,173(11)
137 Neb. Admin. Code, ch. 3, § 002.02	The Board may establish policies for the management of assets credited to the Funds subject to provisions of statute. Before adopting such policies, the Board shall hold at least one public meeting where the public is offered the opportunity of commenting on the policies.	N/A
137 Neb. Admin. Code, ch. 3, § 002.03	Gifts of cash, including bank notes, checks, money orders, currency or other legal tender will be credited to the Fund designated by the donor, if any. If the donor does not designate a Fund, the gift will be credited to the Endowment Fund.	N/A

137 Neb. Admin. Code, ch. 3, § 002.04	The value of gifts other than cash will be credited to the Fund designated by the donor, if any. If the donor does not designate a fund, the gift will be credited to the Endowment Fund.	N/A
137 Neb. Admin. Code, ch. 3, § 002.05	The Executive Director, on behalf of the Trust, may accept any gift of cash broadly designated for the purposes of the Trust. The Executive Director will not accept any specifically designated or restricted gift of cash or any gift other than cash without prior approval of the Board or a committee designated by the Board to act in its stead.	N/A
137 Neb. Admin. Code, ch. 3, § 003	Allocation of Receipts and Proceeds.	N/A
137 Neb. Admin. Code, ch. 3, § 003.01	The Executive Director will prepare an annual statement of all gifts, grants, bequests, royalties, and donations to the Funds for the prior fiscal year. The statement will indicate donor Fund designations, if any. The statement will include a report of any earnings on gifts, grants, bequests, royalties, donations or investments available for allocation by the Board.	N/A
137 Neb. Admin. Code, ch. 3, § 003.02	The Board may allocate each fiscal year an amount from the Endowment Fund to the Trust Fund for projects which conform to the funding categories of the board to the extent that the board determines those projects have merit. The amount of this allocation shall not include the principal of any grants previously made from the Trust Fund to the Endowment Fund from proceeds originally credited to the Trust Fund pursuant to Nebraska Revised Statute § 9-812.	See § 81-15,175(1)
137 Neb. Admin. Code, ch. 3, § 003.03	The Board may award a grant each fiscal year from the Trust Fund to the Endowment Fund. The grant may not exceed two hundred percent (200%) of all other proceeds credited to the Endowment Fund in that year and may not exceed fifty percent (50%) of the total proceeds credited to the Trust Fund pursuant to Nebraska Revised Statute § 9-812 for that year. Grant awards allocated to the Endowment Fund from the Trust Fund shall remain invested in the Endowment Fund and shall not be reallocated.	See § 81-15,174.01
137 Neb. Admin. Code, ch. 4, § 001	An applicant for financial assistance from the Trust shall comply with prevailing application method(s) approved by the Board no later than three (3) months prior to the submission deadline. The application shall be complete in every aspect at the time of submittal and may include additional information to demonstrate the project's eligibility for funding according to criteria defined in Chapter 5 and to demonstrate the project's consistency with the annual rating factors as defined in Chapter 7.	No Issue Found
137 Neb. Admin. Code, ch. 4, § 001.01	The Executive Director shall review each application submitted and shall determine whether the application is complete for initial review. The Grants Committee of the Board shall review each such application and shall make a preliminary recommendation of approval or rejection of the proposal for eligibility.	Issue Found
137 Neb. Admin. Code, ch. 4, § 001.02	For any application, the Grants Committee will determine whether further information will be needed to evaluate the eligibility of the proposal. If additional information is needed, the Executive Director will so notify the applicant, and provide a reasonable time period for submission of the additional material.	No Issue Found
137 Neb. Admin. Code, ch. 4, § 002	All applications shall be filed by the dates set by the Board as part of the adopted calendar for the application and review processes. All necessary reviews of each application shall also be completed in accordance with that calendar.	See § 81-15,175(1)

137 Neb. Admin. Code, ch. 5, § 001	To be eligible for consideration in the rating processes for funding, the applicant's proposed project must be consistent with the following criteria for eligibility as described in Sections <u>002</u> to <u>006</u> of this Chapter.	Issue Found
137 Neb. Admin. Code, ch. 5, § 001.01	The grants shall not be used to provide direct assistance to regulatory programs.	See § 81-15,176(2)(a)
137 Neb. Admin. Code, ch. 5, § 001.02	The grants shall not be used to implement actions mandated by regulations except remediation.	See § 81-15,176(2)(a)
137 Neb. Admin. Code, ch. 5, § 001.03	No more than sixty percent (60%) of grant allocations in any year shall assist remediation of soils or ground water, and no grants for this purpose shall occur unless all other available sources of funding are, in the opinion of the board, being substantially utilized.	See § 81-15,176(2)(b)
137 Neb. Admin. Code, ch. 5, § 001.04	The fund shall not pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature. Compensation for contributions made to a project, such as land or land rights, shall not constitute payment for private benefits.	See § 81-15,176(2)(c)
137 Neb. Admin. Code, ch. 5, § 001.05	The fund shall not relieve private liability for environmental damage or, except for projects for remediation of soils or ground water, provide assistance to projects in order to relieve such liability. For purposes of this section, "private liability" shall mean liability to a person or entity and shall include fines or penalties imposed by a governmental entity.	See § 81-15,176(2)(c)
137 Neb. Admin. Code, ch. 5, § 001.06	The fund shall not pay for projects to the extent such projects have direct beneficiaries who could afford the costs of the benefits without experiencing serious financial hardship. For purposes of this section, "direct beneficiaries" shall not be deemed to include a person who receives incidental benefits from a project which primarily benefits the general public.	See § 81-15,176(2)(d)
137 Neb. Admin. Code, ch. 5, § 001.07	The grants should assist those projects which offer the greatest environmental benefits relative to cost.	See § 81-15,176(2)(e)
137 Neb. Admin. Code, ch. 5, § 001.08	The grants should assist those projects which provide clear and direct environmental benefits.	See § 81-15,176(2)(f)
137 Neb. Admin. Code, ch. 5, § 001.09	The grants should assist those projects which will make a real contribution to achieving the board's environmental categories.	See § 81-15,176(2)(g)
137 Neb. Admin. Code, ch. 5, § 001.10	The grants should assist those projects which offer the greatest public benefits; and	See § 81-15,176(2)(h)
137 Neb. Admin. Code, ch. 5, § 001.11	The grants shall not pay for land or easements acquired without the full and express consent of the landowner.	See § 81-15,176(2)(i)
137 Neb. Admin. Code, ch. 5, § 002	A project is considered to be environmentally acceptable when:	Issue Found
137 Neb. Admin. Code, ch. 5, § 002.01	The project will not jeopardize the continued existence of any threatened or endangered species or result in the destruction or modification of the critical habitat of any such species and shall meet the requirements contained in the Nongame and Endangered Species Conservation Act, Nebraska Revised Statute § 37-801; and	Issue Found
137 Neb. Admin. Code, ch. 5, § 002.02	The plan of development minimizes any adverse impacts on the natural environment, adequately addresses existing cultural resources and results in environmental net gain.	Issue Found

137 Neb. Admin. Code, ch. 5, § 002.03	In addition to any proposed mitigation measures, all aspects of the project which can be anticipated to result in environmental enhancement shall be considered in determining whether the plan minimizes adverse impacts. The Board may request additional information it deems necessary in determining environmental acceptability. The applicant, if required by the Board, will be provided a reasonable period of time to respond to requests for information and such other items as the applicant of the Board identifies as relevant to the issued of environmental acceptance.	Issue Found
137 Neb. Admin. Code, ch. 5, § 003	A project will be considered to have clear and direct environmental benefits if the realization of those benefits can be reasonable expected, as a result of the project and if those benefits will be obvious, even if not quantifiable. The application will need to describe the environmental benefits anticipated as a result of the project and how those benefits will be clearly and directly attained. Educational projects may be considered to have clear and direct environmental benefits.	Issue Found
137 Neb. Admin. Code, ch. 5, § 004	Only those projects which contribute to the then existing environmental categories established pursuant to Chapter 2 of these rules shall be eligible for financial assistance.	See § 81-15,176(1)
137 Neb. Admin. Code, ch. 5, § 005	For a project to be eligible for funding assistance, it must produce public, not just private, benefits.	See § 81-15,176(2)(c)
137 Neb. Admin. Code, ch. 5, § 006	Financial and technical feasibility may be evaluated by the use of subcommittees, contractual assistance or advisory groups. Standards for each of these factors are as set out below:	See § 81-15,175(1)
137 Neb. Admin. Code, ch. 5, § 006.01	A project is financially feasible if sufficient funds can be made available to complete the project and if sufficient annual revenues can be obtained to operate, maintain, and replace the project as applicable. Each applicant shall submit a project budget identifying the nature and amount of each source of funds to be used for the project; a schedule indicating when such funds will be received; and a schedule indicating when the funds available will be expended for project purposes. The remaining financial data supplied by the applicant will depend upon the type of applicant.	Issue Found
137 Neb. Admin. Code, ch. 5, § 006.02	A project that is structural in nature shall be considered technically feasible when it can and will be designed, constructed, and operated to accomplish the purpose(s) for which it was planned utilizing accepted engineering and other technical principles and concepts. A project which is nonstructural in nature shall be considered to be technically feasible when it can and will be designed and carried out to accomplish the purpose(s) for which it was planned.	N/A
137 Neb. Admin. Code, ch. 6, § 001	Upon receipt of all application material, the Executive Director shall submit the application to the Grants Committee of the Board appointed by the Chairperson and any technical advisory committee(s) established by the Board for final eligibility review. The Grants Committee and Advisory Committees members shall complete their reviews so that the application may be considered in accordance with the calendar established annually by the Board. The Grants Committee or any technical advisory committee member may request the Executive Director to obtain additional information from the applicant.	Issue Found
137 Neb. Admin. Code, ch. 6, § 002	After receiving comments from any technical advisory committee reviewing an application, the Grants Committee shall make the following recommendations to the Board:	N/A

137 Neb. Admin. Code, ch. 6, § 002.01	A recommendation of approval or rejection of the project for funding eligibility.	Issue Found
137 Neb. Admin. Code, ch. 6, § 002.02	A recommended degree of assistance for the project if it is found eligible by the Board and if it receives sufficient ranking to permit funding.	Issue Found
137 Neb. Admin. Code, ch. 6, § 002.03	Any conditions which the Grants Committee recommends be placed on the project to ensure its consistency with the objectives of the Trust Fund and with other state policies, plans, and programs.	N/A
137 Neb. Admin. Code, ch. 6, § 003	Prior to making any recommendation to the Board for approval of a project for funding eligibility, the Grants Committee shall determine that the project is consistent with the requirements of Chapter 5 of these rules.	Issue Found
137 Neb. Admin. Code, ch. 6, § 004	The Grants Committee shall make the recommendations to the Board on project eligibility in accordance with this chapter and at the same time provide the Board with a preliminary ranking list for all projects in accordance with Chapter 7 of these rules.	Issue Found
137 Neb. Admin. Code, ch. 6, § 005	The Board may adopt or revise and adopt the recommendations of the Grants Committee. For each project for which eligibility is established by the Board, the Board shall also establish the total amount of money for which the project is eligible if it receives sufficient ranking for funding. Projects determined eligible for funding by the Board shall not be entitled to any funds until they have been subjected to the ranking processes and have received sufficient ranking for funding given the funds available.	Issue Found
137 Neb. Admin. Code, ch. 7, § 001	Pursuant to this Chapter and the factors set forth herein, the Executive Director shall prepare Project Ranking Systems to be used to rank all applications which are eligible. The Project Ranking Systems shall be approved by an affirmative vote of the Board after public hearing. Similarly, any subsequent amendments to a Project Ranking System shall be approved by an affirmative vote of the Board after public hearing.	See § 81-15,175(2)
137 Neb. Admin. Code, ch. 7, § 002	The Project Ranking Systems adopted by the Board shall be used by the Grants Committee for ranking of projects as described in Chapter 8.	See § 81-15,175(5)(a)
137 Neb. Admin. Code, ch. 7, § 003	The Project Ranking Systems shall assign a numeric value to each criterion and combine these values into a total score for each application. Each Ranking System shall include, but is not limited to, criteria to evaluate each application to the extent that the project will accomplish the following:	See § 81-15,175(5)(b)
137 Neb. Admin. Code, ch. 7, § 003.01	Conform with the funding categories established pursuant to Chapter 2 of these rules.	See § 81-15,175(2)(a)
137 Neb. Admin. Code, ch. 7, § 003.02	Produce a commitment of funds from other funding sources.	See § 81-15,175(2)(b)
137 Neb. Admin. Code, ch. 7, § 003.03	Provide in-kind match to requested grant funds.	Issue Found
137 Neb. Admin. Code, ch. 7, § 003.04	Result in a public-private partnership.	See § 81-15,175(2)(c)
137 Neb. Admin. Code, ch. 7, § 003.05	Help the Board attain a geographic mix of projects over time. This does not mean that a strict geographic mix will be sought during each funding cycle but that points may be awarded to projects in specific areas if it becomes apparent that the area is receiving funding for proportionately fewer projects than other areas of the state.	See § 81-15,175(2)(d)

137 Neb. Admin. Code, ch. 7, § 003.06	Be cost effective. Cost effective shall include, as applicable, a comparison of the cost of the project to its expected monetary and non-monetary benefits and whether there is another reasonably available means of accomplishing the same purpose or purposes more economically.	See § 81-15,175(2)(e)
137 Neb. Admin. Code, ch. 7, § 003.07	Have economic impacts.	See § 81-15,175(2)(e)
137 Neb. Admin. Code, ch. 7, § 003.08	Produce direct environmental impacts.	See § 81-15,175(2)(f)
137 Neb. Admin. Code, ch. 7, § 003.09	Produce environmental benefits to the general public, especially benefits which are long term in nature.	See § 81-15,175(2)(g)
137 Neb. Admin. Code, ch. 7, § 003.10	Provide a plan for evaluating the results of the expenditure of grant funds.	See § 81-15,175(8)
137 Neb. Admin. Code, ch. 7, § 004	Projects which are funded as multi-year projects may be exempted from the ranking process by the Board for the duration of the project or for up to the next two annual rankings following the ranking in which the initial commitment to the project is made provided that annual evaluations of progress toward project goals are submitted and accepted by the Executive Director. No commitment may exceed three years without formal action by the board to renew the grant or contract.	N/A
137 Neb. Admin. Code, ch. 8, § 001	After the evaluation of applications for eligibility, all eligible projects shall be ranked according to the Project Ranking System established and adopted by the Board for the competition to which the application was submitted.	See § 81-15,175(2)
137 Neb. Admin. Code, ch. 8, § 002	Preliminary ranking shall be performed by the Grants Committee of the Board appointed by the Chairperson. In deciding the assignment of points for each eligible project, the Committee shall do so in a manner which provides a fair comparison of projects regardless of cost. More expensive projects shall not receive additional points just because they are larger in scale. Points shall be assigned with consideration of the anticipated effects of the project relative to its costs. The Committee may request assistance from the Executive Director to the extent necessary to evaluate each proposal.	Issue Found
137 Neb. Admin. Code, ch. 8, § 003	The Grants Committee may request additional information from any applicant in written form. All additional supplements shall be in writing and signed by the applicant.	No Issue Found
137 Neb. Admin. Code, ch. 8, § 004	The Grants Committee shall report the results of the ranking process to the Chairperson by the date established therefore on the calendar approved annually by the Board. The report shall indicate the results of the ranking process with the highest scoring project at the top of the list along with the number of points scored and the amount of funding recommended to be approved. Lower ranked projects shall follow in sequential order showing the same information for each.	See § 81-15,175(5)(c)
137 Neb. Admin. Code, ch. 8, § 005	Upon receipt of the Grants Committee report, the Chairperson shall call a meeting of the Board to adopt or revise and adopt the Committee report and schedule a public hearing on the proposed funding list.	No Issue Found

137 Neb. Admin. Code, ch. 8, § 006	After the public hearing is conducted on the proposed funding list, the Board may take action on actual funding. If the Board decides that any proposed project does not have sufficient merit to justify funding from the Trust, the Board may choose not to fund the project notwithstanding its consistency with eligibility criteria or its final ranking. The proposed list may be revised after the public hearing only with the approval of a majority of Board members present.	No Issue Found
137 Neb. Admin. Code, ch. 8, § 007	Notwithstanding ratings determined in this Chapter, no allocation of funds shall be made for remediation in a manner inconsistent with Nebraska Revised Statute § 81-15,176(2)(b).	N/A
137 Neb. Admin. Code, ch. 9, § 001	After the Board takes action to award grants to specific projects, the Executive Director shall begin notification procedures. The Executive Director shall also prepare grant documents for disbursement in accordance with this Chapter.	No Issue Found
137 Neb. Admin. Code, ch. 9, § 001.01	Grant documents shall include a notice of grant award, a disbursement schedule, standard conditions and any special conditions all of which will be included in a grant agreement to be signed by the grantee.	Issue Found
137 Neb. Admin. Code, ch. 9, § 002	The Executive Director shall prepare standard conditions applicable to all grants and shall have discretion to negotiate specific conditions within the limits of the intent specified by the Board.	No Issue Found
137 Neb. Admin. Code, ch. 9, § 003	Grant award letters which bind the Trust Fund shall be signed by the Chairperson and the Executive Director.	No Issue Found
137 Neb. Admin. Code, ch. 9, § 004	The grant period shall be a set period of time designated in the grant documents based upon activities approved for grant funding. All grant funds shall be expended in accordance with conditions of the grant. Any unexpended funds remaining after the grant period shall be returned by the grantee to the Fund.	Issue Found
137 Neb. Admin. Code, ch. 9, § 004.01	All interest earned by grant funds shall be considered a part of the grant and, therefore, is subject to all of the requirements of the grant.	N/A
137 Neb. Admin. Code, ch. 9, § 005	Any grant agreement which includes the transfer or acquisition of real property which is taxable before such transfer or acquisition shall specify a mechanism to address the continued payment of property taxes or payments in lieu of property taxes.	Issue Found
137 Neb. Admin. Code, ch. 9, § 006	Any grant agreement which includes a construction project may require, but not be limited to, the following special conditions:	N/A
137 Neb. Admin. Code, ch. 9, § 006.01	Final plans and specifications shall be approved by the Executive Director. The Executive Director may require that plans and specifications be stamped by a Professional Engineer registered to practice in the State of Nebraska.	Issue Found
137 Neb. Admin. Code, ch. 9, § 006.02	A construction schedule including commencement of construction; accountability for inspection during construction; construction completion; and initiation of operation (if applicable).	Issue Found
137 Neb. Admin. Code, ch. 9, § 006.03	The Executive Director may provide a contingency within the grant for change orders.	Issue Found
137 Neb. Admin. Code, ch. 9, § 006.03A	All change orders must be approved by the Executive Director in a manner set out within the grant agreement.	Issue Found

137 Neb. Admin. Code, ch. 9, § 006.04	Upon completion of the project, a certification of completion shall be filed with the Board, which certifies that construction was substantially consistent with the approved plans and specifications. The certification shall be signed by the grantee. The Executive Director may also require a certification signed by a Professional Engineer registered to practice in the State of Nebraska.	Issue Found
137 Neb. Admin. Code, ch. 9, § 007	The applicant shall assure the Executive Director that all legal requirements have or can be met prior to the allocation of funds. Legal information may include the following as appropriate for the project, this list is not exclusive to other necessary information:	Issue Found
137 Neb. Admin. Code, ch. 9, § 007.01	If the applicant is a governmental entity, citation(s) to the legal authorities relied upon by the applicant to undertake or participate in the project.	Issue Found
137 Neb. Admin. Code, ch. 9, § 007.02	An explanation, with appropriate documentation of legal authorities, of the applicant's intention to finance that part of the project for which assistance from the fund is not requested.	Issue Found
137 Neb. Admin. Code, ch. 9, § 007.03	A showing that the applicant has or can acquire any necessary land rights or water rights.	Issue Found
137 Neb. Admin. Code, ch. 9, § 007.04	Copies of any available proposed or executed contracts or bids for construction or consultant services necessary for completion of the project which would help document the project's estimated costs.	Issue Found
137 Neb. Admin. Code, ch. 9, § 007.05	A listing of any permits, licenses, or other approvals required for the project, their current status, and the estimated schedule for compliance.	Issue Found
137 Neb. Admin. Code, ch. 9, § 007.06	An explanation of the applicant's plan to require consultants, contractors, and subcontractors to obtain liability insurance or bonding to ensure the proper design and construction of the project, as applicable.	Issue Found
137 Neb. Admin. Code, ch. 9, § 007.07	An analysis of the applicant's potential liability for damages because of the project including failure of structural measures and an explanation of the applicant's plan to protect itself from any such liability.	Issue Found
137 Neb. Admin. Code, ch. 9, § 007.08	Such other information, plans, and specifications as requested by the Executive Director or the Board and are reasonably necessary to confirm the applicant's authority.	N/A
137 Neb. Admin. Code, ch. 9, § 008	Funds shall be disbursed to the grantee no more often than once per month in accordance with the grant agreement.	N/A
137 Neb. Admin. Code, ch. 9, § 009	The grantee shall keep financial records for the project and shall submit periodic progress reports as required to the Executive Director during the grant period. At the end of the grant period, the grantee shall submit a final financial report summarizing the project. Failure to submit the progress reports may be considered a violation of the grant agreement. The progress report shall include, but not be limited to:	Issue Found
137 Neb. Admin. Code, ch. 9, § 009.01	A comprehensive expenditure report of all grant funds, including any interest earned on grant funding by line item, and all other income utilized to carry out the project;	No Issue Found
137 Neb. Admin. Code, ch. 9, § 009.02	Copies of all receipts for expenditures of grant funding and expenditures of all interest earned on grant funding;	No Issue Found
137 Neb. Admin. Code, ch. 9, § 009.03	An inventory of all equipment or personal property purchased with grant funding including model number and serial number; and	No Issue Found

137 Neb. Admin. Code, ch. 9, § 009.04	Any additional information required.	N/A
137 Neb. Admin. Code, ch. 9, § 010	If a grantee wishes to modify a project other than one covered by Section 006 above, the grantee must submit a proposed amendment to the grant agreement including a revised line item budget. The proposed amendment must be submitted to the Executive Director at least thirty (30) days prior to the requested changes with an explanation of need. The Executive Director will then either approve or deny the proposal and inform the grantee in writing of his or her decision.	N/A
137 Neb. Admin. Code, ch. 9, § 010.01	Any expenditure of grant funds not in accordance with the grant agreement and not pursuant to the process set out in Section <u>008</u> may be considered a violation of the grant requirement.	Issue Found
137 Neb. Admin. Code, ch. 9, § 011	Equipment and other personal property purchased with grant funding shall be used only for purposes of the grant.	Issue Found
137 Neb. Admin. Code, ch. 9, § 012	Failure by the grantee to comply with these regulations or with the grant agreement may result in a revocation of the grant, a withholding of grant disbursements or a requirement to reimburse the fund for money already disbursed under the agreement.	Issue Found
137 Neb. Admin. Code, ch. 9, § 012.01	Prior to any action under Section 012 by the Executive Director, there shall be a written notice to the grantee explaining the intended action and the reason it may be taken. The grantee shall have fifteen (15) days to respond to the notice and may request an informal meeting with the Executive Director within that time frame. After fifteen (15) days have expired, the Executive Director may proceed with his or her action under Section 012.	N/A
137 Neb. Admin. Code, ch. 9, § 013	In addition to financial progress reports as required in Section 009, grantees shall submit annual reports to the Board. The Board shall conduct annual reviews of all projects for compliance with the project goals and grant requirements. Annual reports shall be due as specified in the grant agreement.	Issue Found
137 Neb. Admin. Code, ch. 9, § 014	The Executive Director shall conduct periodic financial audits of all projects at a frequency as determined by the Executive Director. Audits shall be performed to ensure proper use of grant funds and to determine compliance with these regulations and with the grant agreement.	Issue Found
137 Neb. Admin. Code, ch. 9, § 014.01	Grantees shall retain all records related to a project and shall allow access to the records by the Executive Director or his or her designee during regular business hours or at any reasonable hour of the day.	N/A
137 Neb. Admin. Code, ch. 9, § 014.02	The grantee shall allow access for inspection of any equipment, property, or other tangible object for which grant funds were expended to the Executive Director or his or her designee.	N/A
137 Neb. Admin. Code, ch. 10, § 001	“Calendar” shall mean the calendar established each year by the Board to set out various deadline dates relating to establishment of funding categories, receipt and review of grant applications, and allocation of grants.	N/A
137 Neb. Admin. Code, ch. 10, § 002	“Applicant” shall mean any person, or their authorized agent, who submits and signs an application for grant allocations.	N/A
137 Neb. Admin. Code, ch. 10, § 003	“Executive Director” shall mean the Executive Director of the Nebraska Environmental Trust.	N/A

137 Neb. Admin. Code, ch. 10, § 004	“In-kind Match” shall mean the economic value of any non-monetary donated contribution to the development of a project by the applicant or project co-sponsors including but not limited to labor, equipment usage, lands, land rights, facilities or other items essential to the project.	N/A
137 Neb. Admin. Code, ch. 10, § 005	“Primary, Tangible Benefits” shall mean a project's net values, expressed in monetary terms, of increases in products and services and of reductions in costs, damages, or losses of primary beneficiaries.	N/A
137 Neb. Admin. Code, ch. 10, § 006	"Board" shall mean the Nebraska Environmental Trust Board.	See § 81-15,169(1)
137 Neb. Admin. Code, ch. 10, § 007	“Trust Fund" shall mean the Nebraska Environmental Trust Fund.	See § 81-15,169(2)
137 Neb. Admin. Code, ch. 10, § 008	“Endowment Fund” shall mean the Nebraska Environmental Endowment Fund.	N/A
137 Neb. Admin. Code, ch. 10, § 009	“Funds” shall mean both the Nebraska Environmental Trust and the Nebraska Environmental Endowment.	N/A

Appendix D

NET Grantee Contract Boilerplate

**NEBRASKA ENVIRONMENTAL TRUST
2021 GRANT CONTRACT**

A. PARTIES TO THE CONTRACT

This contract is entered into by and between the Nebraska Environmental Trust (the Trust) and the «Sponsor_Name» (the Sponsor).

B. PRIMARY CONSIDERATIONS OF THE CONTRACT

The Sponsor submitted an application, «App_ID» – «Project_Name», to the Trust for a grant on or before September 8, 2020. On April 8, 2021, following evaluation of the application and any attachments, the Trust Board approved a grant in the amount of up to «M_2021_Award»«Contingencies» to be awarded as provided by this contract consistent with the Environmental Trust Fund Act of 1992 and subsequent provisions, rules and regulations and pending available funds. The project application and all associated documents are by reference made part of this contract. By entering into this contract, the Sponsor(s) commit to the implementation of the project as described in the application, and subsequent correspondence, documentation and amendments.

At the request of the Trust, a new budget outline will be prepared by the Sponsor. This outline replaces any previous project budget information submitted and is by reference made part of this grant contract.

C. TERM OF THE FUNDING PERIOD AND CONTRACTUAL OBLIGATIONS

The project funding period shall begin with the last date this contract is signed and shall terminate on «Expiration_Date». Funds not expended within this period shall be immediately forfeited by the Sponsor without action by the Trust. The terms and conditions of this contract shall remain in effect for the useful life of the project and its components, except as otherwise provided.

D. REPORTING OBLIGATIONS OF THE SPONSOR

1. Financial Reports and request for disbursement.

The Sponsor hereby agrees to submit properly documented statements of costs for which grant funds are sought, pursuant to the terms of this contract, for approved grant activities on a form that will be supplied by the Trust. Proper documentation shall be considered to be copies of invoices containing the name and address of the vendor and an itemized list of services or goods with costs and the date of service or delivery. These statements and reports shall be signed by the project representative of the Sponsor(s).

The Trust will reimburse the Sponsor for these costs following receipt of the statements and reports specified in this section, subject to conditions contained in this section, Section E and elsewhere in this contract.

The Sponsor agrees to file such statements and reports according to the following schedule:

<u>Project Period</u>	<u>Report Due Date</u>
From inception through September 30, 2021	October 31, 2021
From October 1 through December 31, 2021	January 31, 2022
From January 1, 2022 through March 31, 2022	April 30, 2022
From April 1 through June 30, 2022	July 31, 2022

2. Project progress and activity reports.

The Sponsor agrees to provide periodic reports including a narrative description of all project activities, participants, outcomes, variances and deviations from the project application according to the above schedule.

A final report is also due 30 days after the termination of the contract. This report must include a summary of the activities, partners, and results of the project from inception to completion and include all in-kind and matching contributions. This final report must also include quantifying results and statistics about the project's success. The report should include results such as volumes recycled, acres planted, acres restored, linear feet of bank restored, etc.

E. CONDITIONS GOVERNING TRANSFER OF FUNDS

The Trust will transfer the funds specified in this contract to the Sponsor following receipt and audit of required documentation as specified in Section D. The Trust may, at its discretion, reduce the amount of any transfer or withhold payment pending resolution of any dispute regarding any expenditure, activity or statement submitted by the Sponsor.

All funds disbursed to the Sponsor pursuant to this contract shall be disbursed solely for costs necessarily incurred in the execution of the project as described in the application and associated documents, including any amendments thereto which are approved by the Trust.

Any and all interest earned by the grant funds after transfer to the Sponsor are considered a part of the grant and are subject to all requirements and conditions of the grant. Such interest is to be reported on the first report filed by the Sponsor as required in Section D of this contract after such interest is accounted to the Sponsor.

Costs paid, accrued or authorized by the Sponsor prior to the effective date of this contract shall be incurred at the risk of the Sponsor and the Sponsor shall not be entitled to reimbursement without specific Trust approval.

The Trust may suspend financial assistance provided under this contract pending corrective action required of the Sponsor by the Trust or pending a decision to terminate the grant by the Trust as described in Section K of this agreement or under any provisions of Nebraska law.

F. PROJECT MODIFICATION

The Sponsor will promptly report all proposed additions, deletions or modifications of any component of the project, or any changes in the purpose or purposes of the project by submitting to the Trust in writing a request to amend the agreement. The Trust will not be liable for funding any portion of such additions, deletions or modifications until and unless it has affirmed in writing to the Sponsor approval of the amendments proposed. Requests for extensions of the expiration date must be received prior to the expiration date of the contract to be considered. If the extension request puts the project beyond the three year project limit it must be considered by the Trust Board. The Board will consider whether additional time will allow the project to be completed as stated in the application and/or as previously modified and whether delays in the project timeline are due to circumstances beyond the control of the sponsor. Any funds remaining at the end of the project period will be returned to the Trust.

G. PUBLIC NOTICE OF GRANT AWARD

The Sponsor agrees to provide prominent display of the Trust logo and text acknowledging the use of the grant at any project site impacted by the grant, on major pieces of equipment purchased with grant funds, and in publications referencing the funded project. Language provided by the Trust shall be included in all media releases and other publicity pieces developed by the Sponsor about the funded project.

To the extent requested by the Trust, and its agents, to include the Nebraska Lottery, the Sponsor agrees to: 1) the use of the Sponsor's name, project name and description; 2) documentation of project development activities and successes for use in broadcasts, publications and advertisements; 3) placement of signs provided by the Trust and the Nebraska Lottery on the project location or otherwise displaying acknowledgment that said project is funded, or partially funded, by the Nebraska Lottery; and 4) coordination with the Trust and the Nebraska Lottery in various events, including announcement of the grant, presentation of signs and displays, and similar events.

H. LICENSES/PERMITS

The Sponsor shall acquire, obtain or receive all state and federal licenses and/or permits required by law prior to initiation of the project. It is the responsibility of the Sponsor to discover and comply with all state, local and federal rules, regulations or laws

that pertain to the implementation and completion of the project. The Sponsor shall include copies of all such licenses/permits to the Trust with the activity reports submitted to the Trust office.

I. SITE INSPECTIONS

The Sponsor agrees to promptly submit to all requests for site inspections by any state or federal official acting in the course of his/her duties. The Sponsor agrees to make available all financial records and documents as necessary on request of the Trust or its agents. Financial records, supporting documents and all other records pertinent to this grant shall be retained for a period of three years following notification from the Trust Board that the grant has been officially closed, except the records shall be retained beyond the three-year period if audit findings have not been resolved.

J. TRANSFER/DISPOSAL OF REAL OR PERSONAL PROPERTY

The Sponsor will not sell, lease, transfer, exchange, mortgage or encumber in any manner whatsoever all or any portion of any real (including land acquisitions, easements or improvements) or other property acquired in whole, or in part, by Trust funds without the prior written permission of the Trust, which will not be unreasonably withheld. The Sponsor shall notify the Trust in writing of any proposed sale, lease, transfer, exchange, mortgage or encumbrance at least thirty days in advance and obtain written approval from the Trust. In the event that the Trust does not agree to the sale, lease, transfer, exchange, mortgage or encumbrance of said property, the Sponsor may repay the value of the grant to the Trust and is released from all further obligations. Otherwise repayment will be calculated according to the adopted policies of the Trust board regarding the transfer or sale of Trust funded equipment. The Sponsor will notify the Trust when any equipment purchased in whole or in part with grant funds is no longer usable during the service life of the equipment.

K. TERMINATION OF THE CONTRACT PRIOR TO EXPIRATION DATE

The Sponsor understands and agrees that failure to comply with any of the terms of this contract may result in the revocation or cancellation of Trust approval and funding and/or a demand for repayment of any funds previously paid to the Sponsor by the Trust.

The Trust may terminate the project, in whole or in part, at any time before the expiration date of this contract whenever the Trust determines that the Sponsor has failed to comply with the conditions of the grant. The Executive Director of the Trust will promptly notify the Sponsor in writing of the determination and the reasons for the termination, together with the effective date.

By mutual agreement, the project may be terminated, modified or amended. When both parties agree to terminate the grant, in whole or in part, the parties will agree upon the termination conditions, including the effective date, and in the case of a partial termination, the portion to be terminated. The Sponsor shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible.

Trust payments to the Sponsor or recoveries by the State of Nebraska under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

L. LIABILITY

The Sponsor agrees to hold and save the State of Nebraska, the Environmental Trust Board, and their officers, agents and employees free and harmless from any and all claims, demands, damages, losses, costs, expenses or liability due to, or incidental to, either in whole or in part, and whether directly or indirectly, the design, construction, operations, repairs, maintenance, implementation, assistance or failure of the project, or any of its works or facilities.

M. ADDITIONAL TERMS AND CONDITIONS

HISTORIC PRESERVATION:

The Sponsor agrees to undertake at its own expense any action that may be required to determine the presence of cultural resources and to undertake any subsequent measures which may be required to ensure the preservation of such resources which may be discovered. The Sponsor agrees to comply with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended, where historic structures are determined to exist on any site where Trust Funds are expended.

THREATENED & ENDANGERED SPECIES:

The Sponsor agrees to undertake at its own expense any action that may be required to ensure compliance with the Nongame and Endangered Species Conservation Act is Neb. Rev. Stat. 37-801 to 37-811.

OPERATIONS:

All operation, replacement and maintenance of the project shall be carried out and applied in such a manner so as to accomplish the purposes of the project as set forth in the Sponsor's application and associated materials, including any amendments thereto which have been approved by the Trust, for the useful life of the project.

ENGINEERING:

The Sponsor will provide for and maintain competent and adequate architectural and engineering supervision and inspection at the construction site as appropriate to ensure that the completed work conforms substantially in accordance with the proposed plans and specifications, according to accepted standards and practices.

EQUIPMENT:

The Sponsor will report to the Trust all equipment purchased with full or partial funding on a form to be provided by the Trust. The Sponsor will identify such equipment as purchased with Trust funding in the Sponsor's inventory for the useful life of the equipment.

The Sponsor will obtain at least two (2) bids for any equipment purchased costing \$1,000.00 or more, for which more than one vendor is available. The Sponsor will provide the names of bidders to the Trust at the time a request for reimbursement is submitted. Such bids shall be held in the Sponsor's files for three (3) years.

The Sponsor agrees to purchase and maintain property insurance at its own expense to insure all equipment valued at \$1,000 or more which is purchased in whole or in part with funds received from the Trust. This insurance shall include "all risk" insurance for physical loss or damage including, without duplication of coverage, theft, vandalism, and malicious mischief. Such insurance shall be maintained on all such equipment in an amount equal to the replacement value of the equipment for the useful life of the equipment (as defined in the Nebraska Depreciation for personal property used in business tables). The Sponsor shall name the Trust beneficiary of the policy and shall assure that proof of coverage shall be kept current. Evidence of current coverage will be requested annually by the Trust office. Upon request for reimbursement the Sponsor will provide the Trust with the policy of insurance for equipment purchased, in whole or in part, with funds received from the Trust.

REAL ESTATE:

Additional conditions exist beyond the expiration date of this contract. These conditions include continued access to the properties affected by this contract for periodic reviews and visits, annual accounting reports on Trust funded Defense Funds (Easements Only) and proof of annual tax payments. The Trust must also be notified in writing of any plans to sell, lease, transfer, exchange, mortgage or encumber the property. The Sponsor will be required to obtain written Trust approval for any such transaction and negotiate the terms of the transaction with the Trust (which may include partial or whole repayment of the grant).

If the Trust determines, at any time prior to or following expiration of this contract, that the Sponsor has failed to comply with the terms and conditions of this contract it may take action to recover Trust contributions to the project. The terms and conditions of this contract shall survive the expiration date of this contract.

Nebraska law shall govern the interpretation and enforcement of this contract. The parties acknowledge that this contract, as outlined in Section B, contains the entire agreement between them, supersedes any prior agreements and conversations, and may not be modified except by written agreement signed by all parties.

NEBRASKA ENVIRONMENTAL TRUST

AUTHORIZED REPRESENTATIVE OF SPONSOR



By: _____
Jeff Kanger, Chair

Date: 4/19/21

By: _____

Printed Name: _____



By: _____
Mark A. Brohman, Executive Director

Title: _____

Date: 4/19/21

Date: _____

Appendix E

Current Technical Advisers

Name	Primary Contact Title	Primary Contact Organization	Nebraska Environmental Trust Labels
Craig Allen	Professor	University of Nebraska-Lincoln School of Natural Resources	TAC Member; Prairie/Grassland Ecology; Stream/River Ecology; Wildlife Habitat; Wetlands Ecology; Endangered Species; Environmental Education; Interagency
Tara Anderson	Water Quality Standards Coordinator	Nebraska Department of Environment and Energy	TAC Member; Stream/River Ecology; Surface Water Quality
Herb Angell			TAC Member; Public Health; Environmental Education; Interagency
Laurel Badura		United States Fish and Wildlife Service	TAC Member; Environmental Education; Prairie/Grassland Ecology; Stream/River Ecology; Wetlands Ecology; Wildlife Habitat
Tony Barada	Fisheries Biologist	Nebraska Game and Parks Commission	TAC Member; Surface Water Quantity; Surface Water Quality; Wetlands Ecology; Stream/River Ecology; Lake Rehabilitation; Interagency
Daryl Bauer		Nebraska Game and Parks Commission	TAC Member; Wildlife Habitat; Lake Rehabilitation; Interagency
Jesse Bell	Associate Professor		TAC Member; Environmental Education; Air Quality; Waste Management/Recycling; Surface Water Quantity; Water Management; Ground Water Quantity; Ground Water Quality; Surface Water Quality; Public Health
Ben Beller	Environmental Specialist	Nebraska Public Power District	TAC Member; Bank Stabilization; Endangered Species; Environmental Education; Stream/River Ecology; Soil Management; Prairie/Grassland Ecology; Public Health; Waste Management/Recycling; Surface Water Quality

John Bender	Water Quality Standards Coordinator		TAC Member; Interagency; Stream/River Ecology; Lake Rehabilitation; Wetlands Ecology; Surface Water Quality
Gary Bergstrom Jr.	Air Quality Program Supervisor	Lincoln-Lancaster County Health Department	TAC Member; Air Quality; Public Health; Wildlife Habitat
Nadine Bishop	State Rangeland Management Specialist	Natural Resources Conservation Service	TAC Member; Prairie/Grassland Ecology; Environmental Education
Jeff Blaser	Fisheries Biologist	Nebraska Game and Parks Commission	TAC Member; Wildlife Habitat; Lake Rehabilitation; Stream/River Ecology; Bank Stabilization; Interagency
Paul Brakhage	Environmental Assistance Coordinator	Lake Tech Consulting	TAC Member; Bank Stabilization; Lake Rehabilitation; Wildlife Habitat
Corey Brubaker	District Conservationist	United States Department of Agriculture – Natural Resources Conservation Service	TAC Member; Soil Management; Ground Water Quality; Surface Water Quality; Waste Management/Recycling
Kari Burgert		Nebraska Department of Natural Resources	TAC Member; Ground Water Quantity; Surface Water Quantity; Water Management; Interagency
Chuck Butterfield	Senior Environmental Scientist	Y2 Consultants	TAC Member; Environmental Education; Endangered Species; Forestry/Tree Planting; Prairie/Grassland Ecology; Stream/River Ecology; Waste Management/Recycling; Wetlands Ecology; Wildlife Habitat
Gary Buttermore	Retir-d - Nebraska Department of Environment and Energy employee		TAC Member; Environmental Education; Ground Water Quality; Air Quality; Surface Water Quality; Public Health
John Carroll	Director	University of Nebraska-Lincoln School of Natural Resources	TAC Member; Interagency; Forestry/Tree Planting; Endangered Species; Wildlife Habitat; Prairie/Grassland Ecology
Margeaux Carter	Integrated Water Management Specialist	Nebraska Department of Natural Resources	TAC Member; Interagency; Water Management; Surface Water Quantity; Surface Water Quality; Ground Water Quality; Ground Water Quantity; Prairie/Grassland Ecology

Lynn Chamberlin	Building Program Specialist	Nebraska Department of Environment and Energy	TAC Member; Environmental Education; Waste Management/Recycling
Ryan Chapman	Water Quality Assessment Section Supervisor	Nebraska Department of Environment and Energy	TAC Member; Interagency; Environmental Education; Waste Management/Recycling; Water Management; Ground Water Quality; Ground Water Quantity
John Chess	former Supervisor, Water Program	Lincoln/Lancaster County Health Department	TAC Member; Environmental Education; Ground Water Quality; Public Health; Surface Water Quality
Phil Chvala	Fisheries Biologist - Nebraska District	Nebraska Game and Parks Commission	TAC Member; Interagency; Bank Stabilization; Lake Rehabilitation
Joe Citta	Environmental Manager	Nebraska Public Power District	TAC Member; Wildlife Habitat; Waste Management/Recycling; Air Quality; Environmental Education
Patrick Cowsert	Assistant State Soil Scientist	Natural Resources Conservation Service	TAC Member; Environmental Education; Prairie/Grassland Ecology; Soil Management; Surface Water Quality; Wetlands Ecology
Katherine Crawley	Biologist	Nebraska Game and Parks Commission	TAC Member; Endangered Species; Forestry/Tree Planting; Environmental Education; Prairie/Grassland Ecology; Wetlands Ecology; Wildlife Habitat
Steve Danahy			TAC Member; Waste Management/Recycling
Brenda Densmore	Hydrologist	United States Geological Survey	TAC Member; Surface Water Quantity; Surface Water Quality; Stream/River Ecology

Anne DeVries	Construction Coordinator	Nebraska Game and Parks Commission	TAC Member; Prairie/Grassland Ecology; Soil Management; Public Health; Stream/River Ecology; Lake Rehabilitation; Ground Water Quantity; Ground Water Quality; Wildlife Habitat; Wetlands Ecology; Water Management; Surface Water Quality; Waste Management/Recycling; Surface Water Quantity; Environmental Education; Endangered Species; Forestry/Tree Planting; Air Quality; Bank Stabilization
Julie Diegel	Retired Executive Director	Nebraska Recycling Council	TAC Member; Waste Management/Recycling
Dave Dingman	Consultant/Project Manager	Nebraska Organic Waste Energy, Inc.	TAC Member; Air Quality; Waste Management/Recycling
Josh Dodson	Environmental Engineer II	City of Omaha	TAC Member; Soil Management; Surface Water Quality; Air Quality
Neil Dominy	Assistant State Conservationist-Partnerships and Initiatives	United States Department of Agriculture – Natural Resources Conservation Service	TAC Member; Soil Management; Waste Management/Recycling
Richard Ehrman		Lower Platte South Natural Resources District	TAC Member; Ground Water Quality; Ground Water Quantity; Water Management
Jeff Fields	Superintendent, Ponca State Park	Nebraska Game and Parks Commission	TAC Member; Interagency; Environmental Education; Waste Management/Recycling
Patrick Finigan	Environmental Affairs Administrator	Omaha Public Power District	TAC Member; Surface Water Quality; Water Management; Ground Water Quality
Carol Flaute	Integrated Water Management Analyst	Nebraska Department of Natural Resources	TAC Member; Interagency; Environmental Education; Water Management
Belinda Fowler		University of Nebraska-Lincoln	TAC Member; Wildlife Habitat; Environmental Education; Interagency; Public Health; Ground Water Quality; Ground Water Quantity; Lake Rehabilitation; Surface Water Quality; Surface Water Quantity; Water Management

Michele Fuhrer-Hurt	Wildlife Biologist II	Nebraska Game and Parks Commission	TAC Member; Wildlife Habitat; Prairie/Grassland Ecology; Environmental Education; Interagency
Don Gabelhouse			TAC Member; Environmental Education; Lake Rehabilitation
Richard Gilbert	Nursery Manager	United States Forest Service - Bessey Nursery	TAC Member; Soil Management; Forestry/Tree Planting
Michael Gilbert	Wetland Ecologist	Emergent Wetland Solutions, LLC	TAC Member; Wetlands Ecology; Stream/River Ecology
Tim Gokie	Dam Safety Engineer	Nebraska Department of Natural Resources	TAC Member; Interagency; Environmental Education; Bank Stabilization; Stream/River Ecology; Lake Rehabilitation; Wetlands Ecology; Surface Water Quantity
Dale Gubbels	President/CEO	Firststar Fiber, Inc.	TAC Member; Environmental Education; Waste Management/Recycling; Soil Management
Mike Gutzmer	Principal Project Manager/Environmental Scientist	New Century Environmental	TAC Member; Endangered Species; Lake Rehabilitation; Prairie/Grassland Ecology; Stream/River Ecology; Surface Water Quality; Wetlands Ecology; Wildlife Habitat
Doug Hallum	Survey Hydrogeologist	Conservation and Survey Division University of Nebraska-Lincoln	TAC Member; Surface Water Quantity; Surface Water Quality; Water Management; Ground Water Quantity; Ground Water Quality
Thomas Hamer			TAC Member; Surface Water Quantity; Waste Management/Recycling; Ground Water Quantity; Ground Water Quality; Bank Stabilization
Gene Hanlon	Recycling Coordinator Retired	Lincoln - Solid Waste Operations	TAC Member; Waste Management/Recycling
Dwight Hanson		H2Optimal, Inc.	TAC Member; Bank Stabilization; Waste Management/Recycling; Surface Water Quantity; Surface Water Quality; Water Management; Ground Water Quantity; Ground Water Quality; Lake Rehabilitation; Stream/River Ecology; Public Health

Al Hanson	District Fisheries Manager	Nebraska Game and Parks Commission	TAC Member; Wildlife Habitat; Water Management; Surface Water Quality; Surface Water Quantity; Lake Rehabilitation; Ground Water Quality; Ground Water Quantity; Stream/River Ecology; Interagency; Bank Stabilization
Alicia Hardin	Assistant Division Administrator - Wildlife	Nebraska Game and Parks Commission	TAC Member; Environmental Education; Endangered Species; Interagency; Prairie/Grassland Ecology; Wildlife Habitat; Wetlands Ecology
Brian Harmon		Verdis Group	TAC Member; Wildlife Habitat; Endangered Species; Forestry/Tree Planting; Air Quality; Water Management; Wetlands Ecology; Waste Management/Recycling; Surface Water Quantity; Surface Water Quality; Ground Water Quantity; Ground Water Quality; Lake Rehabilitation; Prairie/Grassland Ecology; Stream/River Ecology
Hope Hasenkamp-Gibbs		Nebraska Air Quality	TAC Member; Soil Management; Air Quality
John Heaston		Nebraska Water Balance Alliance	TAC Member; Surface Water Quantity; Wildlife Habitat; Wetlands Ecology; Water Management; Stream/River Ecology
Chris Hobza	Lead Hydrologist	United States Geological Survey	TAC Member; Ground Water Quality; Ground Water Quantity
Jeff Hoffman			TAC Member; Prairie/Grassland Ecology; Wildlife Habitat; Wetlands Ecology
Richard Holland	Assistant Administrator of Research - Fisheries Division	Nebraska Game and Parks Commission	TAC Member; Surface Water Quality; Surface Water Quantity; Lake Rehabilitation; Stream/River Ecology; Interagency; Environmental Education
Kent Holm	Director	Douglas County Environmental Services	TAC Member; Environmental Education; Forestry/Tree Planting; Stream/River Ecology; Surface Water Quality

Scott Holmes	Manager	Lincoln/Lancaster County Health Department	TAC Member; Surface Water Quality; Waste Management/Recycling; Public Health; Ground Water Quality; Environmental Education; Air Quality
Thad Huenemann	Rivers and Streams Program Manager	Nebraska Game and Parks Commission	TAC Member; Stream/River Ecology; Surface Water Quality; Endangered Species
Dan Inman	Hydrogeologist	Nebraska Department of Environment and Energy	TAC Member; Interagency; Ground Water Quality
Will Inselman	Assistant Wildlife Division Administrator - Research	Nebraska Game and Parks Commission	TAC Member; Endangered Species; Environmental Education; Interagency; Prairie/Grassland Ecology; Wildlife Habitat
Howard Isaacs			TAC Member; Surface Water Quality; Wildlife Habitat; Public Health; Ground Water Quality; Ground Water Quantity; Environmental Education
Jeff Jackson	District Fish and Wildlife Supervisor	Nebraska Game and Parks Commission	TAC Member; Interagency; Environmental Education; Lake Rehabilitation; Stream/River Ecology; Surface Water Quality; Surface Water Quantity
Jim Jenniges		Nebraska Public Power District	TAC Member; Wildlife Habitat; Wetlands Ecology; Prairie/Grassland Ecology; Stream/River Ecology; Endangered Species
Rebekah Jessen	Soil Conservationist	United States Department of Agriculture - Natural Resource Conservation Service	TAC Member; Endangered Species; Environmental Education; Forestry/Tree Planting; Stream/River Ecology; Soil Management; Prairie/Grassland Ecology; Ground Water Quality; Wildlife Habitat; Wetlands Ecology; Surface Water Quality
Laura Johnson	Clean Water Act	Nebraska Department of Environment and Energy	TAC Member; Stream/River Ecology; Surface Water Quality; Ground Water Quality; Ground Water Quantity; Water Management; Wetlands Ecology; Surface Water Quantity
Ruth Johnston	Program Specialist	Nebraska Department of Environment and Energy	TAC Member; Interagency; Environmental Education; Waste Management/Recycling

Joel Jorgensen	Nongame Bird Program Manager	Nebraska Game and Parks Commission	TAC Member; Stream/River Ecology; Prairie/Grassland Ecology; Wetlands Ecology; Wildlife Habitat; Endangered Species; Interagency
Keith Karel	Environmental Specialist	Nebraska Public Power District	TAC Member; Waste Management/Recycling
Jordan Katt	Fisheries Biologist	Nebraska Game and Parks Commission	TAC Member; Stream/River Ecology; Lake Rehabilitation; Bank Stabilization; Environmental Education; Interagency
Justin King	Environmental Specialist	Nebraska Public Power District	TAC Member; Environmental Education; Endangered Species; Air Quality; Prairie/Grassland Ecology; Wildlife Habitat
Joel Klammer	Soil Conservationist	Natural Resources Conservation Service	TAC Member; Wildlife Habitat; Lake Rehabilitation; Stream/River Ecology
Norman Koester	Sole Proprietor	Koester Engineering	TAC Member; Surface Water Quantity; Surface Water Quality; Water Management; Lake Rehabilitation; Environmental Education; Bank Stabilization
Keith Koupal	Irrigation Reservoir Specialist	Nebraska Game and Parks Commission	TAC Member; Ground Water Quality; Ground Water Quantity; Lake Rehabilitation; Stream/River Ecology; Wetlands Ecology; Surface Water Quality; Surface Water Quantity; Endangered Species; Environmental Education; Bank Stabilization; Interagency
Mike Kucera	Agronomist	United States Department of Agriculture - Natural Resource Conservation Service	TAC Member; Environmental Education; Forestry/Tree Planting; Surface Water Quality; Soil Management; Prairie/Grassland Ecology; Ground Water Quantity; Ground Water Quality
Ted LaGrange	Wetland Program Manager	Nebraska Game and Parks Commission	TAC Member; Interagency; Environmental Education; Stream/River Ecology; Wetlands Ecology; Wildlife Habitat

Melissa Landis	Environmental Specialist	Lincoln Electric System	TAC Member; Forestry/Tree Planting; Environmental Education; Water Management; Ground Water Quality; Ground Water Quantity
Eric Laux	Chief of Regulatory	United States Army Corps of Engineers - Omaha District	TAC Member; Environmental Education; Endangered Species; Stream/River Ecology; Ground Water Quantity; Lake Rehabilitation; Wildlife Habitat; Wetlands Ecology; Water Management; Surface Water Quantity
Chris Lemke	Water Resources Advisor	Nebraska Public Power District	TAC Member; Interagency; Bank Stabilization; Water Management; Waste Management/Recycling; Surface Water Quantity; Surface Water Quality; Public Health; Ground Water Quality; Ground Water Quantity
Larry Linder	Environmental Compliance Specialist	Nebraska Public Power District	TAC Member; Waste Management/Recycling
Martha Link	Associate Director	Nebraska Department of Environment and Energy	TAC Member; Interagency; Environmental Education; Ground Water Quality; Ground Water Quantity
Bryan Lorence	Environmental Coordinator	Omaha Public Power District	TAC Member; Waste Management/Recycling; Forestry/Tree Planting; Air Quality
Scott Luedtke	District Manager-Wildlife	Nebraska Game and Parks Commission	TAC Member; Interagency; Endangered Species; Environmental Education; Bank Stabilization
Jeffrey Lusk	Program Manager	Nebraska Game and Parks Commission	TAC Member; Interagency; Wildlife Habitat
Gene Mack			TAC Member; Prairie/Grassland Ecology; Lake Rehabilitation; Wildlife Habitat; Wetlands Ecology; Endangered Species
Tom Malmstrom	Natural Resources Coordinator/Park Planner II	City of Lincoln Parks and Recreation Department	TAC Member; Wildlife Habitat; Wetlands Ecology; Waste Management/Recycling; Stream/River Ecology; Prairie/Grassland Ecology
Mercy Manzanares	Environmental Biologist	Nebraska Department of Transportation	TAC Member; Wildlife Habitat; Wetlands Ecology; Prairie/Grassland Ecology; Environmental Education; Endangered Species

Deb McGuire	Environmental Engineer	Lincoln Electric System	TAC Member; Environmental Education; Air Quality
Bob Meduna	District Wildlife Manager	Nebraska Game and Parks Commission	TAC Member; Interagency; Forestry/Tree Planting; Wetlands Ecology; Wildlife Habitat; Prairie/Grassland Ecology
Greg Michl	Program Specialist	Nebraska Department of Environment and Energy	TAC Member; Surface Water Quality; Interagency
Michael Miller	Vice President	SCS Engineers	TAC Member; Air Quality; Environmental Education; Ground Water Quality; Waste Management/Recycling
Kyle Morton	Air Quality Compliance Program Specialist	Nebraska Department of Environment and Energy	TAC Member; Air Quality
Matt Moser	Physical Scientist	United States Geological Survey	TAC Member; Surface Water Quality
Emily Muth	Environmental Affairs Administrator	Omaha Public Power District	TAC Member; Air Quality
Ritch Nelson	Wildlife Biologist	United States Department of Agriculture - Natural Resource Conservation Service	TAC Member; Endangered Species; Wildlife Habitat; Wetlands Ecology; Stream/River Ecology; Prairie/Grassland Ecology
Richard Nelson			TAC Member; Wildlife Habitat; Prairie/Grassland Ecology
Brad Newcomb	District Manager	Nebraska Game and Parks Commission	TAC Member; Environmental Education; Interagency; Stream/River Ecology; Lake Rehabilitation; Wildlife Habitat
Pat O'Brien	General Manager	Upper Niobrara White Natural Resources Department	TAC Member; Wildlife Habitat; Lake Rehabilitation; Stream/River Ecology; Surface Water Quality
Matt O'Connell	Recycling Coordinator	City of Omaha	TAC Member; Forestry/Tree Planting; Bank Stabilization; Environmental Education; Air Quality; Waste Management/Recycling; Prairie/Grassland Ecology; Soil Management
Philip Paitz	Integrated Water Management Specialist	Nebraska Department of Natural Resources	TAC Member; Ground Water Quantity; Ground Water Quality; Surface Water Quality; Surface Water Quantity; Wetlands Ecology; Water Management; Interagency

Melissa Panella	Wildlife Diversity Program Manager-Interim	Nebraska Game and Parks Commission	TAC Member; Environmental Education; Endangered Species; Interagency; Wildlife Habitat; Prairie/Grassland Ecology
Mark Pegg	Professor, Fish Ecology	University of Nebraska-Lincoln	TAC Member; Stream/River Ecology; Lake Rehabilitation; Wetlands Ecology; Bank Stabilization; Endangered Species; Interagency
Lindsey Phillips	Section Supervisor	Nebraska Department of Environment and Energy	TAC Member; Bank Stabilization; Ground Water Quality; Environmental Education; Surface Water Quality; Water Management; Stream/River Ecology; Prairie/Grassland Ecology
Andrew Pierson	Director of Conservation	Audubon Nebraska	TAC Member; Prairie/Grassland Ecology; Stream/River Ecology; Wetlands Ecology; Wildlife Habitat; Endangered Species; Environmental Education
Rocky Plettner	Environmental Specialist	Nebraska Public Power District	TAC Member; Wildlife Habitat; Prairie/Grassland Ecology; Endangered Species
Kevin Pope	Associate Professor	University of Nebraska-Lincoln	TAC Member; Wetlands Ecology; Stream/River Ecology; Lake Rehabilitation; Interagency
Mark Porath		Nebraska Game and Parks Commission	TAC Member; Environmental Education; Endangered Species; Interagency; Stream/River Ecology; Lake Rehabilitation
Aaron Price			TAC Member; Environmental Education; Prairie/Grassland Ecology; Ground Water Quality
Edward Raynor	Research Associate	University of Nebraska-Lincoln School of Natural Resources	TAC Member; Endangered Species; Prairie/Grassland Ecology; Wetlands Ecology; Wildlife Habitat
Kris Reed	Economist	Nebraska Department of Natural Resources	TAC Member; Interagency; Forestry/Tree Planting; Waste Management/Recycling

E. Dean Rosenthal	Fisheries	Nebraska Game and Parks Commission	TAC Member; Surface Water Quality; Surface Water Quantity; Stream/River Ecology; Lake Rehabilitation; Ground Water Quantity; Ground Water Quality; Bank Stabilization
Steve Rothe	Retired Planner/Project Manager		TAC Member; Stream/River Ecology; Lake Rehabilitation; Wildlife Habitat; Wetlands Ecology; Environmental Education
Joe Rydell	Fisheries Biologist	Nebraska Game and Parks Commission	TAC Member; Wetlands Ecology; Surface Water Quality
Steven Schainost	Retired - Rivers and Streams Program Manager		TAC Member; Ground Water Quantity; Ground Water Quality; Stream/River Ecology; Surface Water Quantity; Surface Water Quality; Interagency; Endangered Species
Jennifer Schellpeper	Integrated Water Management Coordinator	Nebraska Department of Natural Resources	TAC Member; Surface Water Quality; Ground Water Quantity; Interagency
Gregory Schenbeck			TAC Member; Forestry/Tree Planting; Endangered Species; Wildlife Habitat; Prairie/Grassland Ecology
Dennis Schroeder	Retired, United States Department of Agriculture - Natural Resource Conservation Service		TAC Member; Endangered Species; Prairie/Grassland Ecology; Soil Management; Lake Rehabilitation; Ground Water Quality; Water Management; Wildlife Habitat; Surface Water Quality
Mary Schroer		Nebraska Department of Transportation	TAC Member; Surface Water Quality; Surface Water Quantity; Waste Management/Recycling; Water Management; Wetlands Ecology; Soil Management; Lake Rehabilitation; Ground Water Quantity; Ground Water Quality; Bank Stabilization; Environmental Education; Interagency
Jeff Schuckman		Nebraska Game and Parks Commission	TAC Member; Bank Stabilization; Interagency; Lake Rehabilitation; Wildlife Habitat

Kevin Schwartman	Natural Resources Planner	Nebraska Department of Natural Resources	TAC Member; Environmental Education; Bank Stabilization; Interagency; Wetlands Ecology; Soil Management; Stream/River Ecology
Jim Sheffield	Retired		TAC Member; Waste Management/Recycling; Lake Rehabilitation; Bank Stabilization
Rachel Simpson	Nebraska Natural Heritage Program Data Manager	Nebraska Game and Parks Commission	TAC Member; Interagency; Endangered Species; Wildlife Habitat; Prairie/Grassland Ecology
Jason Skold	Missouri River Program Manager		TAC Member; Endangered Species; Environmental Education; Wetlands Ecology; Stream/River Ecology
Adam Smith	Forest Products Program Leader	Nebraska Forest Service	TAC Member; Forestry/Tree Planting
Piyush Srivastav	President	Nebraska Air Quality Specialties, LLC	TAC Member; Air Quality; Ground Water Quality; Ground Water Quantity; Waste Management/Recycling
Clayton Stalling			TAC Member; Environmental Education; Wildlife Habitat
Kirk Steffensen	Missouri River Program Manager	Nebraska Game and Parks Commission	TAC Member; Endangered Species; Stream/River Ecology
Matt Steffl	Biologist	Nebraska Game and Parks Commission	TAC Member; Forestry/Tree Planting; Environmental Education; Endangered Species; Interagency; Wildlife Habitat; Wetlands Ecology; Prairie/Grassland Ecology
Shelley Steffl	Wildlife Biologist	Nebraska Game and Parks Commission	TAC Member; Environmental Education; Endangered Species; Forestry/Tree Planting; Wildlife Habitat; Prairie/Grassland Ecology
Gerry Steinauer	Botanist	Nebraska Game and Parks Commission	TAC Member; Endangered Species; Environmental Education; Forestry/Tree Planting; Prairie/Grassland Ecology; Wildlife Habitat; Wetlands Ecology
Joel Stenberg	Project Manager		TAC Member; Ground Water Quality; Waste Management/Recycling

Kristal Stoner	Executive Director	Audubon Nebraska	TAC Member; Wildlife Habitat; Endangered Species; Environmental Education; Wetlands Ecology; Prairie/Grassland Ecology
Christopher Stratman	Executive Director	Keep Omaha Beautiful, Inc.	TAC Member; Environmental Education; Waste Management/Recycling
Robert Swanson	former Director	United States Geological Survey	TAC Member; Stream/River Ecology; Ground Water Quality; Ground Water Quantity; Surface Water Quantity; Surface Water Quality
Jim Swenson	East Region Parks Manager	Nebraska Game and Parks Commission	TAC Member; Environmental Education; Interagency; Wildlife Habitat; Waste Management/Recycling
Marilyn Tabor			TAC Member; Wildlife Habitat; Prairie/Grassland Ecology; Waste Management/Recycling; Wetlands Ecology; Environmental Education; Forestry/Tree Planting
Bill Taddicken	Assistant Director	Rowe Sanctuary	TAC Member; Environmental Education; Wetlands Ecology; Wildlife Habitat; Stream/River Ecology; Prairie/Grassland Ecology
Rich Tatum	Program Specialist		TAC Member; Waste Management/Recycling
Steven Thomas	Associate Professor - School of Natural Resources	University of Nebraska-Lincoln	TAC Member; Wetlands Ecology; Surface Water Quality; Stream/River Ecology; Interagency; Environmental Education
Elbert Traylor	Program Specialist	Nebraska Department of Environment and Energy	TAC Member; Interagency; Environmental Education; Lake Rehabilitation; Water Management; Surface Water Quality; Wildlife Habitat
Marcia Trompke	Conservation Director	Central Nebraska Public Power and Irrigation Dist.	TAC Member; Water Management; Surface Water Quality; Surface Water Quantity; Soil Management; Ground Water Quality; Ground Water Quantity

Bill Vodehnal	District Manager - Wildlife	Nebraska Game and Parks Commission	TAC Member; Bank Stabilization; Environmental Education; Endangered Species; Forestry/Tree Planting; Stream/River Ecology; Prairie/Grassland Ecology; Wildlife Habitat; Wetlands Ecology; Surface Water Quantity; Surface Water Quality
Craig Wacker	Highway Planning Manager	Nebraska Department of Transportation	TAC Member; Public Health; Wildlife Habitat; Waste Management/Recycling; Forestry/Tree Planting; Environmental Education; Interagency
T.J. Walker	Partner's Section Division Administrator	Nebraska Game and Parks Commission	TAC Member; Ground Water Quantity; Prairie/Grassland Ecology; Stream/River Ecology; Surface Water Quantity; Wetlands Ecology; Wildlife Habitat; Endangered Species; Environmental Education; Forestry/Tree Planting
Rich Walters	Director of Conservation	The Nature Conservancy	TAC Member; Endangered Species; Bank Stabilization; Wildlife Habitat; Wetlands Ecology; Stream/River Ecology; Prairie/Grassland Ecology
David Wedin	Associate Professor, School of Natural Resources	University of Nebraska-Lincoln	TAC Member; Prairie/Grassland Ecology; Soil Management; Forestry/Tree Planting; Endangered Species; Interagency
Scott Wessel	Fish and Wildlife Biologist	Nebraska Game and Parks Commission	TAC Member; Interagency; Environmental Education; Endangered Species; Bank Stabilization; Prairie/Grassland Ecology; Stream/River Ecology; Wetlands Ecology; Wildlife Habitat
Carrie Wiese	Assistant Water Planning Division Manager	Nebraska Department of Natural Resources	TAC Member; Ground Water Quantity; Ground Water Quality; Surface Water Quality; Surface Water Quantity
Rick Wilson	Integrated Water Management Service Leader	JEO Consulting	TAC Member; Lake Rehabilitation; Surface Water Quantity

Sam Wilson	Nongame Mammal/Furbearer Program Manager	Nebraska Game and Parks Commission	TAC Member; Interagency; Endangered Species; Environmental Education
Shea Winkler	Integrated Water Management Specialist	Nebraska Department of Natural Resources	TAC Member; Environmental Education; Air Quality; Interagency; Water Management; Surface Water Quantity; Waste Management/Recycling; Surface Water Quality; Ground Water Quality; Ground Water Quantity; Stream/River Ecology; Lake Rehabilitation; Public Health
Jessie Winter	Integrated Water Management Coordinator	Nebraska Department of Natural Resources	TAC Member; Water Management; Surface Water Quality; Surface Water Quantity; Soil Management; Prairie/Grassland Ecology; Ground Water Quantity; Ground Water Quality; Environmental Education; Interagency
Paul Woodward	Groundwater Management	Papio-Missouri River Natural Resources District	TAC Member; Bank Stabilization; Surface Water Quality; Water Management; Stream/River Ecology; Lake Rehabilitation; Ground Water Quality
Eric Zach	Agriculture Program Manager	Nebraska Game and Parks Commission	TAC Member; Interagency; Bank Stabilization; Environmental Education; Endangered Species; Forestry/Tree Planting; Public Health; Prairie/Grassland Ecology; Stream/River Ecology; Soil Management; Ground Water Quality; Lake Rehabilitation; Water Management; Wildlife Habitat; Wetlands Ecology; Surface Water Quality; Waste Management/Recycling
Shuhai Zheng	Head of Floodplain and Dam Safety Division	Nebraska Department of Natural Resources	TAC Member; Surface Water Quantity; Water Management; Ground Water Quantity; Stream/River Ecology; Interagency

Gene Zuerlein			TAC Member; Endangered Species; Environmental Education; Bank Stabilization; Water Management; Surface Water Quantity; Ground Water Quantity; Stream/River Ecology
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Appendix F

Technical Review Groups

Name
Air Quality
Bank Stabilization
Carbon Management
Dam Construction
Education
Equipment
Lake Rehabilitation
Recycling
Rural Habitat
Soil Management
Urban Habitat
Waste Management
Water

**AGREEMENT BETWEEN
THE NEBRASKA ENVIRONMENTAL TRUST BOARD
AND
THE NEBRASKA GAME AND PARKS COMMISSION**

Purpose of this agreement: To establish the terms and conditions under which the Nebraska Game and Parks Commission shall provide administrative support to the Nebraska Environmental Trust Board as authorized by Section 81-15, 170 and 81-15, 173 Revised Statutes Nebraska.

The Nebraska Environmental Trust Board and the Nebraska Game and Parks Commission agree to the following terms and conditions:

The Nebraska Game and Parks Commission will provide the administrative support necessary for the Nebraska Environmental Trust Board to carry out its statutorily assigned functions. Such support shall include, but not necessarily be limited to, administrative oversight, accounting and fiscal services, and technical assistance to the Executive Director and other Environmental Trust staff members.

At each regularly scheduled meeting, the Nebraska Game and Parks Commission shall provide the Nebraska Environmental Trust Board with a written report on all expenditures made from the Nebraska Environmental Trust Fund in accordance with this contract and the financial status of the Nebraska Environmental Trust Fund.

Salaries, benefits and expenses of the Executive Director and support staff shall be paid out of the Nebraska Environmental Trust Fund. The Executive Director shall ensure that all costs of operation shall be paid from the Nebraska Environmental Trust Fund, the Nebraska Environmental Endowment Fund, or other such funds as authorized by the Legislature for administration by the Trust.

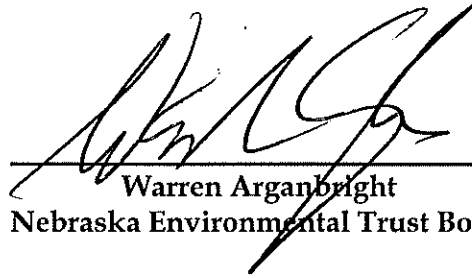
Total expenditures by the Nebraska Game and Parks

Commission from the Nebraska Environmental Trust Fund shall not exceed the limits set forth in applicable budgetary and other appropriate legislation for program expenditures and/or for administrative support to include personal services.

This agreement shall remain in force and effect until amended by mutual consent of the parties.



Rex Amack, Director
Nebraska Game and Parks Commission



Warren Arganbright
Nebraska Environmental Trust Board

Date: July 30, 2004

Date: July 30, 2004



POLICY MANUAL

Revised March 2018

Nebraska Game and Parks Commission

2200 N. 33rd St. • P.O. Box 30370 • Lincoln, NE 68503-0370 • Phone: 402-471-0641 • Fax: 402-471-5528

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Nebraska Game & Parks Commission Policy Manual

Statement of Understanding and Receipt

I, _____, have received a copy of the Game and Parks Commission's Employee Policy Manual.

I understand it is my responsibility as a Game and Parks Commission employee to read and understand the policies set forth in this manual. Further, I understand that the Policy Manual is not a legal contract, but serves as a means to provide general guidelines for my benefit.

If I have any questions concerning this policy, I should ask my immediate supervisor, Division Administrator, or a representative(s) from the Game and Parks Commission's Human Resources Office.

I understand that all Game and Parks Commission employees will be covered by these policies unless otherwise addressed within certified collective bargaining agreements.

I understand employees subject to certified collective bargaining agreements as prescribed in state statutes 81-1373 and 81-1374 are not covered by these rules to the extent that wages, hours, and other terms of conditions are provided for by the contract.

This statement of understanding will be placed in my personnel file.

Employee's Signature

Employee Name (Please Print)

Date

Policy Manual & Organizational Structure

Policy A-1 Forward

This policy manual provides a set of work rules under which all employees are expected to function.

All permanent employees of the Game and Parks Commission (referred to, at times in this manual as “Commission”) will be issued a policy manual. It is the employee’s responsibility to keep their policy manual up-to-date. All revisions and new policies to the manual will be forwarded to each employee and should be immediately incorporated into this manual.

This manual may be updated by the Director as necessary to remain in compliance with all Federal and State requirements.

Contact your supervisor if you have questions regarding the use of the manual, interpretation of any policy, or concern with situations which are not covered by policy. Questions may also be addressed to Human Resources.

Policy Manual & Organizational Structure

Policy A-2 Organizational Structure

The Commission is governed by a board of nine Commissioners who are appointed by the Governor and confirmed by the Legislature. The Commission is empowered by statute to appoint a secretary who will act as director and chief conservation officer. Statutory authorities of the Commission lie in five broad areas:

1. Fish and Wildlife management
2. Administration and management of the State Park System
3. Administration and enforcement of the State Boat Act
4. Administration of the Land and Water Conservation Fund
5. Administration of the Trail Development Assistance Act

The Commission has been assigned many diverse responsibilities by the Nebraska Legislature. In order to meet these responsibilities, the staff is aligned into distinct units which are accountable for specific areas of program responsibility. Although program responsibilities among Commission units may vary greatly in scope and desired end product, all are interwoven and directed toward our mission statement.

In addition to the headquarters office in Lincoln, the Game and Parks Commission maintains the Omaha Metro Office and district offices in Alliance, Norfolk, and North Platte, as well as customer service offices in Bassett and Kearney. Fish hatcheries, wildlife management areas and areas of the state park system are located throughout the state.

Organizational Chart available in Appendix A

Personnel

Policy B-1 Equal Employment Opportunity

In accordance with state and federal law, the Game and Parks Commission will not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, national origin, religion, age, or any physical or mental disabilities in the terms or conditions of public employment. As such, it is the policy of the Game and Parks Commission to support, assure, and promote equal employment opportunities to all persons without regard to race, sex, color, ethnicity, national origin, religion, age or any physical or mental disabilities. This policy, and the commitment to provide equal employment opportunity, includes, but is not limited to, hiring, placement, upgrading, transfers, discipline, training, recruitment, terminations, benefits, and educational opportunities. Any employee whose actions cause the Game and Parks Commission to be in noncompliance with this policy will be subject to disciplinary action.

It shall be considered a violation of this Policy for any employee of this Commission to discriminate in the provision of employment opportunities, benefits, privileges, or work assignments; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment or work performance if the basis of that discriminatory treatment is, in whole or in part, based upon race, sex, color, ethnicity, national origin, religion, age, or any physical or mental disabilities.

To implement these policies the Game and Parks Commission will strive to:

1. Recruit, hire, train and promote individuals without regard to race, sex, color, ethnicity, national origin, religion, age, or any physical or mental disability.
2. Ensure that all personnel actions including, but not limited to, hiring, compensation, benefits, transfers, layoffs, termination, reinstatement, tuition assistance, selection for education or training, treatment during employment or any other conditions of employment, are administered in an open and non-discriminatory manner.
3. Identify and eliminate practices, policies and procedures which result in disparate impact or unfair treatment.

Personnel

Policy B-2 Workplace Harassment Policy

The Nebraska Game and Parks Commission strives to create and maintain a work environment in which all people are treated with dignity, decency and respect. The environment of our Commission should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe environment that fosters professional and personal growth. The accomplishment of this goal is essential to our Commission's mission. For that reason, the Commission will not tolerate harassment of any kind. Through enforcement of this policy, and education of employees, the commission will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their position, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Any form of harassment is contrary to this policy and will be regarded as possible discrimination on the basis of race, color, religion, age, sex, disability, sexual orientation, political beliefs, or national origin. Harassment may be treated as a violation of state and federal laws and regulations relating to harassment and discrimination. It will be considered a violation of this policy for any employee to engage in harassment, or for any supervisory personnel within the Game and Parks Commission to knowingly permit harassment of any kind.

Appropriate disciplinary action will be taken against any employee regardless of position, who violates this policy. Based upon the seriousness of the offense, disciplinary action may include a verbal reprimand, written warning, suspension, demotion, pay reduction within grade, or termination.

Workplace Harassment Defined

For the purpose of this policy, "work place harassment" is defined as any unwelcome inflammatory comments, jokes, printed material, or physical, verbal or written conduct designed to threaten, intimidate, or coerce and has the purpose or effect of creating an intimidating, hostile, or offensive working environment, or such conduct interferes unreasonably with a person's work or employment opportunities. Intent does not determine whether the behavior is harassment. A person cannot excuse his or her behavior by saying he or she did not intend it to be harassment.

Harassment can be verbal or nonverbal. Examples of harassment include inflammatory verbal comments that are not flattering or are unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, disability or appearance. Such comments include epithets, slurs, and stereotyping. Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility or aversion toward an individual or group because of national origin, race color, religion, age, gender, sexual orientation, disability, or any other protected status.

Sexual Harassment Defined

For the purpose of this policy, “sexual harassment” is defined as any unwelcome sexual advances, requests for sexual favors, and either verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made, either explicitly or implicitly, a term of an individual’s employment, or a condition to receipt of services by a recipient of the Commission’s services; or
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment or Commission decisions affecting an employee or a recipient of the Commission’s services; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or the receipt of services by a recipient of the Commission’s services, or of creating an intimidating, hostile, or offensive environment.

Sexual harassment may include, but is not limited to, such actions as any form of inflammatory comments or jokes, innuendo, subtle pressure for sexual activity, sexual propositions, lewd remarks, threats, requests for any type of sexual favor (includes repeated, unwelcome requests for dates), and physical contact such as patting, pinching, or brushing against another’s body, when such contact is unwelcome. Requests for sexual activity accompanied by implied or overt promises or preferential treatment or threats concerning an individual’s employment status may also be considered sexual harassment. Harassment may also occur through the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering, staring, whistling; obscene gestures; content in letters and notes, faxes, email, photos, text messages, and internet postings, that is sexual in nature.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, and that lowers morale and therefore interferes with work effectiveness. However, normal, courteous, mutually respectful, pleasant, and non-coercive interactions between employees, including men and women, which are acceptable to, and welcomed by both parties, are not considered to be harassment, including sexual harassment.

Employee Notification

All employees will be notified of the Game and Parks Commission’s policy regarding harassment. Any person making a complaint of harassment will be given a copy of this policy and an explanation of their rights in making such complaints.

Employee Reporting and Rights

- If you believe you are being subjected to harassment, you are encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. Supervisors may be asked to take part in this discussion.
- If you do not wish to communicate directly with the offending person or persons, or if direct communication has not achieved a resolution to the matter, then you are encouraged to immediately report the alleged harassment to your immediate supervisor, Division Administrator, Human Resources Administrator or the Director.
- All complaints will be handled timely and confidentiality and will be maintained and limited to only individuals that need to be informed. Information concerning a complaint will only be released to authorized individuals. Complainants and other persons involved in the investigation of an allegation of harassment will not be subjected to retaliation, coercion, intimidation, or fear of reprisal by reporting the harassment.
- In reporting allegations of harassment, complainants should state specific facts including, where practical, the identity of the person(s) who committed such harassment; the date, time, and place of the alleged harassment; what was done or said; and, the identity of any witnesses who were present.
- The Game and Parks Commission will consult with the complainant regarding the allegations. If the complainant is dissatisfied with the Game and Parks Commission's action in response to a complaint of harassment, the complainant may contact the State Human Resources Division for the purpose of requesting an independent investigation of the allegation of harassment. The complainant may also contact the Commission on the Status of Women, the Nebraska Equal Opportunity Commission or State Ombudsmen for assistance in reporting complaints of harassment.

Supervisor Responsibilities

Any supervisor who receives a complaint alleging harassment, or who is otherwise aware of a situation involving harassment shall:

- Immediately report the complaint or situation, in writing, to the Human Resources Administrator or the Director, before the Game and Parks Commission takes any steps to conduct an investigation;
- Immediately notify the complainant of the Game and Parks Commission's policy concerning harassment, and of the complainant's rights concerning the pursuit of such allegations as set forth in this policy. This notification will be achieved by giving the

complainant a copy of this policy, including the section on "Rights of Complainant's" as set forth in this policy;

- Except as otherwise provided by this policy, or as required by law, take proper care to protect the identity of the complainant(s) and of the accused party or parties and will hold the allegations of harassment in confidence pending appropriate action by the Human Resources Administrator or the Director.

Investigation Procedures

- When a report of alleged harassment is received by the Human Resources Administrator or by the Director, steps will be taken immediately to ensure that the report is promptly and thoroughly investigated by the Commission to the extent necessary to resolve the complaint.
- Upon receiving the complaint of harassment from the Human Resources Administrator, the Director will, if deemed necessary, appoint an employee of the Commission to serve as the Investigative Officer and further evaluate the complaint of harassment. A Conservation Officer may be asked to take part in the investigation. The Investigative Officer will keep the Director informed of the status of the investigation.
- The Investigative Officer shall be obligated to make certain that the complainant has been advised of the Commission policy and received a copy detailing his or her rights.
- Upon completion of the investigation, the Investigative Officer shall prepare a report to the Director, in writing, stating the findings of the investigation and, where appropriate, include recommendations regarding corrective actions to be taken against the accused person(s). The Director may conduct any follow up investigation determined necessary and then render a final decision regarding the complaint and specify disciplinary action(s), if any, to be carried out.
- After submission of the report to the Director, the Investigative Officer must notify the complainant of his or her findings and shall consult with the complainant regarding the investigative findings and recommendations.
- At the complainant's request, the investigating officer may seek informal resolution of the complaint by bringing the offensive behavior to the attention of the accused party or parties and by securing agreement that the behavior will not be repeated. If an informal resolution is accomplished, and no further investigation is required, the investigating officer will submit the report to the Director. If the offending party denies the allegations, or if an informal resolution cannot be achieved, then the investigation must continue.
- Except as may be reasonably necessary to successfully complete an investigation of the harassment allegations, or as required by law, the Investigative Officer shall take proper care to protect the identity of any complainant and of the accused party and shall

endeavor to hold the allegations of harassment in confidence, pending action by the Commission.

- Documentation pertaining to the complaint and investigation, including the report of the investigative officer, shall be maintained by the Commission in a separate investigative file and does not become part of the employees permanent record.
- All investigations will be handled in a timely and confidential manner. Except as required by law, information concerning a complaint and investigation will not be released to anyone who is not a party to, or involved in, the investigation. Complainants and other persons involved in the investigation of an allegation of harassment will not be subjected to retaliation of any kind including coercion or intimidation and are free to participate in the investigation without fear of reprisal.
- If the complainant is dissatisfied with the Commission's action in response to a complaint of harassment, the complainant may contact the State Personnel Division for the purpose of requesting an independent investigation of the allegation of harassment. The employee may also contact the Commission on the Status of Women, the Nebraska Equal Opportunity Commission or State Ombudsmen for assistance in reporting complaints of harassment.

Corrective Action

If, after the investigation, an allegation of workplace harassment is found to be substantiated, the Director shall take appropriate corrective action against the employee(s) found to be responsible for the harassment. The corrective action may consist of verbal counseling or other disciplinary action, including termination, imposed in accordance with the State Classified System Personnel Rules and Regulation, the Labor Contract between The State of Nebraska and NAPE/AFSCME or The Labor Contract between the State of Nebraska and SLEBC.

Personnel

Policy B-3 Disability Accommodation Policy

The Commission firmly supports and enacts the provisions set forth in the Americans with Disabilities Act (“ADA”). The Commission will enforce all applicable provisions and titles of the ADA and afford qualified people with disabilities access to employment, benefits, and services of the Commission.

The Commission prohibits discrimination against a qualified individual with a disability in regard to equal employment opportunities, the job application procedures, the hiring process, advancement or discharge of an employee, employee compensation, job training, and other terms, conditions, and privileges of employment. The Commission prohibits its employees from discriminating against a qualified individual with a disability in regards to public accommodations, participation in Commission programs, or activities.

To implement this Policy, the Game and Parks Commission will:

- Post this policy and incorporate it into Commission operating policies and procedures.
- Designate an individual who has the authority to be responsible for on-going compliance of the ADA. This individual will be responsible for assisting in investigating complaints from affected groups or individuals and report the findings to the Director for resolution.
- Identify essential and non-essential functions as vacancies occur and are filled in conjunction with established recruitment and selection procedures.
- Provide all employees with a general orientation to the provisions of the ADA and conduct on-site training for management and supervisory employees to eliminate fear, biases, myths and stereotypes regarding individuals with disabilities.
- Ensure that individuals (and those in support of these individuals who are seeking services or employment) are protected against retaliation when they have asserted their rights under the ADA.

Reasonable Accommodations for People with Disabilities

The Commission has a responsibility to provide reasonable accommodations to allow otherwise qualified persons with disabilities to participate in the workforce. This accommodation must be provided unless doing so would create an undue hardship for the Commission.

Disability Defined

An employee may be considered to have a disability if the employee has a physical or mental impairment that substantially limits one or more major life activities, if the employee has a record of such impairment or if the employee is regarded as having such impairment. Major life

activities include things such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working. Employees with disabilities are protected from discrimination. In addition, discrimination against an employee on the basis of association with a person with a disability is prohibited.

Employee Accommodations for a Disability

An employee may request an accommodation at any time. The Commission may ask for medical information supporting the request from the employee's primary care physician or another appropriate source. Each request for accommodation will be examined on its own merits, and determinations will be made on a case-by-case basis.

Undue Hardship

An accommodation need not be provided if doing so would create an undue hardship to the Commission. If a supervisor receives a request for an accommodation, he/she will consult with the Division Administrator and the Human Resources Administrator before issuing a decision. The nature and cost of accommodations, the impact on the operation to the Commission, and the overall financial resources of the Commission are factors in making an accommodation decision based on undue hardship.

Personnel

Policy B-4 Drug Free Workplace Policy

Purpose and Goal

The Nebraska Game and Parks Commission is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

The Commission strongly encourages employees to voluntarily seek help with drug and alcohol problems.

Covered Workers

Any individual who conducts business for the Commission, or is conducting business on the Commission's property, is covered by our drug-free workplace policy. Our policy includes, but is not limited to executive management, managers, supervisors, full-time employees, part time employees and temporary employees.

Applicability

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the Commission. Therefore, this policy applies during all working hours, whenever conducting business or representing the Commission in any capacity and while on Commission property.

Prohibited Behavior

It is a violation of our drug-free workplace policy to unlawfully manufacture, use, possess, distribute, dispense, sell, trade, and/or offer for sale illegal drugs or controlled substances such as Amphetamines, Cannabinoids (THC), Cocaine, Opiates and Phencyclidine (PCP) in the workplace.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify HR) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

Notification of Convictions

Any employee who is convicted of a criminal drug violation must notify the Commission in writing within five calendar days of the conviction. The Commission will take appropriate action within thirty (30) days of notification. Federal contracting agencies will be notified when appropriate.

Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

If an employee violates the policy, he or she will be subject to progressive disciplinary action, including possible termination, and may be required to enter rehabilitation. An employee required to enter rehabilitation that fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Assistance

The Nebraska Game and Parks Commission recognize that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Offers all employees and their family members' assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.
- Allows for the use of Leave without Pay, with the Director's approval, while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the State of Nebraska Insurance plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Confidentiality

All information received by the Commission through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Observe employee performance.
- Investigate reports of dangerous practices.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

Communication

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. All employees will receive a written copy of this policy to ensure employees are aware of their role in supporting our drug-free workplace program.

Drug and Alcohol Testing Program

To comply with certain state and federal regulations, to provide an efficient and safe work environment for Game and Parks Commission employees and protect the public by ensuring employees are free from illegal drug use and drug or/alcohol abuse, any Commission employee or applicants who, as a condition of employment, is required to have a Commercial Driver License (CDL) license shall be subject to the drug and alcohol testing outlined herein.

Testing Categories

1. Pre-Employment Drug and Alcohol Testing: All external applicants applying for positions requiring a C.D.L. will be subject to drug and alcohol testing as required by regulations after being given a conditional offer of employment. This includes permanent, temporary, part-time and full-time. External applicants who fail a drug test (test positive for illegal drugs) or an alcohol test after being given a conditional offer of employment will be informed the conditional offer of employment is withdrawn. These applicants (as well as applicants who refuse to be tested or fail to report for a test) will be informed in writing they will not be considered again for employment for a 12-month period. Applicants who fail a drug or alcohol test will also be told they must provide proof of successful completion of a

rehabilitation program before they will again be considered for employment. They will also be given information for referral to a local rehabilitation facility. If applicants described in this paragraph are again selected to receive a conditional offer of employment, they will again be scheduled for and must pass a test (test negative) before being hired. Employees promoted, demoted, or transferred from a position not covered by this policy to a position covered by this policy on a temporary or permanent basis shall be required to pass tests for drugs and alcohol prior to assuming the duties of the position.

The cost of the pre-employment drug and alcohol tests will be borne by the Commission.

2. Random Testing:

- a) Random testing shall apply to all those employees whose job requires a C.D.L.
- b) Random drug testing of employees covered by this section of the policy shall be performed throughout the year at a minimum annual rate of 50 percent by December 31 of every year.
- c) Random alcohol testing of employees covered by this section of the policy shall be performed throughout the year at a minimum annual rate of 25 percent by December 31 of every year.
- d) A lottery will be used to determine employees to be tested. The lottery will use Social Security Numbers as the identifier of each employee covered by this portion of the policy. All employees subject to this section of the policy shall have their Social Security Numbers included in each lottery to afford an equal chance of selection for a test.
- e) The Administration Division shall provide the list of employees for random testing and the test dates.

3. Reasonable Suspicion Testing:

- a) Reasonable suspicion testing is applicable to all job classifications covered by this policy and shall be administered as set forth in this section.
- b) Any employee who displays physical, behavioral, or performance indicators of probable use of drugs or alcohol should be considered for a drug or alcohol test, and a written record kept of each incident. This determination may be made by a single supervisor.
- c) Test should be performed as soon as possible. If not conducted within two hours of determination, the supervisor shall prepare and maintain a file stating why. If not performed within eight hours, the supervisor should cease attempts and record why. Employees covered by this policy who sustain an on-the-job injury may be tested for the presence of drugs and alcohol unless the injury is of such a nature that will not permit testing; testing would interfere with treatment; or the injury does not require treatment.

4. Post-Accident Testing:

- a) As soon as practicable following an accident involving a state-owned motor vehicle, the driver shall be tested for drugs and alcohol when:
 - 1) The accident involved a fatality; or
 - 2) The Commission driver received a citation under state or local law for a moving traffic violation arising from the accident.
- b) If an alcohol test required by this section is not administered within two hours following the accident, the supervisor shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight

hours following the accident, the supervisor shall cease attempts to administer an alcohol test and shall prepare and maintain a written record stating the reasons the test was not administered.

- c) An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the Commission to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

5. Post-Fatality Testing:

In the event an employee covered by this policy dies as a result of on-the-job injuries, urine and blood samples shall be taken for testing to determine the presence of drugs and/or alcohol, if practicable to do so. The appropriate local authority; coroner, or medical examiner shall be advised of the requirement for this testing.

6. Return-to-Duty Testing:

The supervisor shall ensure that before an employee returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding alcohol misuse, the employee shall undergo a return-to-duty alcohol test indicating a breath alcohol concentration of less than 0.08.

The supervisor shall also ensure that before an employee returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding drug use, the employee shall undergo a return-to-duty drug test with a result indicating a verified negative test for drug use.

In the event a return-to-duty test is required because of a .04 alcohol or positive drug test, the employee must also be evaluated by a substance abuse professional (SAP) and participate in any assistance program prescribed.

7. Follow-up Testing:

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use illegal drugs, the department shall ensure that the employee is subject to unannounced follow-up drug and/or alcohol testing as directed by the substance abuse professional.

The employee shall be subject to a minimum of six follow-up drug and/or alcohol tests in the first 12 months, and additional testing up to 60 months.

Alcohol follow-up testing shall be performed only when the driver is performing safety-sensitive functions, or immediately prior to performing or immediately after performing safety-sensitive functions.

8. Test following 24 hour suspension:

Before an employee can come back to work after being sent home for 24 hours after a test indicated a 0.08 alcohol content, the employee must be tested again and have an alcohol concentration measuring less than 0.08.

Failure to Submit To Testing

1. Employees refusing to submit to the required tests shall have the refusal noted in the employee personnel file and shall be treated as a positive drug test or a .04 alcohol test as outlined in the section titled "Disciplinary Action".
2. Upon failure to cooperate with the collection process (e.g., refusal to provide a complete specimen, complete paperwork, initial specimen) the collection site person shall inform the Commission's representative and shall document the noncooperation on the urine custody and control form. Such action will be treated as a positive drug test as outlined in the section titled "Disciplinary Action".

Disciplinary Action

The following disciplinary action shall be taken:

1. Alcohol

Employees with C.D.L.'s having a blood alcohol level of .02 through 0.039 shall be suspended without pay for one day but not less than 24 hours after administration of the test.

2. Drugs

The following action will be taken when employees have a confirmed positive drug test:

- a) First Offense - Employee will be immediately relieved from duty, referred to a substance abuse professional and will be subject to disciplinary action pursuant to the NAPE/AFSCME Labor Contract or Classified System Personnel Rules, whichever applies.
- b) The substance abuse professionals will be those provided by the Employee Assistance Program. Employees refusing assistance will be dismissed. Employees not successfully completing the assistance program will be dismissed. Employees shall also be subject to increased, unannounced testing for up to 60 months.

Alcohol Test

Testing of an individual's breath for the presence of alcohol, using breath-testing devices, shall only be performed by personnel trained to conduct such test.

Drug Test

Drug tests for Pre-employment, post-accident, reasonable suspicion, random, and return-to-duty and follow-up testing shall check for:

- (1) Marijuana (THC meta bolite)
- (2) Cocaine
- (3) Opiates (including heroin)
- (4) Phencyclidine (PCP)
- (5) Amphetamines

Split sample urine specimens will be used to test for these drugs.

Laboratory

Any laboratory performing the specimen analysis for drugs shall be certified by the U.S. Department of Health and Human Services (DHHS) and shall meet the requirements set forth in 49 CFR Part 40.

All positive tests shall be forwarded to the medical review officer (MRO) for final review. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of a U.S. Department of Transportation regulations or this policy.

It is the responsibility of the medical review officer to review, interpret, and verify a test as positive or declare the test as negative.

Records of Tests

1. All test results reported by the medical review officer shall be maintained in a separate confidential file by the Human Resources Administrator. The positive test(s) will be retained for five years and negative test(s) for one year.
2. Test records will be compiled and reported in accordance with Federal Highway Administration's requirements.

Medical Review Officer

1. A medical review officer shall review each report received from the laboratory to verify test results. The medical review officer shall meet the qualifications established in 49 CFR Part 40.
2. **Re-Analysis Authorized:**
Should any questions arise as to the accuracy or validity of a positive test result, only the medical review officer is authorized to order a re-analysis of the original sample and such retests are authorized only at laboratories certified by the United States Department of Health and Human Services (DHHS).
3. **Result Consistent With Legal Drug Use:**
If the medical review officer determines there is a legitimate medical explanation for the positive test result, the medical review officer shall report the test result as negative.

4. Result Scientifically Insufficient:

The medical review officer, based on review of inspection reports, quality control data, multiple samples and other pertinent results, may determine that the result is scientifically insufficient for further action and declare the test specimen negative. In this situation, the medical review officer may request a re-analysis of the original sample before making this decision. The medical review officer may request that re-analysis be performed by the same laboratory or that a portion of the original specimen be sent for re-analysis to an alternate certified laboratory.

Personnel

Policy B-5 Code of Ethics and Rules of Conduct

Code of Ethics

- 1) No employee shall receive any compensation from any source for services performed as an employee of the Commission other than the compensation paid by the Commission.
- 2) No employee shall receive any compensation from any source for the use of any information or material gathered while using Commission property or while on Commission business, other than the compensation paid to the employee by the Commission.
- 3) No employee shall solicit, accept or agree to accept any gift, loan, gratuity, discount, favor, hospitality, or service from any person known to buy from, sell to or provide services for compensation to the Commission under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the employee in the performance of official duties. This prohibition shall not apply to acceptance of ordinary social favors, nor to any commercially reasonable loan made in the ordinary course of business, nor to attendance at educational schools or sessions held by a manufacturer or supplier with regard to products which the manufacturer or supplier desires to sell.
- 4) No employee shall disclose to any person, other than as required by his or her official duties, any confidential information acquired in the course of his/her official duties nor such information in the furtherance of his own economic interests or those of any other person.
- 5) No employee shall solicit, accept or agree to accept any compensation contingent upon any action or inaction by the Commission.
- 6) No employee shall hold any position, perform any duties, or engage in any activity incompatible with his official capacity.

Rules of Conduct

All employees of the Game and Parks Commission shall strictly comply with the rules of conduct. Non-compliance of these rules of conduct shall be cause for disciplinary action.

- 1) Employees shall not commit any acts which violate, or fail to comply with, State constitution or statute; an executive order; published rules, regulations, policies or procedures of the Game and Parks Commission. Employees are to comply with the Nebraska Classified System Personnel Rules, NAPE/AFSCME and/or SLEBC Labor Contracts, when applicable.
- 2) Employees are to comply with lawful orders and accept proper assignments made by their supervisors. This will include orders/assignments relayed by a supervisor through another employee.
- 3) Employees shall perform their duties in an efficient, competent and diligent manner.
- 4) Employees shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcoholic beverage in the workplace or report for duty under the influence of alcohol and/or unlawful drugs.
- 5) Employees are responsible for the proper care and use of state property, equipment and funds and shall not convert same to one's own use.
- 6) Employee shall not use undue influence to gain, or attempt to gain, promotion, leave or favorable assignment for individual benefit or advantage.
- 7) Employees shall not provide false or incomplete information on their employment application and resume.
- 8) Employees are to request vacation leave in advance and may use vacation leave only with prior approval of the Director or a designated representative. Sick leave is to be requested in advance, when possible. Employees shall not improperly use or abuse any type of leave, meal or rest periods.
- 9) Employees shall be punctual in reporting for work at the scheduled time and day. Employees shall not leave their assigned work area without authorization from a supervisor.
- 10) Employees shall be courteous and maintain satisfactory working relationships with the public and other employees.
- 11) Employees shall obtain and maintain a current license or certification required by law or Game and Parks Commission standards when such license or certification is a condition of employment.
- 12) Conviction of a felony may be cause for imposing disciplinary action, including termination.

- 13) Employees shall make reasonable provision for payment of personal debts. Repeated failure to make reasonable provision for payment of personal debts which result in more than one garnishment may be cause for discipline, except in cases of court ordered child support payments.
- 14) Employees shall not commit any insubordinate acts or use language which might seriously hamper the Game and Parks Commission's ability to control, manage or function.
- 15) Employees shall not commit an act (on or off the job) which adversely affects their performance and/or the Game and Parks Commission's performance or function.
- 16) Employees shall not commit harassment based, in whole or in part, on race, color, sex, religion, age, disability or national origin, which manifests itself in the form of comments, jokes, printed material and/or unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature.
- 17) Employees shall not display or have in their possession any materials or utter comments in the workplace that are derogatory toward a group or individual based upon race, gender, color, religion, disability, age or national origin.

Personnel

Policy B-6 Nepotism

In accordance with Nebraska Revised Statute 49-1499.07, the Nebraska Game and Parks Commission is committed to a policy of employment and advancement based on qualifications and merit and does not base employment decisions on relationship to current employees. As such, employees of the Commission shall not engage in nepotism.

Nepotism means the act of hiring, promoting, or advancing an immediate family member in state government or recommending the hiring, promotion, or advancement of an immediate family member in state government or within the Game and Parks Commission.

- For the purpose of this policy, immediate family shall be defined an individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption, of an official or employee in the Game and Parks Commission. Immediate family shall also include any person who the individual or the individual's spouse claims as a dependent for federal income tax purposes.
- Current employees shall not take part in any action or decision regarding employment, promotion, transfer or discipline of an immediate family member.
- No permanent or temporary employee shall supervise a member of an employee's immediate family without written approval of the Director.

Duties of Employees

If an employee becomes a supervisor of an immediate family member, that supervisor must notify the Director within 7 days of becoming aware of the situation. An employee may continue to act as a supervisor until the Director acts upon the notice and remedies the situation.

Duties of the Director

The Director who receives notice of a supervisory relationship is required to act upon the notice "as soon as practicable." The Director may grant an exception to the prohibition against nepotism or the prohibition against supervision of a family member or take action to remedy the supervisory situation. If an exception is granted, the Director must file the following with the Accountability and Disclosure Commission:

1. A copy of the notification from the employee
2. A written request showing good cause for the exception
3. Any written decision of the Director

Personnel

Policy B-7 Workplace Relationships and Consensual Relationships

Workplace Relationships

Employees are encouraged to socialize and develop professional relationships within our agency and with our partnership agencies provided that these relationships do not interfere with the work performance of either individual or with the effective functioning of the workplace.

Employees who engage in personal relationships should be aware of their professional responsibilities and will be responsible for assuring that the relationship does not raise concerns about favoritism, bias, ethics, and conflict of interest.

Consensual Relationships

If any Commission employee enters into a consensual relationship that is romantic or sexual in nature with an employee that they supervise either directly or indirectly, the supervisor must notify the Human Resources Administrator within 14 days. Although the parties may feel that what they do during non-working hours is their business and not the business of the Commission, because of potential harassment issues and the possible conflicts of interest, the Commission has made this requirement.

Once the relationship is made known, the Human Resources Administrator and the Director will review the situation with Administration and look at all the facts (reporting relationships, effects on coworkers, job titles, responsibilities etc.) to determine whether one or both parties need to move to another division or what other changes need to be made to the reporting structure within the current division. The decision will be made based upon which actions will be the least disruptive to the Commission as a whole.

Personnel

Policy B-8 Performance Evaluations

The Game and Parks Commission utilizes the system prescribed by the State of Nebraska to complete evaluations of all permanent employees work performance.

- Performance evaluations are to be completed once a year. Evaluations launch on or about January 2 and should be completed according to prescribed timelines.
- Supervisors should work with employees to establish goals and convey all expectations to the employee at the beginning of each evaluation period.
- New employees are to have goals and expectations conveyed to them within the first month of employment and have their performance evaluated at the end of their original probation.
- If you need help with performance evaluations, please contact the Commission's Human Resources Office.

Personnel

Policy B-9 Employee Assistance Program

The Employee Assistance Program (EAP) is a confidential, short-term counseling and referral service designed to help employees and their families begin to work through personal problems such as marital conflicts, grief issues, stress, legal problems, chemical dependency, financial troubles, psychological and emotional difficulties.

Employee Assistance Program services are available to employees in virtually every county of the state. Employees and/or their family members can receive services at a location that is convenient for them.

Employees may arrange for a private confidential consultation by contacting the Human Resources Office or visit <http://das.nebraska.gov/Benefits.html>.

Personnel

Policy B-10 Workers' Compensation and Injuries

On-the-Job Injuries

Employees injured while on duty may be entitled to Workers Compensation benefits. When an on-the-job injury occurs, no matter how minor, employees must inform their supervisor immediately. The First Report of Alleged Occupational Injury Illness Form (NWCC Form 1) is to be completed within three calendar days of the injury and forwarded to the Commission Human Resources Office.

The Commission's insurer will review all injury reports to determine whether the claim is compensable under Nebraska Workers Compensation Acts. Medical, surgical, hospital services and medicines required during the course of treatment are covered once the claim is determined compensable.

Communication will be established with the employee by the State's insurer. It is the employee's responsibility to ensure that all requests for information by the State's insurer are satisfied. Failure to maintain communication or to satisfy requests for information may result in delay of claims being paid and possible denial of the claim.

Personnel

Policy B-11 Political Activities

An employee may engage in any political activities except the following:

- 1) An employee shall not participate in political activities while performing official state duties.
- 2) An employee shall not use his or her state job to distribute or receive political favors.
- 3) If an employee, wishes to take part in political activities during normally scheduled work hours, the employee must arrange for leave (vacation, leave without pay, etc.) to cover the period of absence.

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

Personnel

Policy B-12 Disciplinary Procedure

An employee may be disciplined for violation of the Commission policies and procedures, the Classified System Personnel Rules and for violation of any applicable labor agreements.

Employees covered by the Classified System Personnel Rules and those employees represented by NAPE/AFSCME may have one or a combination of any of the following types of disciplinary action imposed: Written warning, disciplinary probation, suspension, demotion, reduction in salary and/or dismissal.

Conservation Officers represented by SLEBC may have disciplinary action imposed in the form of one of the following: Written warning, disciplinary probation, suspension, demotion, reduction in pay or discharge. Except that, disciplinary probation may be used in conjunction with any of the forms of discipline except written warning and discharge.

Please see Rules of Conduct for a list of the reasons for the imposition of discipline.

Personnel

Policy B-13 Rest Periods

Non-exempt employees are granted a fifteen-minute rest period during each one-half work period (a one-half work period shall be not less than four hours). The rest period is to be taken at approximately the middle of the one-half work period. Rest periods shall not be cumulative nor shall they be taken before one hour after the employee arrives at work or one hour before the employee leaves work.

Rest periods are considered work time. Although rest periods may not be unreasonably denied, the Commission retains the right to suspend rest periods during an emergency.

Personnel

Policy B-14 Attendance – Use of Leave

Attendance - Use of Leave

Employees are to request vacation leave in advance and may use vacation leave only with appropriate division approval or designated representative. Sick leave is to be requested in advance when possible. Employees shall not improperly use or abuse any type of leave, meal or rest periods.

In the case of sudden illness or emergency that may cause an employee to be late or absent from work, the employee is required to notify his or her supervisor as soon as possible. The employee is expected to notify the supervisor within 30 minutes of the start of their scheduled shift, on each scheduled work day.

For absences such as scheduled or extended sick leave or vacation, the employee should submit a Request for Leave as far in advance as practical. Early notification is important as an employee's absence affects not only his or her own work, but also the ability of others to perform their work.

Employees shall not leave their assigned work station except when authorized by proper authority or in case of emergency.

When leave cannot be requested in advance, as in the case of illness, injury, emergency or any other type of absence that cannot be approved in advance, employees are to inform their supervisor no later than 30 minutes after the start of their scheduled work day (earlier if possible) of their need to be absent and the reasons for the absence. This notification is to be conducted by the employee, rather than another party, when physically possible.

Conservation officers should refer to SLEBC Labor Contract for leave provisions and follow division policy for reporting absence.

Use of Sick Leave to Care for Immediate Family

Employees may use sick leave when the illness, disability, injury, or major surgery of an immediate family member requires the employee's presence. The immediate family shall be considered: spouse, children, parents and others bearing the same relationship to the employee's spouse. Employees may use vacation leave or comp time to care for family members when their presence is helpful, but not essential. Supervisors may require a doctor's note to determine whether the employee's presence is medically necessary.

Substantiation of Sick Leave

Substantiation will be requested for any sick leave absence that exceeds 3 consecutive days. Any information received from an employee's physician will be kept in confidence and should only be kept in the HR office in order to protect the employee's medical information.

Vacation Leave Payment Upon Termination or Notice of Separation

Employees who leave state government for any reason shall be paid for any unused accumulated vacation leave earned, calculated on their base hourly rate. Employees shall not use more than 30 days of vacation, sick or compensatory time after notice of separation has been given. Approval of vacation or sick leave, after notice of separation has been given, must be made by the Division Administrator.

Personnel

Policy B-15 Informal Employee Complaints and Grievance

Grievance Procedure

All permanent employees who are aggrieved as a result of management actions resulting in an injury, injustice, or wrong involving a misinterpretation or misapplication of rules or policy, may formally grieve such actions without fear of reprisal. The aggrieved person should discuss the issue first with the agency. The issue should be presented in writing to either the Division Administrator or the HR Administrator or the Director's office. The Division Administrator or HR Administrator is required to notify the Director as soon as possible of the alleged action. The Director will ensure that every possible effort is made to resolve grievances at the Commission level. Employees may file grievances through their union and may ultimately appeal grievances not resolved within the Commission to the State Personnel Board, by filing a grievance and completing the steps of the procedure as described in the labor contracts and in the State System Classified Rules.

Employees represented by NAPE/AFSCME should refer to Article 4 of the NAPE/AFSCME Labor Contract for the procedure for filing a grievance.

Conservation Officers may find the procedure outlined in Article 8 of the SLEBC Labor Contract.

Employees covered by the Classified System Personnel Rules see Chapter 14.

Non-Grievable Issues

The State Personnel Board has final authority to determine whether or not an issue is grievable and may elect to hear any issue at its discretion. Issues determined to be non-grievable are subject to summary dismissal. The following issues, when done in compliance with established law, rule, or policy, are examples of non-grievable matters:

1. Performance appraisals
2. Appointments, including promotions to positions
3. Involuntary transfers not requiring the employee to relocate, with no salary reduction
4. Leave of absence decisions
5. Payment of moving expenditures
6. Salary increase allocations

Personnel

Policy B-16 Flextime Work Schedules

Because services within the Commission vary widely, not every employee in every office will be eligible for flextime. Core business hours are 8:00 AM to 5:00 PM and all offices are required to be open to the public during this time. It is the responsibility of the supervisor to verify and ensure performance of employees with flextime schedules. Employees utilizing flextime shall be required to keep an accurate schedule of work hours on the State's Outlook email so that all employees and supervisors stay aware of work hours. Communication about work hours between employees and supervisors is critical for a successful flex schedule. Flextime is a privilege, not a right and can be revoked at the discretion of the supervisor. Coverage of the office, employee tardiness, missed deadlines; lack of productivity, lack of communication, or changes in circumstances may be reasons for denial or revocation of flextime.

Flextime requests shall be considered on a case-by-case basis and shall not be unreasonably denied. The needs of the Agency to serve the public and accomplish our goals will be the foremost consideration when considering a flextime request. To apply for flextime, a Flextime Request Form shall be obtained from the Personnel office and submitted to the supervisor for approval. The supervisor may approve or disapprove the request.

If the request is approved, the supervisor should check the Approved box. A copy of the approved request is sent to the personnel office, a copy returned to the employee, and a copy kept by the supervisor.

If the request is not approved, the supervisor should check the Not Approved box. The supervisor is then required to provide a detailed justification in the space provided in the center of the form. A copy of the not approved request is sent to the personnel office, a copy returned to the employee, and a copy kept by the supervisor. The employee may appeal a not approved request or submit an amended request that may better meet the needs of the Agency and the employee. Any appeal should be sent to the supervisor with a copy sent to Human Resources.

A supervisor may revoke an employee's flextime privileges. To revoke privileges, a supervisor checks the Revoke box on an employee's current flextime application. The supervisor is required to give adequate justification for revoking a flextime schedule in writing in the space provided at the bottom of the application. Copies of the revoked form must be provided to the employee, the personnel office, and kept in file.

If an employee is denied the privilege of working a flex schedule or has their flex schedule revoked and feels that he or she is being treated unfairly, the employee has the right to appeal. To do this, the employee can write a letter addressed to the person to whom the supervisor reports, outlining his or her grievance. The supervisor who receives an appeal is required to respond within two weeks of receiving the letter. The appeal process can be utilized up to the level of Deputy Director. Any decision of an Deputy Director is final.

Policy B-17 Employee Tuition Assistance Policy

Employees, other than temporary employees, may, with the approval of the Director, receive reimbursement for 50% to 100% of tuition costs for approved job, career related, or degree required courses. Per quarter or semester, reimbursement will be limited to two undergraduate or graduate courses for full-time employees; and one undergraduate or graduate course for employees working less than full-time. Tuition costs shall be the cost per credit hour and shall not include fees or the cost of books. Courses must be taken through an accredited university, college, technical school or community college.

Employees participating in this program shall, prior to class starting date, submit a "Request for Tuition Assistance" form to the Director for approval. Eligibility for reimbursement requires a course grade of "C" or better, or pass for pass/fail courses.

Employees eligible for other educational reimbursements through other governmental programs shall use these programs first. If the cost of an approved course is more than the amount available from other sources, the Commission may reimburse the employee for up to 100% of the difference for tuition costs only. Participation in other governmental programs should be detailed on the Request for Tuition Assistance form or an attachment to the form at the time of the initial application.

Courses may be online or attendance at classes during non-working hours or during working hours with approval of the Director. Where practicable, in relation to work requirements, the Commission will be liberal with the approval of requests for vacation leave, flex-time scheduling, compensatory time, or leave without pay for the purpose of enabling employees to attend classes conducted during the employees' regularly scheduled work hours.

Employees who receive tuition assistance may be required to reimburse the Commission if they voluntarily leave their employment within one year of the course completion date.

Tuition assistance for graduate-level courses may be considered reportable as taxable income on the employee's W-2 Form.

General

Policy C-1 Housing Policy for Essential Housing on Lands Owned or Leased by the NGPC

Residential Facilities and Policies

The Commission does not routinely provide housing to employees. However, when an on-site presence of an employee is deemed essential and necessary to meet the Commission's goals and mission, or to protect the public's safety or public property, the Director may, in his or her discretion, provide designated housing for the required employee on the Commission's property.

In cases where the Commission determines it is essential and necessary for an employee to live on-site, the housing will be furnished for the convenience of the Commission, and the employee will be required to accept such housing as a condition of employment and reside full-time on the properties where facilities are available.

The intent of the policy is to ensure consistent treatment of occupancy, general condition, appearance, maintenance, and major repairs of Commission owned properties. The Commission may periodically review whether it is necessary for an employee to live in on-site housing and may change a determination for any reason, including but not limited to, changes in concentration of use of an area, the condition of the housing, the necessity for on-site employees at another location, or other business-related factors. Such determinations will be made on a case-by-case basis.

Policies and determinations of the Commission concerning the employee use of any Commission owned housing are subject to any and all provisions of the Internal Revenue Code. Any taxes that may be due based upon the employee use of the Commission owned housing are the responsibility of the employee.

Occupancy

Occupancy shall be limited to Commission personnel and their immediate family members. Immediate family member means a spouse, child, sibling, parent, grandparent, or grandchild, including stepparents, stepchildren, stepsiblings, and adoptive relationships. Occupancy by all others not defined as immediate family members may be approved by the Director, in his or her discretion, upon showing of necessity and in advance of such occupancy.

Leasing Commission Housing

In the event that housing is available on a Commission location and the Commission determines it is not essential and necessary for an employee to live on-site, the Director may allow an employee to lease the housing during their employment. Lease rates will be based on the fair

market value of rental rates for comparable properties in the locality being served, and then discounted as appropriate by business-related factors including requirement for employee to provide a continuous on-call presence to protect the Commission property(s) and the public's health, safety and welfare, and the time and effort required to maintain the home and surrounding property in proper condition. Lease rates, if applicable, will be developed by the Real Estate Coordinator, in consultation with the Division Administrator and the Director; lease rates will be reviewed annually by the Commission and adjusted accordingly. The monthly rent may be discounted from an employees pay, if applicable.

Housing Condition Inspections

The Commission may, upon reasonable notice, require an inspection of Commission owned housing.

General Condition and Appearance of Facility

The employee is responsible for the general condition, upkeep, and appearance of the facility. This includes, but is not limited to, general cleaning and upkeep of the interior, exterior, and landscaping needs.

Maintenance and Major Repairs

Subject to the availability of funds, the Commission is responsible for deferred and capital maintenance and major repairs, including but not limited to, roofs, foundations, exterior wall structures and coverings, and regulatory compliance. Employees must report concerns with the property to their immediate supervisor or Division Administrator immediately. Employees may not contract for or seek reimbursement for work performed on deferred and capital maintenance and major repairs on Commission housing unless the employee obtains permission for the work performed and the associate cost PRIOR to contracting or beginning the work.

Employee Housing Agreements

In the event that an employee is required to live in on-site housing, a housing agreement will be prepared in accordance with this section. The Real Estate Coordinator and the Division Administrator will be responsible for the preparation and periodic review, at least once every 5 years, of all housing agreements.

In the event that an employee leases state housing, a housing agreement will be prepared in accordance with this section. The Real Estate Coordinator and the Division Administrator will be responsible for the preparation and periodic review of all leases. The leases shall be reviewed at least annually.

Employee's Right to Review

At any time, an employee living in on-site Commission owned housing may petition the Commission to review whether it is necessary for an employee to continue to live in Commission owned housing. The Director, together with the Division Administrator and the Human Resources Office, will make a determination as to whether to continue the on-site housing arrangement based on business-related factors considered on a case-by-case basis.

General

Policy C-2 Outside Employment

Policy Statement

A permanent employee, with the prior approval of the Director, may engage in outside employment, including self-employment or acquire private interest in business, provided such employment interests do not interfere with efficient performance of duties or conflict with the interest of the state or Commission, or state statutes, and permission for such outside employment is obtained in writing from the Director. At the sole determination of the Commission and Director, outside employment which conflicts with the interests of the Game and Parks Commission will not be allowed.

Outside Employment Requests forms are available on the Commission's staff page or from the Human Resources Office.

No employee shall receive outside compensation for services normally provided free of charge in his or her capacity as a Commission employee. No employee shall receive outside compensation for the use of information or material gathered while using Commission property, while on Commission business, or otherwise obtained at Commission expense.

All outside employment shall be in conformance with the Code of Ethics adopted by the Commission.

Outside employment which results in conflict with satisfactory performance of the duties of the employee will not be allowed as determined by the Division Administrator and Director in their sole discretion.

Any employee engaged in outside employment may do so subject to a call to duty by the Commission except while the employee is on approved annual leave. The outside employer shall be advised of such requirement by the employee as a condition of employment. The employee shall take all necessary steps to comply with this requirement.

Definitions

1. Employment is defined as rendering of a service for wages or engagement in a profession, trade, business or vocation for profit including self-employment.
2. Outside employment is that employment as defined above accepted or undertaken by permanent employees other than their employment with the Game and Parks Commission.
3. Outside compensation is that compensation received from any source other than the Game and Parks Commission.

General

Policy C-3 Use & Operation of Commission Vehicles

Driving Policy for State Business

Employees with a valid Driver's License may operate a Commission owned motor vehicle for state business. It is the policy of the Commission to ensure employees on state business drive legally, safely, and defensively. The Director, or an appointed representative, will ensure that each employee and representative authorized to drive a state-owned vehicle has a valid State of Nebraska driver's license, and any other licenses and courses, as required by law. Completion of a Defensive Driving Course is a requirement for any employee driving a state owned vehicle or driving their personal vehicle on State of Nebraska business.

Taking a State Vehicle Home

The Director or their designee may, when it is in the Commission or state's best interest, authorize certain employees to retain possession of state-owned vehicles during nonworking hours and weekends (e.g., an employee whose house is designated as his office and official point of contact or an employee who would not normally report to his worksite before responding to an official call during nonworking hours). An employee should make the request to take a state vehicle home to their immediate supervisor.

Commuting

The Commission does not regularly provide vehicles for employees use for commuting between their residence and their regular place of employment. Any use of a Commission vehicle for commuting must be approved by the Director, and the value of the commuting use must be reported on the employees W-2 as a taxable benefit in compliance with the Internal Revenue Code.

Smoking and Vaping Prohibited

Smoking or the use of any tobacco product or vaping product is prohibited in all state vehicles.

Personal Use

Personal use of a state-owned vehicle is prohibited and can result in dismissal.

Seatbelts/ Safety Devices

Use of seat belts and safety restraint devices is required by both the operators and passengers in a state-owned vehicle. The operator or driver of a state vehicle is responsible for requesting that seat belts or other available safety restraints are used by the passengers.

Texting and Driving

No employee shall engage in the act of texting while operating any Commission owned motorized vehicle. This policy includes reading and writing text messages. Motorized vehicle includes any car, truck, tractor, mower, gator, and any other vehicle with an engine.

Non-State Employees

The Director or their designee may authorize persons performing services for the Commission to drive state-owned vehicles in accordance with the provisions of the governing contract or agreement.

Reporting Citations

Employees will report all citations for moving violations received while on state business to their supervisor within one (1) working day of occurrence. The employee will be required to notify the Commission if a ticketed violation is being contested.

Employees, who drive state vehicles for state business, will notify their supervisor by the beginning of the next shift of any driver's license suspension, revocation or if the driver's license becomes invalid, or any time a citation is issued for that results in losing three or more points on their driver's record.

Responsibilities of Employees Who Drive on State Business

An employee not meeting the responsibilities described within this policy, or with repeated misuse of Commission vehicles may be subject to disciplinary action.

General

Policy C-4 Smoke-Free Workplace Policy

Smoke-Free Workplace

To ensure compliance with the Nebraska Clean Indoor Air Act, the ADA, and to maintain a safe and comfortable working environment, smoking and the use of other tobacco products, and vaping and the use of all vaping products is prohibited inside all buildings occupied by Commission employees, including all offices, conference rooms, hallways, waiting areas, stairs, lunch rooms, meeting rooms, elevators, restrooms, shops and all other enclosed work areas. The ban shall also include all state owned motor vehicles. Smoking may occur in an outdoor designated area. Violation of the policy may result in disciplinary action.

General

Policy C-5 Moving Expenses

Moving Expense Reimbursement

- Employees who are relocated to another geographic location for the benefit of the Commission may be reimbursed for moving expenses in an amount not to exceed \$3,000. Employees relocating to another geographic area at their own request, for their personal benefit will not be reimbursed for expenses incurred.
- Payment of moving expenses shall be made only with the prior written approval of the Director, at his discretion. The written agreement shall include a statement of the items that will be reimbursed and the maximum amount that will be reimbursed to the employee.
- Whether or not relocation is for the benefit of the employing Commission shall be determined on an individual basis by the Director. The decision of the Director is a non-grievable issue.
- Promotions may be considered as a benefit to the Commission.

General

Policy C-6 Emergency Weather Policy

Emergency Weather Policy

1. The State of Nebraska has a statutory responsibility to have state offices open from 8:00 a.m. to 5:00 p.m. All state facilities will remain open and available to the public during those hours.
2. Prior to the onset of inclement weather, all employees should be made aware of the plans and procedures developed by the Commission on how best to serve the public should a weather emergency arise.
3. With the safety and welfare of our employees as a concern, employees will determine for themselves their ability to drive, their vehicle condition and the immediate road conditions during inclement weather. If they make a personal decision not to travel, employees may use accrued vacation or compensatory time to cover absences from work or to flex their time later in the workweek to accommodate for the absence.
4. If an employee determines they cannot report to work they should report their absence as outlined by their division procedures.
6. Employees not choosing to work during adverse weather conditions will have to use vacation leave, compensatory time, leave without pay or, if feasible, be allowed to make up missed work time within the work week.
7. The Commission will work with employees regarding the use of vacation or compensatory time due to inclement weather. Employees are encouraged to make up any lost work time due to weather related conditions during the work week. Further, the director may authorize employees to work from other locations, if possible.

General

Policy C-7 Observation of Law Violations by Non-Credentialed Employees

Law Enforcement Actions by Non-Credentialed Employees

All non-credentialed employees should adhere to the following guidelines relating to fish, game, park and any other law violations:

1. When observing a violation, make notation of time, type of violation, noticeable characteristics of subject involved, and location of offense.
2. Attempt to contact a credentialed employee. If a credentialed employee can handle, stand by; if a credentialed employee cannot handle, follow his or her instructions or contact another credentialed employee.
3. Attempt to determine identity of violator.
4. Relay information to a credentialed employee or local sheriff's office.

Non-credentialed employees who observe violations have no authority beyond that of an ordinary citizen. These employees should do no more than obtain as much information as possible and contact a Conservation Officer or other law enforcement credentialed employee.

Any employee observing a law violation is required to report that violation to a credentialed law enforcement officer.

In the case of an emergency, call 911.

General

Policy C-8 Information Technology and Communications Policies

The Nebraska Game and Parks Commission provides employees with access to technology and communications resources including but not limited to computers, laptops, Internet access, telephones, mobile devices and other hardware and software programs (i.e. Permits System, Reservation System) and related databases in order to facilitate an efficient and productive work environment. **Use of information technology and communication resources is provided for purposes consistent with the business and mission of the Nebraska Game and Parks Commission.**

Acceptable Uses

All Commission employees are subject to the State of Nebraska policies regarding usage of State resources and must adhere to such policies. The [State of Nebraska Acceptable Use Policy \(www.nitc.ne.gov/standards/7-101.html\)](http://www.nitc.ne.gov/standards/7-101.html) applies to all Commission employees, including full-time, part-time, temporary, contractors, interns and anyone else accessing such resources.

The following are acceptable uses of the State Communications System:

- a. To conduct of state business
- b. For state government sponsored activities
- c. For emails, text messaging, local calls, and long-distance calls to children, teachers, doctors, daycare centers, baby-sitters, family members, or others to inform them of unexpected schedule changes, and for other essential personal business.
 - i. Any such use for essential personal business shall be kept to a minimum and shall not interfere with the conduct of state business.
 - ii. The individual shall be responsible for payment or reimbursement of charges, if any, that directly result from any such communication. [Neb. Rev. Stat. § 81-1120.27(1)]
 - iii. Essential personal business shall not include use of the State Communications System for personal financial gain or campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. These uses are prohibited. [Neb. Rev. Stat. § 49-14,101.01(2) and § 49-14,101.02(2)]

Use of the State Communication System is subject to applicable State and Federal laws, such as the public records statutes of the State of Nebraska. Use of information technology and communication related resources are allowable only for lawful purposes, and not for any purpose that is illegal, immoral, unethical, and dishonest, damaging to the reputation of the State of Nebraska, Game and Parks Commission, inconsistent with the mission and values of the Commission. Examples include but are not limited to the laws of defamation, privacy,

copyright, trademark, obscenity and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit “hacking” “cracking” and similar activities. **Users should not have any expectations of privacy regarding state owned equipment or resources.**

Security

The purpose of the *State of Nebraska Information Security Policy* (<http://nitc.nebraska.gov/standards/8-Chapter.pdf>) is to provide a uniform set of reasonable and appropriate security safeguards for protection of the confidentiality, integrity, availability and privacy of State of Nebraska information collected, stored, and used to serve the citizens of the State of Nebraska. This Information Security Policy contains the minimum safeguards, responsibilities and acceptable behaviors required to establish and maintain a secure environment.

All state *electronic* business must be conducted on approved IT devices; accessing or attempting to access CONFIDENTIAL or RESTRICTED information for other than a required business “need to know” is prohibited; and misrepresenting yourself as another individual or organization is prohibited.

Use of state information technology resources may be monitored to verify compliance with this policy.

Email 8-204

Users of the state email system must not set up rules, or use any other methodology, to automatically forward emails to a personal or other account outside of the state network unless approved by the state information security officer or the agency information security officer.

CONFIDENTIAL or RESTRICTED data must not be sent by email unless it has been encrypted using technology approved by the state information security officer or the agency information security officer.

Portable IT devices 8-205

CONFIDENTIAL or RESTRICTED data must not be stored on portable IT devices (such as a portable hard drive or USB flash drive) unless it has been encrypted using technology approved by the state information security officer or the agency information security officer.

Remote access 8-301

Remote access from any device that connects from outside of the state network to a desktop, server or network device inside the state network must be strictly controlled to ensure that employees, contractors, vendors and any other agent granted remote access privileges to any state network utilize only approved secure remote access tools and procedures.

The following standards apply to all staff that connect to the state network through the Internet. This includes all approved work-from-home arrangements requiring access to state systems and agency office locations that use the Internet to access the state network. Each state agency will be responsible for ensuring that remote access to state resources is secured and compliant with this policy.

The following are the general requirements for remote access:

1. Requests for remote access must be reviewed and approved by the state information security officer and the agency information security officer prior to access being granted;
2. Staff approved for remote connectivity are required to comply with all policies and standards;
3. All devices connecting to the network must have up-to-date anti-virus protection, active firewalls, and appropriate security patch levels equivalent to those provided for state equipment.

Passwords 8-302

Minimum Password Requirements. The following are the minimum password requirements for state government passwords:

1. Must contain a minimum of eight characters;
2. Must contain at least three of the following four: at least one uppercase character; at least one lowercase character; at least one numeric character; or, at least one symbol (!@#\$\$%^&); and
3. Cannot repeat any of the passwords used during the previous 365 days.

Identification and Authorization 8-303

All employees and other persons performing work on behalf of the state, authorized to access any state information or IT resources, that have the potential to process, store, or access non-public information, must be assigned a unique State of Nebraska user ID which resides in the State of Nebraska Active Directory domain with the minimum necessary access required to perform their duties. Staff are required to secure their user IDs from unauthorized use. Sharing user IDs is prohibited.

External connections 8-404

Direct connections between the state network and external networks must be implemented in accordance with these policies and standards:

- (1) Connections will be allowed only when external networks have been reviewed and found to have acceptable security controls and procedures, or appropriate security measures have been implemented to protect state resources.

(2) External network and workstation connections to the state network must have an agency sponsor and a business need for the network connection. The external network equipment must also conform to the state's security policies and standards, and be approved by the Office of the CIO; and

(3) Any connection between agency firewalls over public networks that involves sensitive information must use encryption to ensure the confidentiality and integrity of the data passing over the external network.

Wireless networks 8-405

Advances in wireless technology and pervasive devices create opportunities for new and innovative business solutions. However, security risks, if not addressed correctly, could expose state information systems to a loss of service or compromise of sensitive information. Everything transmitted over radio waves (wireless devices) can be intercepted. This represents a potential security issue. Therefore, appropriate steps must be taken, including the implementation of encryption, user authentication, and virus protection measures, to mitigate risks to the security of state data and information systems associated with the use of wireless network access technologies. No wireless network or wireless access point will be installed without approval of the Commission's Information Technology Division.

Approved hardware and software; documentation 8-501

Only state-approved hardware or software is permitted within the state's information technology infrastructure. Only authorized individuals using approved tools will install software on state devices. All authorized hardware and software shall be inventoried and documented. Results shall be secured in an auditable fashion.

Users must lock or log off their computers when not in use.

Minimum mobile device configuration 8-506

All mobile computing devices accessing the state network or containing state information must be provisioned to meet these security policies and be approved by the Office of the CIO. All devices that will be connected to the state network must be logged with device type and approval date. The following are minimum mobile device configuration standards:

1. Mobile computing devices must be shut down or locked when not in use. These devices must not be left unattended in a public access area. They must be locked in a secure cabinet or room, or kept on the person. Devices should not be shared;
2. Mobile computing devices and mobile storage devices must not be left in a vehicle unattended;
3. Storing CONFIDENTIAL or RESTRICTED information on any mobile device or any removable or portable media (e.g., CDs, thumb drives, DVDs) is prohibited unless

arrangements and mechanisms for securing the data has been explicitly approved by the state information security officer. In those cases, all mobile computing devices or portable media shall be encrypted using technology that is approved by the state information security officer;

4. Personally owned mobile devices (e.g., smartphones and tablets) may be used for approved state purposes, including email, when configured to access the state information through a managed interface or sandbox only. Devices that are not configured to use the authorized interface are prohibited from accessing any state information, including email;
5. The device must have security settings that block users from changing mandatory settings;
6. Strong passwords are required, and passwords must change regularly per state policy regarding passwords;
7. The device must lock after no more than 5 minutes of inactivity and must require the reentry of a password or PIN code to unlock;
8. After 10 unsuccessful password attempts, the device or the state container will be erased. In the event that the device becomes lost or stolen, the Office of the CIO must have the capability to remotely locate, lock, and erase the device;
9. The device should have all data backed up at the state data center;
10. Devices need to be cleared of all information from the prior user before being issued to a new user;
11. The device OS must be up to date and patched. New versions of the OS must be vetted for security posture and supportability;
12. Devices must be properly disposed of using mechanisms approved by the state information security officer. State data must be cleared and devices properly disposed of or recycled. The disposition process is required to be documented and periodically audited; and
13. New devices are required to be configured and operate within established security guidelines and help desk support must be established before these devices can be operational. New devices need to be validated before being made available for users to request.

Staff use of cloud storage websites 8-606

Accessing online cloud storage websites (such as Dropbox, Google Drive, etc.) is a security risk that will be restricted based on an employee's job functions. Use of these systems for any state purposes is prohibited unless approved by the employee's supervisor or manager. Even if approved, it is prohibited to process or store any CONFIDENTIAL or RESTRICTED information with these services, unless the storage is encrypted with approved technology, and has been approved in advance by the state information security officer.

State data 8-901

Data is a critical asset of the State of Nebraska. All staff have a responsibility to protect the confidentiality, integrity, availability of data generated, accessed, modified, transmitted, stored or used by the state, irrespective of the medium on which the data resides and regardless of format. Data owners are responsible for establishing and implementing appropriate managerial, operational, physical, and technical controls for access to, use of, handling of, transmission of, and disposal of state data in compliance with this policy, federal requirements, and any applicable records retention schedule. The agency data owner should carefully evaluate and determine the appropriate data sensitivity or classification category for their information. Assigning classifications determines day-to-day practices with information: how it is handled, who handles it, how it is transported, how it is stored, and who has access.

Data classification categories 8-902

Data owned, used, created or maintained by the state is classified into the following four categories:

- (1) **RESTRICTED**. This classification level is for sensitive information intended for use by a limited number of authorized staff with an explicit “need to know” and controlled by special rules to specific personnel. Examples of this privileged access information include: attorney-client privilege information, agency strategies or reports that have not been approved for release, audit records, network diagrams with IP addresses specified, and privileged administrator credentials. This level requires internal security protections and could have a high impact in the event of an unauthorized data disclosure;
- (2) **CONFIDENTIAL**. This classification level is for sensitive information intended for use within an agency and controlled by special rules to specific personnel. Examples of this type of data include: federal tax information (FTI), protected health information (PHI) and other Patient Medical Records covered by Health Insurance Portability and Accountability Act (HIPAA), payment card industry (PCI) information, and personally identifiable information (PII);
- (3) **MANAGED ACCESS PUBLIC**. This classification level is for information that is public in nature but may require authorization to receive it. This type of information requires a minimal level of security and would not have a significant impact in the event of data disclosure. This type of information does not include personal information but may carry special regulations related to its use or dissemination. This data may also be data that is sold; and
- (4) **PUBLIC**. This classification is for information that requires no security and can be handled in the public domain.

Payment Card Industry

Payment Card Industry Data Security Standards (PCI DSS) Compliant - Adherence to performance measurements outlined in the https://www.pcisecuritystandards.org/security_standards/pci_dss.shtml PCI DSS annual self-evaluation, as well as submission to regular scans as may be required to search for network vulnerabilities.

General

Policy C-12 Layoff Policy – NAPE/AFSCME & Classified System Personnel Rules

Layoff Policy: Policy Purpose and Definition

To establish guidelines and criteria for implementation of a layoff plan in accordance with Article 5 of the NAPE/AFSCME Labor Contract and Chapter 13 of the Nebraska Classified System Personnel Rules and Regulations.

A layoff action shall be defined as an involuntary separation or a transfer or reduction of hours worked caused by a mandated elimination of an entire position or portion of a position, due to economic reasons, elimination of funds, reduction of workload, or reorganization within the Commission. A voluntary cutback in work hours is not a layoff.

(1) GENERAL PROVISIONS

The Director has the final authority to determine the need and scope of a layoff and when to implement it. The need and scope of the layoff, as well as any other elements will be defined in the layoff plan published prior to the layoff action. All layoffs are to be coordinated through the Human Resources Administrator prior to notification and implementation.

(A) Scope of Layoff

The scope of the layoff will be identified in the layoff plan by the specific classes and positions affected. The layoff plan will also contain the information to be provided in the general layoff announcement. Bumping rights shall be established by bargaining unit, facility and/or, division and/or, geographic area and/or, by total Commission, as designated by the Commission Director in the layoff plan. Nothing within this layoff policy limits or restricts the Commission Director from utilizing criteria provided in the Nebraska Classified System Personnel Rules or the NAPE/AFSCME Labor Contract in effect during the layoff/bumping process.

(B) Written Layoff Notice

A written layoff notice will be provided by certified mail or in person to each immediately affected employee as soon as possible but no later than 15 work days prior to the date of the layoff action. This time period may be shortened by the Commission Director when emergency budgetary or funding situations exist. A general announcement will be posted at the same time to provide the reason and effective date of the layoff, and an explanation if the 15 work day notification period is shortened.

The adjusted service date shall be used for NAPE/AFSCME employees and for the Classified System Personnel Rules employees and applied to the listing of affected

employees and the bumping rights of those affected will be part of the general announcement.

(C) Order of Layoff

The order of layoff within affected classes will be based on the adjusted service date for the employees affected by the action. The adjusted service date shall include all full and part time employment but exclude temporary employment. Full credit will be granted for partial months of full-time service if more than 10 days were worked.

If two employees have the same service anniversary date, the agency shall look at the previous 2 years performance evaluation score.

The definition of seniority used in this policy is not automatically applicable to other personnel related actions.

(D) Service Anniversary Date/Retention Points

Employees with the most recent service anniversary date will be affected first by the layoff action (ie. the first to be separated transferred, or have their work hours reduced). Employees having the same service anniversary date will have the tie broken the most recent performance evaluation score. If a tie still exists, the tie will be broken by lot.

(E) Plan

The written announcement and the plan for the layoff action will be furnished to the State Personnel Director prior to the action and, as applicable, to the union at least five calendar days prior to the required meeting with the union.

(2) BUMPING RIGHTS AND PROCEDURES

(A) Transfer/Bumping Options for NAPE/AFSCME Bargaining Unit Employees

See Article 5 of the NAPE/AFSCME Labor Contract.

(B) Transfer/Bumping Options for Classified System Personnel Rules Employees

Employees occupying positions designated for layoff may, except in situations where unique job related factors are involved, bump employees with lesser retention privileges in the following sequence (Chapter 12-002.04):

- 1) Positions of the same class;
- 2) Positions of the same class series of a lower salary grade;

- 3) Positions within classes the employee previously occupied of an equal or lower salary grade and held within the previous 48 months.

(3) PAY AND BENEFITS

(A) NAPE/AFSCME Employees

See Article 5 of the NAPE/AFSCME Labor Contract.

(B) Classified System Personnel Rules Employees

Employees requesting voluntary transfer (lateral or down) or as a result of bumping in lieu of layoff may, at the Commission Director's discretion, have their salary reduced (Chapter 7-003).

The Commission Director will return reinstated employees at their former salary if reemployed within 12 months. Such employees may receive, at the Commission Director's discretion, any legislative increases granted during the period of absence (Chapter 12.005). An employee who has left state service and returns within five years will have reinstated to the sick leave account all earned sick leave not used at the time of departure.

(C) Reimbursement of Moving Expenses

Reimbursement for moving expenses will not be made for employees relocating due to a layoff.

(4) REINSTATEMENT

See Article 5 of the NAPE/AFSCME Labor Contract or Classified System Personnel Rules Chapter 13 as appropriate.

Employees reinstated after being laid off shall be reinstated in the reverse order from which they were laid off or transferred.

(5) LAYOFF POLICY DEFINITIONS

The following definitions will apply to this policy statement.

(A) Bumping

The process, during layoff, of allowing employees to replace other employees in lieu of separation.

(B) Class

One or more positions similar enough as to duties performed, degree of supervision exercised or received, knowledge, skills and abilities needed and other characteristics so that the same title and salary grade assignment may be applied to each position in the group.

(C) Adjusted Service Date

Any period of regular service by an employee , including full time and part time work but excluding any amount of time employed in a temporary assignment.

(D) Original Probation Employee

A full-time or part-time, newly appointed employee, who is serving a required period of time (ranging from six to 12 months) in which he or she must perform satisfactorily assigned duties and responsibilities before attaining permanent status.

(E) Series

Two or more classes similar in duties, but differing primarily in level of difficulty, responsibility, knowledge, skills and abilities needed and supervision exercised or received.

General

Policy C-13 Social Media Policy for Agency Branded Accounts

The following outlines the policies and guidelines for all Nebraska Game and Parks Commission (NGPC) social media accounts. The goal of this policy is not to limit the use of social networks, but to ensure consistency with our agency brand and content.

If you have questions about any social network please contact ngpc.socialmedia@nebraska.gov
Definition of social media sites

Web based social networks are external websites and/or applications that run on non-state servers. Typically these sites provide a variety of ways for users to interact (i.e. post comments, photos, audio and/or videos). Social networks include (but are not limited to) Facebook, Twitter, YouTube, Blogs, Pinterest, Instagram, Flickr, Vine, Snapchat and Foursquare.

Creation of Agency Branded Social Media Sites

- Social media websites and applications widely vary in content and use. The Interactive Digital Media Team will review a social network before a NGPC branded account is created. The site will be audited to ensure that it allows adequate mechanisms and features for the Interactive Digital Media Team to manage content and messaging. Concept, audience and marketing plans for the site will also be reviewed.
- Agency social media accounts may only be created by the Interactive Digital Media Team within the Communications Division.
- Accounts may be created by the Interactive Digital Media Team, even if there are no current plans to use them, to reserve naming rights.
- No employee shall create an account that is attempting to represent NGPC in any way on any social network or application. This includes an account representing the agency, property managed by the agency, or any events and programs ran by the agency. Those who do so will be required to surrender the account credentials and they account may be closed.
- Accounts may be created by the Interactive Digital Media Team, even if there are no current plans to use them, to reserve naming rights.
- No employee shall create an account that is attempting to represent NGPC in any way on any social network or application. This includes an account representing the agency, property managed by the agency, or any events and programs ran by the agency. Those who do so will be required to surrender the account credentials and they account may be closed.

Use of Agency Branded Social Media Sites

- Any social media account representing NGPC must be approved by the Interactive Digital Media Team within the Communications Division.
- The Interactive Digital Media Team reserves the right to edit or remove any content posted by an approved content manager or public follower on the account.
- Social media accounts are to be used to promote NGPC services and events. The promotion on third party content is not allowed unless approved by the Communications Division.
- Personal opinions of NGPC staff are not to be shared through a NGPC branded account.
- All social media accounts shall clearly indicate that they are maintained by NGPC. This will be done by using the NGPC logo as the default profile image. Agency contact information must be available on the site where applicable.

Social Media Policy for Agency Staff and Personal Accounts

Management of The Nebraska Game and Parks Commission does not actively monitor personal staff accounts on social networks. However, staff should be aware that they will be held accountable for anything posted on their personal account if it is found to compromise the integrity of NGPC (the agency).

Examples include but are not limited to:

- Posting video, audio, photographs, documents, or text (content) that could compromise the integrity of the agency;
- Posting content related to policies, procedures, rules, and regulations relating to the agency;
- Posting content related to any other employee or customer of the agency;
- Posting content related to any third-party vendor related to the agency;
- Interacting with or responding to the media and any of their social accounts

Employees who wish to share their personal opinions (on their personal account) regarding any business related to the agency must clearly state that their opinions do not represent the agency. The employee should also note that doing so does not give them a “free pass” to post whatever they would like. Employees will still be held responsible for their actions if they are found to compromise the integrity of the agency.

Social Media Policy for Public Followers, Fans, Subscribers of Agency Accounts

The following policy applies to all public users (fans, followers, subscribers) of any NGPC social media account. This policy is to each account created on behalf of NGPC.

Nebraska Game and Parks Commission Social Media Terms of Use:

This is an official social network account managed by the Nebraska Game and Parks Commission (NGPC). All NGPC social media accounts are created to provide people who have an interest in Nebraska's outdoors with access to information about NGPC. This page is monitored and managed by the Nebraska Game and Parks Commission, Communications Division.

This page is not monitored on a 24/7 basis. The NGPC manages this page as a limited public forum and therefore the following conditions apply. Before posting on this account, please review these terms: A posting on this page constitutes acceptance of these terms.

The "liking," following, or subscribing to any third party social media account by NGPC or its employees does not indicate endorsement of that person's/Companies' actions or comments. Comments posted by others on any NGPC social media account are not to be considered the opinion of NGPC; nor does NGPC endorse any third party comments on this page. NGPC welcomes a person's right to express his/her opinion and encourages posters to keep comments related to content and postings on this page.

NGPC reserves the right to remove any comments that are not topically related to the particular content being commented upon; profane language or content; content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, sexual orientation, marital status, national origin, physical or mental disability; any content that includes racism, hatred, libel, threats, obscenity, violence, vulgarity; content that is defaming or threatening in nature towards the agency, staff, volunteers and/or public; sexual content or links to sexual content; solicitations of commerce or advertisements; conduct or encouragement of illegal activity; information that may comprise the safety or security of the public or NGPC systems; has personal information about another person or that violate a person's privacy; content that violates a copyright, trademark, or other legal ownership of any third party. NGPC will remove and/or block anyone who violates the terms of use.

Appendix A

Organizational Chart
