



Jim Pillen, Governor

MEMORANDUM

July 1, 2023

TO: All Code and Non-Code Agency Heads and Personnel Contacts

FROM: Sean Davis, State Personnel Director
Department of Administrative
Services

SUBJECT: Rules Teammates and the New NAPE Letter of Agreement

NOTICE

This guidance document is advisory in nature but is binding on the Nebraska Department of Administrative Services until amended. A guidance document does not include internal procedural documents that only affect the internal operations of the Department of Administrative Services and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. See Neb. Rev. Stat. § 84-901.03

As a result of the collective bargaining agreement reached with NAPE/AFSCME in October of 2021 and FOP 88 in November of 2021, multiple changes were made to pay lines, overtime, leave, and other provisions for NAPE/AFSCME and FOP Labor Contract covered teammates. Neb. Rev. Stat. § 81-1317 grants the State Personnel Director authority to establish programs and otherwise adjust terms and conditions of employment for teammates not covered by collective bargaining agreements, in order to make such terms and conditions of employment more consistent with those of such covered teammates or otherwise address changes arising out of collective bargaining.

Through this statute, I am exercising my authority to implement or continue the following matters for teammates covered by the Classified System Personnel Rules and Regulations, with adjustments made for provisions that are no longer relevant or have terminated in accordance with the agreed upon sunset dates:

Facility Specific Shift Differential

Effective July 1, 2023, Rules teammates working at one of the following 24-hour facilities shall receive a \$3/Hour differential if they are assigned by their agency to work at or have as their permanently assigned location one of the 24-hour facilities. A permanently assigned location is the location to which a position or employee has been assigned by their respective agency. The pay differential provided under this section shall be in addition to any other hourly differentials available to teammates, and shall apply to all hours worked while assigned by their agency to one of the listed 24-hour facility locations. The qualifying 24-hour facilities are: Beatrice State Developmental Center (BSDC) – Beatrice, Central Nebraska Veterans’ Home – Kearney, Community Corrections Center (CCC-L) – Lincoln, Community Corrections Center (CCC-O) – Omaha, Cornhusker State Industries (CSI) – Lincoln, Diagnostic & Evaluation Center (DEC) – Lincoln, Eastern Nebraska Veterans’ Home – Bellevue, Grand Island Veterans’ Home – Grand Island, Lincoln Correctional Center (LCC) – Lincoln, Lincoln Regional Center – Lincoln, NDCS Pharmacy – Lincoln, Nebraska Correctional Center for Women (NCCW) – York, Nebraska Correctional Youth Facility (NCYF) – Omaha, Nebraska State Penitentiary (NSP) – Lincoln, Norfolk Regional Center – Norfolk, Norfolk Veterans’ Home – Norfolk, Omaha Correctional Center (OCC) – Omaha, Tecumseh State Correctional Institution (TSCI) – Tecumseh, Western Nebraska Veterans’ Home – Scottsbluff, Whitehall Campus – Lincoln, Work Ethic Camp (WEC) – McCook, Youth Facility – Lincoln, Youth Rehabilitation and Treatment Center – Hastings, and the Youth Rehabilitation and Treatment Center – Kearney.

This provision shall not apply to the following classifications as these classifications have had the differential incorporated into the base pay line on July 1, 2023:

Job Code	Job Title
G66116	Corrections Major
G66590	Corrections Security Administrator
G66911	Corrections Assistant Warden I
G66912	Corrections Assistant Warden II
G66913	Corrections Deputy Warden
G66921	Corrections Assistant Superintendent – Adult
K66113	Corrections Sergeant
K66114	Corrections Lieutenant
K66115	Corrections Captain
K66450	Corrections Investigator
R61851	Security Communications Specialist
R64831	Security Guard
R64912	Military Security Officer
R66112	Corrections Corporal
R66441	Corrections Unit Caseworker
R72011	Behavior Technician
R76142	Mental Health Security Specialist II
R76251	DD Safety & Habilitation Specialist
R76752	Youth Security Specialist II
R76753	Youth Security Supervisor
V61852	Security Communications Shift Supervisor
V66113	Corrections Sergeant
V66114	Corrections Lieutenant
V66115	Corrections Captain
V66442	Corrections Unit Case manager
V66443	Corrections Unit Manager
V66444	Corrections Unit Administrator
V66910	Corrections Programs Coordinator
V72013	Behavior Technician Lead
V72014	Behavior Technician Supervisor
V72483	Youth Counselor Supervisor
V76154	MH Security Unit Supervisor
V76215	Developmental Technician Shift Supervisor

V76231	ICF/DD Home Manager
V76252	DD Safety & Habilitation Supervisor
V76753	Youth Security Supervisor

Sick Leave

273 Neb. Admin. Code Ch. 9, § 07.01. Effective November 1, 2021 sick leave may be utilized whenever a teammate is on an approved leave under the FMLA.

Military Leave

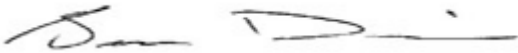
273 Neb. Admin. Code Ch. 9, § 11 et seq. Effective November 1, 2021 the military leave benefit available to qualifying teammates shall be increased from 120 hours to 440 hours per calendar year.

Temporarily Working out of Class

273 Neb. Admin. Code Ch. 7, § 05. Effective November 8, 2021 all teammates temporarily reassigned to a higher salary grade to fill a vacancy, or to fill in for a leave period, for a combined eight (8) hours in two consecutive work days, shall be paid at least the minimum hourly rate of the new classification.

Exempt Compensation

273 Neb. Admin. Code Ch. 8 § 03.02. Effective December 6, 2021 Agency Heads have the discretion to provide up to one and one-half times (1.5X) their regular hourly rate to teammates exempt from overtime under the FLSA for extra hours worked, as opposed to straight time compensation. This is not an indication that the teammate is or should be overtime eligible under the FLSA. The State Personnel Director's approval must still be obtained under 273 Neb. Admin. Code Ch. 9, § 003.02A.



Sean Davis, Director

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