

Contract Article	Topic	Date	Question	Answer
10.1	Termination pay	7/13/1998	If an employee is terminated 16 days prior to the regular pay day, when is the person to receive payment?	According to the state statutes, "Whenever an employer, other than a political subdivision, separates an employee from the payroll, the unpaid wages shall become due on the next regular payday, or within two weeks of the date of termination, which ever is sooner."
10.1	Discipline	9/23/1998	Is there a time frame between when the mitigating meeting is held and when discipline is imposed? Is there a difference if it is a Rules or labor contract-covered employee?	There is no limitation as the amount of time that may elapse between the mitigating meeting and when discipline is imposed. However, the employee may argue that the agency's non-action indicated that no discipline was to be given. Legally, the agency may proceed and this would be true for Rules and labor contract covered employees.
10.3	Invest. Suspension	7/1/2005	When an employee is on Invest. Suspension, does it affect their benefits after 10 work days? (Do they have to pay state's share of health insurance.)	Yes. The employee pays both the state's and the employee's contribution for the continuation of benefits.
10.3.b	Unpaid Investigatory suspension	7/1/2005	If an employee is on unpaid investigatory suspension and remains on such on July 1, the date of the new contract, does management place employee on paid investigation status?	Management should follow the terms of the contract that was in effect when the suspension was enforced.
10.3.b	Investigatory Suspension	7/26/2006	Are agencies to reinstate unpaid investigatory suspension time when the discipline is less than suspension or termination?	The only time the agency is required to pay for the six days, or less, of unpaid investigatory suspension is when the employee is found not to have committed the violations alleged. See Section 10.3.b.

10.5	Witnesses - Discipline	5/10/1993	When holding a disciplinary meeting, should management always have a witness present?	No, not necessarily. If the disciplinary action is minor, then it may not be appropriate to have a witness. The Personnel Manager/Administrator can act as a witness in most disciplinary meetings.
10.6	Representation	9/12/2001	Is an agency required to allow a union representative to attend the meeting where discipline is imposed upon an employee that the union has been representing?	No. Although some agencies do allow it under the theory that it may make the employee more comfortable and the rep may work with the employee to see that the employee complies with the terms of the discipline.
11.8	Promotion	7/11/2009	If a State employee leaves a contract covered position in one agency to take a contract covered position with a higher minimum rate of pay in another agency, is that considered a promotion and processed salary-wise according to 11.8, or is it considered a new hire in the new agency & the employee receives the salary for the hiring rate?	If there is no break in service, it is considered a promotion. If a break in service occurs, it is considered a new hire.
11.9	Voluntary transfer	7/11/2009	An employee is to be hired into a classification with a lower minimum rate of pay, but is coming from a position under the "rules" that had a higher minimum rate of pay. What are the salary options for the agency?	The employee shall have his/her salary decreased according to Section 11.9, and the new salary cannot be greater than 5% above the maximum rate of pay of the new classification.
11.9	Demotion	6/21/2016	5th paragraph says, "An employee who is demoted, either voluntarily or as a result of a disciplinary action, to a class from which they were promoted, will be returned to their previous salary, adjusted for any general increases that may have been applied during the time they were in the higher level position." Is this provision still valid if the employee is moving from one agency to another during the demotion.	Yes. The agency receiving the employee would use this language rather than using the "Demotion Spreadsheet" if the employee is moving to a classification he/she previously held in another agency.

11.9	Demotion	7/21/2016	An employee is demoting from a Corrections Sergeant to a Corporal. The employee promoted from Corporal to Sergeant 10 years ago. Do we still apply the 5th paragraph of Section 11.9 rather than using the demotion calculation?	Yes, as long as the employee has held no other classifications between the classification promoted from and the current one, the 5th paragraph would have to be followed. Basically, the employee is reverted to the former classification, at the former salary with any annual pay increases that have been granted since then.
11.10	Rehiring State Employees	7/1/2009	Can a former State employee who resigned in March of 2009, be rehired after July 1, 2009, at the same rate that the employee was at previously?	Yes. A former employee may be rehired at a salary that is up to the same percentage into the range as their former classification.
11.10	Rehiring State Employees	4/20/2016	Can an applicant for a position in Agency X be hired at a salary that is "up to the same percentage into the range as their former classification" if this applicant was previously employed in a different State Agency (Agency Y)?	No. The intent of Section 11.10 is that this provision was meant for former employees who were returning to the same agency they had worked in before.
12	Retirement Seminars - overtime	5/11/1993	When an employee is scheduled to work overtime and is planning on attending the educational retirement seminar, are those hours counted for overtime purposes?	The hours are coded as work time because no other provision exists. Most likely, they would count toward OT, however adjustments can be made in the employee's work schedule.
12	Overtime Meals	5/18/1993	When employees attend a seminar presented by the agency and are required to stay over the noon hour (actually 1.5 hours) during which a meal is provided and a 30 min work related video is shown, is it work time?	The 30 min. video is work time. The rest of the time waiting for the next speaker is work time. Only calculate for non-exempt employees.

12	Pay for Training	6/5/1996	When an agency hires an employee from another State agency and asks them to come in prior to starting for training, how is the pay handled?	The employee should be paid for the training time, as a temp or part-time employee and the new agency needs to monitor total hours worked in the other agency to avoid overtime.
12	Overtime	12/15/1997	Who is considered the employer when paying overtime, the agency or the State?	The State.
12	Overtime (Unauthorized)	1/18/2000	What is the procedure when an employee works unauthorized overtime? Does the agency have to pay the overtime and can discipline be administered for violating agency rules?	The FLSA has priority over the labor contract, and therefore, the overtime must be paid. Since the employee violated work rules, disciplinary action is appropriate.
12.5	Overtime	4/7/2006	A temporary employee within a State Agency was hired full-time with UNL and the State Agency would like the employee to continue his temporary employment with the State. Is this possible without placing the employee in an overtime status with the State?	Yes. The State and the University of NE are separate employers, so there would not be an FLSA overtime issue.
12.5 & 12.9 & 14.4	Work on Holiday	5/4/1993	How do you treat an exempt employee who works on a holiday?	You can allow them to designate another day as their holiday.

12.5 & 12.9 & 14.4	Work on Holiday	5/4/1993	How do you treat a non-exempt employee working on a holiday?	They will receive time and one-half for working on the holiday plus 8 hours of holiday pay. Can be paid out at employees discretion.
12.6	Sick Leave/ Overtime	3/10/1997	An employee was on SL and came in later (6 pm-8 pm) to work overtime. Should they get OT or adjust the SL?	Adjust the SL to six hours and pay two hours of straight work time.
12.8	Comp Time	4/21/1995	Employee requested to attend a conference in Lincoln, agency turned him down since he has a considerable amount of Comp time to use. Employee offered to use comp time if the agency would pay for registration. Is this okay?	No. If the agency pays for it, it's work time, so employee would have to pay for registration himself.
12.10	Comp Time	1/10/2012	Can an employee accumulate comp time hours beyond 240 hours?	No. Time accumulated over 240 hours must be paid out to the employee at time and one-half rates.
12.11	Comp Time		When does an Agency pay for accumulated compensatory time?	Between Dec. 25 and Dec. 31, employees must request in writing to receive pay for accumulated overtime hours. If cash payment is not requested, the employee shall accumulate the hours. Employees are encouraged to take comp time off.

12.12	Comp Time	1/10/2012	If an employee is getting close to the 240 hour comp time maximum, can the Agency give advance notice to the employee that the employee is required to schedule time off or management will do that for them?	Yes.
14	Work at home on vacation	7/16/1997	An employee was told not to take work home while on vacation leave but took a laptop home and did the work. It is something she would normally do.	If it is her normal work, the agency needs to pay the employee; i.e., either credit VL, pay her or Comp time. Agency may want to issue a letter of warning - not to do it again. If it is not normal work, it is volunteer and no pay.
14.1	Holiday Pay	9/28/1997	If an employee takes the Friday off before a Monday holiday and is in an approved leave pay status, does the employee receive holiday pay?	Yes, as long as the employee is in an approved leave status, the supervisor has the authority to approve pay for the holiday.
14.1	Sick Leave	5/28/1999	An employee has a time sheet with 45 hours; eight hours are holiday and three are sick leave. How much overtime does the employee receive?	Two hours. Sick leave does not count toward the calculation of overtime. The agency can return the sick leave so it appears it was not used.
14.1	Holiday Pay	9/10/1999	If an employee calls in sick the Friday before and the Tuesday after a Monday holiday, without a positive sick leave balance, can the employee be paid for the holiday?	The statute requires that the employee be in a paid work status the day preceding and the day following the holiday, but also states "unless excused by the supervisor." This does give the agency some discretion.

14.1	Holiday Leave	1/30/2002	An employee plans to retire and wants to be paid for July 4th, can their last day of employment be 7/4?	Yes. Employee must be in a pay status the day before and the day after the holiday, except when in an approved leave without pay status approved by the supervisor. We would consider retirement an approved leave status.
14.1	Holiday Pay	12/28/2011	If an employee returns from FMLA on the day after a holiday, will that employee get paid for the holiday?	State statute provides that a State employee has to be in a paid status the day before and the day following a holiday, to receive pay for the holiday, unless excused by his/her supervisor. In this case the agency, at its discretion, may determine that the employee was in an excused status the day before the holiday and grant the employee pay for the holiday, since the employee was on approved leave. If the holiday occurred when the employee was in a non-paid status the day before and the day after the holiday, the employee would not be eligible to receive pay for the holiday.
14.3	Holiday/ Weekend	12/18/1997	An employee's normal work week is Sunday through Thursday. When a holiday falls on a Friday, what day does the employee get off?	Either the day before the holiday or the first workday after their weekend, which ever the employee and the agency agree upon.
14.3	Weekend Holidays	8/19/1999	When does an employee take their two-day Thanksgiving holiday, when the employee's normal weekend falls on Thursday and Friday?	The contract says that if the holiday is on the first day of the employee's weekend, the employee shall receive the preceding day off, and if it falls on second day of the employee's weekend, they shall received the following day off.
14.3; 14.4	Holiday Pay	6/10/1996	An employee's shift is 11 pm to 7 am, on Wed., 7/3/96. Thurs.-Fri. is reg. days off. Does agency pay time and a half for working on a holiday, when they work on Wed through Thurs am)? Is pay for all 8 hrs., or just 7/4/96 time?	Pay is 1-1/2 times for the full shift. Employee observes holiday on the 3rd, which is Wed., and is the beginning of the shift.

14.4	Working on Holiday	3/22/1994	If an employee takes time off as an observed holiday (day before), then works on the actual holiday, how is it handled?	The work time on the actual holiday would be computed the same as any other work day unless the employee is in an overtime status.
14.4	Holiday Pay	3/15/2011	An employee is scheduled to work 10 hours on a holiday. Can the agency pay the employee for 10 hours of holiday leave?	No. An employee can only be paid for 8 hours of holiday leave on any holiday. An employee working 10 hours on a holiday is also paid time & 1/2 for the first 8 hours worked, and is paid double time for the additional 2 hours worked.
14.6	Vacation Leave	5/14/1993	Can a Supervisor deny vacation leave when there are other staff to cover the employee's duties. And how long should it take a supervisor to respond to a request for leave?	Management has the right to approve or deny leave requests. Denials can be based on work load/coverage. Supervisors should respond to requests for leave within a reasonable amount of time (24-72 hours).
14.7	Vacation Leave carryover	12/23/1997	Can a NAPE covered employee carryover more than 35 days of vacation leave beyond December 31st of a calendar year?	No. In unusual cases where the agency workload has absolutely prevented the employee's use of vacation leave, additional leave may be carried over by agreement between the Chief Negotiator and NAPE/AFSCME.
14.7	Vacation Leave Balance	8/23/1999	An employee is transferring from one agency to another, but has a negative vacation leave balance of four days. How should this be handled?	We advise that the employee transfer with a zero balance, and the agency that the employee is leaving, withhold four-days of pay from the final pay check, and the employee begin employment at the new agency with a zero balance.

14.7	Vacation Leave carry-over	12/7/1999	Is the 35-day carry over for permanent employee, regardless of part-time or full-time status?	Anyone covered by the labor contract can carry over 35 days of vacation leave, whether they are full or part time.
14.7	Vacation Leave carry-over	1/21/2000	How do you calculate the vacation leave hours that can be carried over at the end of the year with regard to 35 days?	The 35-day figure is based on an eight-hour workday. Therefore, a total of 280 hours can be carried over.
14.9	Catastrophic Illness Donations	7/11/2009	Can an employee suffering from depression, who is receiving treatments (4 to 8 hours per month) receive catastrophic leave? (They were gone at least 30 work days during the past 6 months due to depression.)	Probably not. The intent of the CID was for employees who were unable to work and earn an income. This employee is working (released by Doctor) and earning leave each month. It would not be considered "Catastrophic" to have 1 or 2 days of unpaid leave.
14.9	Catastrophic Illness Donations	8/22/1996	Can an employee accrue (earn) SL and VL while using catastrophic illness donations?	Yes. They are in a paid status.
14.9	Catastrophic Illness Donations	12/23/1997	An employee has used all VL & SL & qualified for Cat. Illness donation. Employee delivered twins and was released from the hospital. When does the employee no longer qualify for CID? Can the employee begin FML?	The employee no longer qualifies the day she is released from the hospital. If excess CID hours are donated but not yet transferred, they can be returned to the employees. The agency should date-stamp donations so that they can be used chronologically. The employee can begin FML the day after release from the hospital.

14.9	Catastrophic Illness Donations	8/25/1998	Is an agency required to release the name of donors and the number of days donated?	No. The donor and days donated are not public record.
14.9	Catastrophic Illness Donations	4/1/1999	An employee has requested Catastrophic Illness Donations because of stress following her daughter's illness. Is the employee eligible for Catastrophic Illness Donations?	The employee may be eligible for CID after the employee has been absent 30-days due to the stress. Do not count any of the days absent due to the daughter's illness. Make sure the stress is so severe that it is the cause of the absence from work.
14.9	Catastrophic Illness Donations	5/5/1999	Can Leave donations be used retroactively for previous unpaid absences?	No. There is no fair dividing line on how far back to go. Donations should be limited for future use.
14.9	Catastrophic Illness Donations	7/1/1999	If an employee completes original probation, can a 30-day absence that occurred prior to completing original probation be considered for Catastrophic Illness Donation?	As long as the employee completes original probation, and meets the other criteria, the employee qualifies for CID, even if the 30 days occurred prior to the employee completing original probation.
14.9	Catastrophic Illness Donations	7/19/2017	Does a part-time employee (.5 FTE) need to have a prolonged absence of thirty 8 hour days, or can the days be pro-rated since the employee is part-time?	The days can be pro-rated based on the part-time employee's schedule. If the employee is working 4 hour days, 5 days a week, then their absence due to serious illness would have to be thirty, 4 hour days during the past 6 months.

14.9	Catastrophic Illness Donations	1/17/2002	Does a complicated pregnancy qualify for catastrophic leave?	It may or may not qualify, depending on the medical diagnosis and prognosis.
14.9	Catastrophic Illness Donations	7/1/2005	What happens to the donated hours when the recipient dies prior to using all of the time?	Once the hours have been donated, they become part of the recipient's sick leave balance. The estate receives the pay-off of one-fourth of the total hours, not to exceed 60 days. The hours may NOT be returned to the donor. The agency needs to transfer donated leave to the recipient's account on an as needed basis.
14.9	Catastrophic Illness Donations	1/27/2006	One of the requirements to be eligible for Catastrophic Donations is that the employee be suffering a serious illness or injury resulting in a prolonged absence of at least thirty work days during the past six months. If an employee is absent one hour during an 8 hour work day, can that count as one day?	No. When counting the 30 work days, an easy method to use is to multiply the 30 work days times 8 hour days to equal 240 hours, which the employee needs to be absent before they would qualify for donations, (30 X 8 = 240).
14.9	Catastrophic Illness Donations	2/25/2009	Is the 1200 hours the number of hours donated or the number of hours that it converts to?	The 1200 hours are valued in the hours of the receiving employee, not the hours that someone donated.
14.9	Catastrophic Illness Donations	6/5/2014	Employees can receive 1200 hrs of donated leave in 12 months. If the first request nets less than 1200 hrs, can the employee submit subsequent requests for more donations as long as the total donations received for the 12 month period don't go over 1200?	Yes, the employee may ask the agency to send out additional requests if the original one nets less than 1200 hours.

14.9	Catastrophic Illness Donations	6/5/2014	Can an employee use catastrophic leave donations intermittently?	Yes, if the employee has a serious illness and is eligible for catastrophic illness, he/she could use it intermittently. One example of a need for intermittent use might be receiving cancer treatments.
14.9	Catastrophic Illness Donations	6/5/2014	If an employee makes a 2nd request for the original condition because they received less than 1200 hours on a previous request, can the agency use the original date for meeting 30 days use in 6 months, or does the employee need to newly qualify at the time of the 2nd request?	The original date for meeting the 30 days use in 6 months can be used when a 2nd request is made. The leave once donated and transferred can be used for any genuine illness, as it converts to sick leave. There would be no end date on the use of the sick leave. Agencies are cautioned to only transfer 30 days at any one time.
14.9	Catastrophic Illness Donations	6/2/2008	Can an employee on Workers' Comp supplement with Catastrophic Illness Donations?	Yes, if the employee meets all of the criteria for catastrophic illness donation and the resulting wage is not more than the normal wage. (An employee can use VL or SL to supplement their workers's comp pay. Catastrophic donations become sick leave once the VL is donated and converted.)
14.9	Catastrophic Illness Donations	2/3/2009	If an employee requests Catastrophic Leave Donations, meets all requirements, and is expected to be off work for 2-3 months, but has not yet exhausted all of their paid leave time, can the agency post the request in advance.	Yes. As long as all requirements are met, the request for Catastrophic Leave donations can be posted 1-2 weeks prior to the timeframe that the recipient would utilize the remainder of their paid leave. The recipient needs to use all of their paid leave prior to the agency transferring any of hte donated leave.
14.10	Sick Leave Accrual Rate	5/16/2000	When an employee goes from "Rules" covered to "Contract" covered in the middle of a month, how is the sick leave calculated?	If must be pro-rated between the two different levels of earning.

14.10.1	Maximum accrual of sick leave	3/11/2016	When an employee is removed from being "Contract" covered and becomes covered by the "Rules," (possibly because they have become a supervisor), what happens to their sick leave if the employee's balance is above 1440 hours.	The employee's sick leave is balanced back to 1440 hours at the end of the calendar year since the employee is now a "Rules" covered employee covered by Section 10.005.03 of the Rules.
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