

Contract Article	Topic	Date	Question	Answer
14.17	Bereavement Leave	5/3/1999	An employee is requesting bereavement leave after his sister passed away, but will not be traveling to attend the funeral. How much time can be allowed?	Bereavement leave is for traveling to make arrangements and attending the funeral. If the employee did not participate in any of these events, the agency head may use discretion to allow leave for grieving.
14.17	Bereavement Leave	7/1/1999	Can an employee take bereavement leave for an Uncle that lived with them and for whom they cared?	Yes, the definition can be broadened by the Agency Head, to include immediate family members. This case would apply as the Uncle was a member of the household.
14.17	Bereavement Leave	7/1/1999	Is bereavement leave figured on work days or on calendar days?	It has always been the intent of the contract and the rules that the five days mentioned are work days. There is no reason to grant leave for days that fall on the weekend or holiday. The weekend and holiday do not count in the five days. Each case should be examined independently to determine how many days should be approved.
14.17	Bereavement Leave	7/1/1999	An employee's child shot and killed a parent (spouse of employee). The employee took five days bereavement leave and needs more time away from work because of stress, etc. Can the agency allow more bereavement leave, sick leave, or vacation leave?	Contract allows only five days bereavement leave. Agency can allow additional sick leave based on Dr.'s statement supporting the need for sick leave. The employee can also request vacation leave if the employee wishes, which the agency would have to approve based on if the agency can let the employee be gone.
14.17	Bereavement Leave	7/1/1999	An employee's normal work week is 7.5 hours a day, four days a week. The employee was on bereavement leave the week of Labor Day. Could the employee be allowed to use 1.5 hours of vacation leave on the holiday, so the employee could receive holiday pay for 7.5 hours, rather than the prorated 6 hours?	No. Employees cannot use 1.5 hours of VL on a holiday. If the funeral was on a Saturday, we don't allow an employee to take additional leave time on their weekend. The employee's normal work schedule for a holiday is 6 hours.

14.17	Bereavement Leave	12/28/2011	After the funeral of an employee's father, can this employee use bereavement leave to meet with attorneys regarding the estate?	Yes, as long as the employee is the personal representative of the deceased and the leave is taken soon after the funeral, the agency has discretion in approving the bereavement leave.
14.17	Bereavement Leave	10/19/2011	Can an employee, who is having a "stillbirth" baby request and use bereavement leave?	Yes, as long as the child has advanced to the 20th week of gestation (see Neb Rev. Stat 71-606).
14.17	Bereavement Leave	5/6/2016	If a 40 hour employee has 8 hours of approved bereavement leave (BL), and then works an extra 8 hour shift during the same week, is the employee paid for 32 regular hours, 8 hours of BL & 8 hours of overtime?	No. The agency would "back out" any type of leave used if the employee worked 40 hours in the week. The reason for leave is to fill in for missed work hours so that the employee receives their normal wage. Therefore, if 40 hours are worked, there is no need for the leave.
14.17	Bereavement Leave	9/19/2017	An employee's immediate relative passed away one year ago. The services for the relative are being held now (one year later). Can the employee use bereavement leave even though the death occurred prior to the State Agency employing the employee?	No. Since the employee was not employed with the State at the time of the death, the employee is not eligible for bereavement leave.
14.18	Worker's Comp	7/1/1999	Does the employee use sick leave when the agency/Risk Management Office requests the employee to see a doctor selected by the agency/risk management?	No. The employee is considered on work time as the agency is requesting the employee to see a doctor selected by the agency/risk management.

14.18	Worker's Comp	7/1/1999	Can an employee on Worker's Comp, use funeral leave?	Yes. If they are only receiving WC for 2/3 of salary, then they would only be able to use funeral leave for 1/3 of that day. The employee can also use AL or SL for 1/3 of any day while on WC.
14.18	Worker's Comp Termination	7/1/1999	When an employee has been out on workers comp for over a year and has not chosen to return to work, can the agency terminate the employee?	Yes. Under Section 3.7, the Agency may discharge an employee who is physically unable to perform his/her duties after the employer had attempted to accommodate the disability and provided that due process is given to the employee.
14.18	Worker's Comp	8/16/2011	Can an employee continue to accrue hours for vacation leave and sick leave while out on worker's comp?	Yes, they can earn VL & SL only on the time that they work (if they are able to come in part-time) and for the hours representing any accrued paid leave (VL, SL or comp time) they use to supplement the WC.
14.18	Worker's Comp	11/6/2015	Would a Board/Commission member of a State agency be covered by Workers Comp while traveling on a work related function.	Yes. Neb. Rev. Stat. 48-193(3) specifically indicates that any employee of the State "shall include duly appointed members of boards or commissions when they are acting in their official capacity."
14.19	Military Leave	11/9/1994	Employee has used 15 days military leave from 1/94 to 9/94 (military FY from 10/1 to 9/30); Four additional days are required between 10/1 and 12/30, can military leave be used or must it be some other type?	The statutes says only 15 days military leave per calendar year, another form of leave (annual or leave without pay) must be used.

14.19	Military Leave	9/2/2010	Is the 120 hours (15 days) authorized per calendar year or within a 12 month period?	The NAPE Labor Contract, state statute, and the Personnel Rules all provide that it is per calendar year.
14.19	Military Leave	1/25/2010	If an employee is deployed for several years and is on a military leave of absence, each calendar year, are they entitled to 15 days of military leave even if they continue on the LOA and do not return to work for several more years?	Yes. Rule 10.009.01A indicates they are eligible for it even if they are gone on active duty.
14.19	Military Leave	3/16/1998	Can an employee use paid military leave for being called to active duty? (i.e., storm of 1997)	Yes. If they provide a copy of the orders and meet all of the other criteria, they can use military leave for the time they were out. If so, they will receive the military leave and compensation, but can not be used to supplement the pay to bring it to the normal pay level.
14.19	Military Leave	4/2/1998	Can an employee use comp time for the time they are called to active duty with the Air Guard?	Yes, they can use comp time, annual leave, etc.
14.19	Military Leave	6/1/1999	Is an employee required to furnish the agency with military orders when the leave requested goes beyond the 15-days allowed and the employee is using vacation leave and is working a minimum or number of hours.	Yes. The employee should supply the agency with their orders as long as the agency is making special arrangements for the employee.

14.19	Military Leave	5/3/2006	Do employees on Military Leave without pay, accrue vacation leave and sick leave? Is their service date adjusted?	Vacation or sick leave does not accrue while an employee is on active military duty. Employees on paid Military Leave (120 hour a year) continue to earn vacation and sick leave. The service date is not adjusted in either situation.
14.20	Civil Leave	6/16/2014	Is Civil Leave treated as hours worked when calculating overtime?	No. Civil Leave, just like sick and vacation leave, is not used to calculate overtime. Although Election Board duty is treated as hours worked when calculating overtime, as required by State Statute.
14.20	Civil Leave	11/13/1998	Should Civil Leave be granted when the employee can vote via absentee ballot?	No. The employee should use the absentee ballot, not civil leave.
14.20	Civil Leave	3/17/1999	Can civil leave be granted to an employee called to jury duty on the employee's scheduled day off?	No. The agency did not have to rearrange work schedules. This is similar to granting sick leave for a person that is ill on their day off.
14.20	Civil Leave	4/14/1999	Can an employee receive an additional day of civil leave to setup and tear down prior to election day?	The key is whether the employee is acting as a judge or clerk. It appears to be volunteer work and therefore, civil leave need not be granted.

14.20	Civil Leave	7/1/1999	Can an employee be granted civil leave to attend a training session for election officials?	Yes, the employee is entitled to paid civil leave as this is part of their service as a clerk or judge. (Reference State Statute 32-1050.01)
14.20	Civil Leave	4/9/2001	Can an employee use civil leave when asked by the Election Commission to assist in counting absentee ballots on a day other than election day?	Yes, as the employee would be acting as a clerk, judge or election inspector.
14.20	Civil Leave	3/15/2011	Can an employee use civil leave to pick up/return election supplies/equipment?	No. Picking up/returning election supplies is not required to be done during the employee's normal work schedule. This can be done prior to work/after work or during lunch.
14.20	Civil Leave	2/12/2002	Can an agency deny Election Board Duty (civil leave) if the employee's absence results in a shortage of employees to cover the office?	No. Neb. Rev. Stat. Sec. 32-228 provides that an appointee who fails to serve his/her term, unless excused by reason of ill health or other good and sufficient reason, is guilty of a Class V misdemeanor.
14.20	Civil Leave	5/21/2002	Many agency employees are volunteer emergency responders (i.e., firefighters) for their communities. Can they use civil leave or work time when responding to emergencies?	No. The employees are required to use vacation time, comp time or unpaid leave.

14.20.a	Civil Leave (Jury)	7/1/1999	An employee worked eight hours overtime (beyond the 40 hours), but the eight hours were actually jury duty leave. Can the employee receive overtime pay at time and one-half?	No. The jury duty leave hours are not counted toward "actual time worked," for overtime purposes.
14.20.a	Civil Leave (Jury)	8/2/2017	Can an employee serving on jury duty keep the jury duty pay they receive?	Yes. A past practice has been to follow the Classified System Personnel Rules where it says an employee shall be entitled to paid civil leave in addition to jury duty pay.
14.20.b	Civil Leave	7/1/1999	Does a small agency have any control in how many employees actually are serving on an election board?	The law does not allow the employer to decide how many employees can be absent from work to serve on an election board. Whoever is appointed, has the right to serve.
14.20.e	Disaster Relief Leave	9/15/2005	Can an American Red Cross trained "disaster relief volunteer" use civil leave to assist in a hurricane disaster in another state, under Red Cross guidelines?	No. Neither the labor contract nor the statute provide any authority to expand this provision which provides for disaster relief services in Nebraska only.
14.21	Leave of Absence	7/1/1999	What information needs to be included in a request for leave of absence and how long can it be?	The request must be in writing to the agency head and must outline the reasons for the request, dates leaving and returning. When granted, employment conditions at the end of the leave must be documented and agreed upon. A leave can not exceed one year.

14.21	Leave W/out Pay	7/1/1999	Can an employee on leave without pay, earn leave?	No.
14.22	Adoption Leave	7/1/2001	What if the employee adopts a newborn child, what kind of leave is available?	The mother shall receive the same sick leave allowed to State employees who are new mothers by natural birth (generally six weeks). Fathers can take sick leave if their presence is required to care for the ill Mother or ill child. Family Medical Leave is also appropriate if the employee qualifies.
14.27	Sick & Vacation Leave & Leave of Absence	7/1/1999	When an employee is out sick, can the agency reduce FTE and sick and/or vacation leave usage per day so that the employee will use only 4 hrs per day and extend time in a paid status?	Yes, employee must be converted to 1/2 time status & insurance contributions & VL earnings must reflect status. Not a recommended practice because of the additional paper work.
14.29	Sick Leave Advance	9/17/1998	What is the interpretation on sick leave advancement?	The intent is to make additional leave available in unusual situations. It is normally for new employees who do not have a large balance and is offered to employees who have a serious medical problem. It is not intended for chronic abusers.
17.1	Temporary Reassignment	3/1/1998	Does an employee automatically receive a six-month increase when still in a temporary reassigned status and currently at the hiring rate for that position?	No. The contract does not provide for any increase after six months.

17.1	On-Call Pay	8/21/1998	An employee has been temporarily reassigned to a supervisory position, and prior to the move, was receiving on-call pay. Can the employee still receive the on-call pay?	Yes. As long as the employee remains, on paper, in the contract-covered position the employee should receive all contract-covered benefits.
17.1	Temporary Reassignment	12/29/2004	A Contract covered employee is temporarily promoted to a Rules covered position based on business necessity for 18 months. Is the employee's sick leave balanced back to 1440 hours at end of calendar year? Does the agency add the lost hours back into their balance when the employee reverts back to Contract covered position.	Yes, as long as the employee is actually in the Rules position, the employee's sick leave (SL) is balanced back to 1440 hours at the end of calendar year. The employee will earn SL at the Rules rate, and the lost sick leave hours are not added back once the employee reverts back to the Contract covered position.
17.1	Temporary Reassignment	9/29/2017	Our Staff Asst II is performing 50% of the work of a Fed Aid Adm II who is working half time because of being on intermittent FMLA. Is the agency required to pay the SA II for "working out of class?"	Yes. As long as the SA II is performing 50% or more of the duties of the higher level classification, the employee shall receive a temporary pay increase to the hiring rate of the higher classification or an increase in accordance with Section 11.8, whichever is higher, but in no case shall the employee receive a pay reduction.
18.2	Safety in the Work Place	1/6/1995	An employee has asked the agency to provide her with personal and physical protection from her supervisor and supervisor is concerned about his protection.	The employer agrees to maintain a safe working environment. The employer must objectively weigh the actual risk to employees and make decisions based on facts of situations - not fear which have no basis.
18.13	Firearms	4/12/1994	Agency personnel have been approached by employees who feel they are in danger and wish to carry guns?	Possession of a firearm is forbidden in State work places by employees other than those who may be authorized in connections with official duties for the employer. Law enforcement should be contacted if employees are in danger or threatened at work.

18.14	Drug Free Workplace	7/17/1995	Can an agency revise the generic Drug Free Workplace Policy issued by the Governor to specifically include use of alcohol?	No. The Governor's Drug Free policy cannot be revised. An agency can make reference in its policy manual to unauthorized use of alcohol.
19.6	Downward Reclassification	8/13/2009	While this section allows some discretion on the pay reduction in the case of a downward reclassification, is the "no more than 5% above the new classification maximum" a requirement?, or can the employee be reclassified downward and end up more than 5% above the new maximum?	The salary of an employee reclassified downward can be more than 5% above the maximum for the new pay line, but only if you do not reduce the employee's salary at all. If any reduction is made, then the resulting salary has to be no more than 5% above the maximum.
19.11	Classification Appeal Pay	12/28/2011	An employee was upgraded by State Personnel, but the employee appealed requesting a higher classification. The appeal was denied...when does the pay upgrade take effect?	The pay increase will be made effective the first day of the next full pay cycle following final determination by the DAS State Personnel Director. The increase is retroactive to the date when the employee's appeal to the Classification Appeal Panel was received by the Administrator of the DAS State Personnel Classification and Compensation Section.
20.3	Tuition Assistance	1/8/2002	Can an employee, who is currently on LWOP because of active military duty, receive tuition assistance for taking college courses?	No. The State does not provide tuition assistance or other benefits to employees who are on a leave of absence.
20.3	Tuition Assistance	4/23/2007	Can an employee request and receive tuition assistance to "test out" of a course, in order to receive the credits without actually taking the course?	No. "Testing out" does not constitute "enrolling" in a course. One of the reasons we grant tuition assistance is for the knowledge the employee is gaining by attending the course.

20.3-20.7	Tuition Assistance	11/1/1994	Who determines tuition assistance for employees?	For consistency sake, decisions regarding the granting or denial of tuition assistance should be coordinated at a central point in the agency to ensure consistent application.
21.2	Labor/Mgmt Committee	3/27/1998	Who is included in the "three union members" on Labor/Management Committees?	This section means that the State is only required to pay three employees on the union side of the table. It is up to the union to select those three employees.
22.7	Removal of discipline from employee's file	8/4/2016	If an employee received discipline while a Rules covered employee, they cannot have it removed from their file as the Rules do not allow it. If this same employee then becomes covered under the NAPE Contract, could the employee now request that discipline to be removed.	Yes. Since the NAPE Contract doesn't distinguish which discipline the employee can request be removed from the file, as long as the employee is a NAPE covered employee at the time the request is made, that any discipline, other than that that the NAPE Contract requires be retained for a longer period of time, must be removed whether imposed under the NAPE Contract or the Personnel Rules.
23.1 & 23.5 SLEBC	NAPE to SLEBC - probation	10/9/1996	A NAPE covered employee moved to a new position covered by SLEBC, does that employee need to serve original probation?	Not necessary to serve a probationary period as they have already served one in the agency.
App. A	Under Staffing	2/26/1998	What is the status of an employee hired as an Attorney I or II to understaff an Attorney III position? The Attorney III is non-contract, and Attorney I & II is covered by the contract.	The status is determined by the employee's permanent classification.

D.9	Overtime	7/1/2003	Is an employee who works from 11:30 am on Sunday through 8:00 am on Monday, entitled to time and one-half for all time worked even if they have not worked over 40 hours in their defined work week?	No. Only the time on Sunday is paid at time and one half. Monday is a separate work day and the employee did not work more than 12 hours on Monday.
M.12.1	Vacation Bid Process	7/1/2009	Senior employees are using the bidding process to secure favorable vacation dates and then releasing them and informing friends, with little seniority, who obtain days through first come, first serve use.	The release of vacation days nullifies the original bid, and therefore, the days should now be offered to the employees with the second-highest seniority. If they decline, they are then offered to the third-highest, etc.
49-1499.01	Nepotism	11/9/2005	State employee "A" is a Mother to State employee "B". Can A supervise B?	No, according to State Statute 49-1499.01.