

Contract Article	Topic	Date	Question	Answer
	Adjusted Work Week	2/7/1995	Our agency has adjusted a work week to avoid overtime when an employee uses vacation or comp time, but not sick leave. What is the official policy?	There is no written policy. Practice varies greatly by agency. The intent is to eventually develop a uniform practice. Some agencies routinely adjust sick leave for work weeks where overtime is incurred.
	Blood donation leave	7/10/1991	Can an employee donate blood without taking sick leave?	Yes. When the donation is part of a State approved Blood Drive conducted at the workplace and upon the approval of their supervisor.
	Comp Time	9/21/1998	A crew chief filled in for a captain and earned 32 hours of comp time. After the employee returned to the crew chief position, how does the employee receive pay for the comp time?	Even though the time was earned as a captain, the pay is determined by the current rate of pay at the time the payment is received by the crew chief.
	Contract Work	5/22/1997	If a State employee owns a side business, can the agency contract with the employee to provide services or materials?	The employee must meet the definition of a contractor (see DAS-Materiel Div.). The employee also needs to contact DAS-State Personnel to check on FLSA questions, and should also contact the Accountability and Disclosure Commission.
	Two weeks pay in lieu of notice (Dismissal)	2/12/2014	Under the NAPE Contract can an agency give an employee 2 weeks pay in lieu of notice when dismissing an employee?	The "Rules" provide for this in 273 NAC 14-001.06. This provision is not in the NAPE Contract, although some agencies have done this; and some agencies find a project the employee can perform from home for 2 weeks.

	Dress Code	5/15/1998	During an interview, can the interviewer inform the person that they would need to have their hair trimmed so there isn't a safety hazard?	Yes, as long as the agency has a dress code in their policies/work rules that identifies that there is this type of requirement.
	EAP	6/10/2010	If a supervisor refers an employee to attend EAP sessions concerning their work habits, is the time spent at EAP considered work time?	Yes, as the supervisor referred them and it is work related.
	E-Mail monitoring	10/28/1993	Can an agency request monitoring of an employee's E-Mail?	Yes. Monitoring should only be done for business purposes. Management has retained the right to monitor E-Mail and to search desks, lockers, etc., in the workplace. At the time employees are hired, they should be placed on notice that E-Mail will be monitored and that desks, lockers etc., may be searched. Management should not abuse these rights, if monitoring is to be continuous or is to be conducted on an intermittent basis.
	Emergency Response Team	4/21/1999	An employee is a member of an Emergency response Team and when called away from work, how is the leave handled?	Let the employee make up the time or take vacation leave.
	Fact File	1/29/1997	Does a supervisor have to show an employee their fact file?	The fact file is not an official public record, but it is a discoverable item. Also, if there is a problem with an employee's performance, tell them right away and document it. Employee should know what information is in the fact file through supervisory counseling.

	Fact File	3/23/1999	Does an employee have access to a supervisor's fact file?	The Employee should have access to anything in the fact file that was, or can be used in the decision to discipline the employee.
	Grievance Work	11/18/1994	Should an employee be allowed to work on their grievance in the workplace?	No. There isn't anything in the contract that provides for preparation time. Also, the use of state resources (computers, paper, copies, etc.) is not allowed.
	Job Abandonment	7/1/2009	If a labor-contract covered employee abandons their job, does the agency need to go through the discipline process?	Yes. The agency should go through the disciplinary process, otherwise, due process would be denied.
	Lunch & rest breaks	3/29/1998	What governs time allotted by employers for meals and rest breaks?	Rest periods of short duration, are normally considered work time, while lunch periods (30 to 60 minutes) are not, if the employee is completely relieved of all duties.
	Personal Appearance	8/6/1997	Can a Public Information Officer, who hosts a TV program, be required to shave his beard because management doesn't believe it gives the best public image?	No. That is not a job-related condition of employment. They can ask him to shave it but cannot require him to do so.
	Political Activity	4/5/2005	Can an employee have a political sticker on their personal vehicle which they park on State property?	Yes, as long as the vehicle is not used for State business.

	Political Activity	4/5/2005	Can an employee have a political sticker on their personal vehicle which they use for State business?	No. A political sticker should not be displayed on a personal vehicle when the vehicle is being used for State business, as this is inappropriate.
	Residence	9/2/1997	Do state employees have to live in the State of Nebraska?	No. Not aware of any state statute prohibiting residency somewhere else.
	Retirement	11/27/2012	If an employee is involuntarily terminated, can that employee receive the 1/4 payout of their sick leave?	Statute 81-1325 states that an employee must retire or resign in lieu of retirement to receive a one-time payout of one-fourth of his/her accumulated, unused sick leave. The Statute is very clear that the termination of employment with the State must be retirement or voluntary resignation in lieu of retirement in order to qualify for a portion of SL payout. An employee, who does not voluntarily leave employment, is not eligible for the sick leave payout.
	Statutes 81-113	3/6/2014	Which State Statute states that each department shall be open for the transaction of business at least from 8 am to 5pm of each day except Saturdays, Sundays, and holidays?	81-113
	Tardiness	6/16/1995	Would it be permissible to have an employee (on probation for constant tardiness) send an E-Mail note to her supervisor upon her arrival to work each day to document any tardiness?	It would be appropriate to have the employee send a note to her supervisor. You can also require employees to physically check with supervisors or the next highest level upon arrival.

	Transfer (lateral to another agency)	8/26/2013	An agency is hiring an employee from another State agency (this applicant is the most qualified), & it is considered a lateral transfer. This employee is currently being paid 30% more than the hiring rate. Can we reject this applicant on the basis we cannot afford them?	Yes, as long as your agency can show that there is not sufficient PSL budgeted to the particular area this individual would work in and that other funds/PSL cannot be transferred to cover it.
	Transfer from State College	7/1/1999	If a person is hired by a state agency from a state college, does the agency need to transfer this person at his rate of pay?	No, since the state college system does not have the same pay system as the state. If the new employee has experience which warrants a higher salary, you could transfer the salary across if employee is above the hiring rate.
	Transfer From State college to State Agency	1/17/2002	Does State College service count toward the State's retirement program and for sick and vacation leave accrual?	State College service time counts toward leave accrual rates, and the sick leave can be transferred, but must be recalculated per the answer below. Retirement questions need to be directed to State Retirement Systems.
	Transfer from UNL to a State Agency	7/1/2009	What are the rules when transferring from UNL or the State College System to the State regarding years of service?	Under Section 10-006.04 of the Classified System Personnel Rules and Regulations, employees who transfer from a non-classified agency to the State Classified System shall have transferred to the new agency the amount of vacation and sick leave they would have earned had they been in the State Classified System, minus the vacation and sick leave used, and shall not start with a negative balance.
	Two jobs	1/19/1995	An employee works part time for one agency and is hired by another agency for a different job, what happens if the hours exceed 40 in a week?	Since the State is employer, not the agencies, employee is entitled to overtime if the employee exceeds 40-hours in a week. Different jobs have no bearing.
	Union membership	1/25/1995	If an employee is reclassified and no longer in a bargaining unit, can that employee quit the union?	Yes. The employee may continue to be a member if he/she is now in the supervisory unit, but may not continue membership if he/she is now classified as management or confidential. The employee must follow union by-laws.

	Use of State Vehicle	6/26/1996	Can an employee use a state vehicle to drive to their pre-discipline hearing and to their grievance hearing?	Yes on both accounts, however, the choice as to whether a state vehicle is used or mileage is paid is at the agency's discretion.
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