On November 10, 2026, the Nebraska Supreme Court approved the following rule amendments to the Nebraska Judicial Branch Personnel Policies and Procedures Manual, with a delayed effective date of January 1, 2027:

Nebraska Judicial Branch Personnel Policies and Procedures Manual

Personnel Policies and Procedures for the Nebraska Judicial Branch System

(November 2003; revised April 2008; revised July 2015; revised October 2016; revised May 2017; revised April 2020; revised October 2024, effective January 2025, revised November 2026, effective January 2027)

1. Range of Applicability

These policies and procedures apply equally to all employees of the Nebraska Judicial Branch unless otherwise noted.

Except where otherwise specifically stated hereinafter or in any other Nebraska Supreme Court rule, these policies expressly do not apply to ~~j~~ Judges, the Clerk of the Supreme Court and Court of Appeals, the Reporter of the Supreme Court and Court of Appeals, the State Court Administrator, the State Probation Administrator, the Counsel for Discipline, Statewide Child Support Referee, [1] or private staff of the individual justices of the Supreme Court or judges of the Court of Appeals. Such private staff consists of Supreme Court/Court of Appeals administrative assistants, career law clerks, and law clerks.

If additional policies exist pertaining only to particular district courts, separate juvenile courts, county courts, or probation districts ~~district courts, separate juvenile courts, or county courts~~ in which personnel are employed by the Judicial Branch, they will be explained by the ~~chief probation officer,~~ judge, ~~clerk magistrate, or~~ judicial administrator, clerk magistrate, or chief probation officer in that location. Any additional policy, however, shall require approval by the State Court Administrator ~~Administrative Office of the Courts and Probation (AOCP)~~ and shall be consistent with, and limited by, the provisions of these rules.

[1] In accordance with Neb. Ct. R. § 4-105 and at the Supreme Court's discretion.

2. Management Authority

Supervisors in local offices are responsible for managing and directing the employees of those offices in accordance with the Nebraska Judicial Branch Personnel Policies and Procedures. Supervisory staff are designated by the AOCP. Unless otherwise assigned, pursuant to Neb. Ct. R. § 6-1459. Presiding Judges, in consultation with the AOCP, bear ~~the presiding judge bears~~ the responsibility for the hiring, evaluating, and disciplining of the judicial administrator and/or clerk magistrate(s) of the judicial district in accordance with the Nebraska Judicial Branch Personnel Policies and Procedures.

For purposes of these policies, supervisor means any Judge or Judicial Branch employee having supervisory authority in one or more of these areas: authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Judicial Branch employees, or responsibility

to direct them, adjust their grievances, or effectively to recommend such action, if in connection with such action the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Work leads are not supervisors but are authorized by their supervisors to direct the work or assign work to other Judicial Branch employees within the work leads job duties.

Supervisors have the authority to determine specific responsibilities of any position and make assignments or changes of duties within the constraints of the individual job descriptions. The supervisors are also responsible

for other conditions of employment, including work schedules and working conditions.

Supervisors are responsible for the application of these rules within their local offices and shall ensure that all employees comply with the provisions of these rules.

Pursuant to Neb. Rev. Stat.§ 81-1373(1), Nebraska Judicial Branch Employees are exempt from collective bargaining.

3. Equal Employment

The Nebraska Supreme Court endorses the philosophy of equal employment opportunity. Employment decisions will be made without discrimination on the basis of race, color, religion, sex, national origin, political affiliation, marital status, physical or mental disability, or age. Such employment action includes, but is not limited to, recruitment, hiring, job assignment, training, transfer, promotion, discipline, benefits, and educational opportunities.

4. Nepotism

Recognizing the intent of Neb. Rev. Stat.§ 49-1499.07(6), it is the policy of the Judicial Branch that an employee shall not engage **in** nepotism, **in** connection with the hiring, discharge, or treatment of persons who are or may be under the employee's supervision.

"Nepotism" means the act of hiring, promoting, or advancing any family member in the ~~Nebraska~~ Judicial Branch or recommending the hiring, promotion, or advancement of any family member in the ~~Nebraska~~ Judicial Branch, including initial appointment and transfer to other positions in the ~~Nebraska~~ Judicial Branch.

For purposes of this policy, member of the employee's family means any individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption, of an official or employee in the ~~Nebraska~~ Judicial Branch.

5. Selection and Recruitment

Each office of the ~~Nebraska~~ Judicial Branch shall take steps to ensure employees within the system are recruited and selected based on an open and competitive basis. The necessary knowledge, skills, and abilities for the specific position shall be the principal factors considered in the selection process. Selection procedures shall be uniformly administered in making a final hiring decision.

Utilizing the current Human Resources Information System (HRIS) to advertise and fill a position is required, unless an exception is granted by the AOCP. Each office is responsible for documenting all required selection activities involved in the hiring process, including ~~the~~ interview questions and any other screening tools. A copy of all documents related to the hiring procedure shall be sent to the AOCP. Applications and all other material used in the hiring process may be disposed of 3 years after the date of application.

When a vacancy occurs, permission to fill the vacancy must be obtained from the AOCP. Job notices are normally advertised both internally and externally. Exceptions may be granted by the AOCP in the event that the nature of work and the business needs of a local office support an internal restructuring that will be in force for longer than 180 days ~~a shift in the office's job classifications from one type of job to another type of job, and the need for rebalancing has extended beyond a 6-month period~~. In those circumstances only, the local office shall submit a request to the AOCP, citing the business need and a restructuring plan, listing all the positions and classifications affected. ~~If approved, existing vacant positions will be reclassified, after which the Office may "post" any remaining reclassification opportunities internally amongst eligible employees within the District/County and, through a competitive selection process, assign the new job classification(s) to the most qualified candidate(s). Where the need for rebalancing will result in downward reclassification, candidates for reclassification will be identified based on performance. (See Job Reclassification.)~~ Other exceptions will be considered based on the operational needs of the local office. To limit the growth of FTEs within a court, district, or office, the utilization of internal only job announcements is an acceptable practice.

A. Job Postings

Job postings, at a minimum, must be filed with the State Department of Personnel Jobs Website. Hiring Personnel may also post job openings in other local publications. Notices placed in newspapers or publications that involve costs ~~to the Supreme Court~~ require prior approval from the AOCP. Positions shall be advertised for a minimum of 6 workdays.

With prior approval from the AOCP, the ~~Nebraska~~ Judicial Branch may reimburse up to three applicants per position/vacancy for travel, meals, and lodging expenses incurred in traveling to and from the prospective job site/interview site. The same policies as established for employee travel shall apply when determining the amounts to be reimbursed, and requests for reimbursement shall require the same documentation.

B. Veteran's Preference

Veterans and spouses of veterans determined eligible in accordance with Neb. Rev. Stat. § 48-227(4) ~~Sec. 48-227(4) of the Nebraska Revised Statutes~~ shall be given preference in hiring (Veteran's Preference). This preference includes initial employment, reassignment, a transfer to a new position, and a return to employment in accordance with Neb. Rev. Stat. § 48-226.

Veterans who obtain passing scores on all parts or phases of a hiring examination or numerical scoring tool shall have five percent added to their passing score if a claim for such preference is made on the application. An additional five percent shall be added to the passing score or numerical scoring of any disabled veteran. When no examination or numerical scoring is used, the preference shall be given to the qualifying veteran if two or more equally qualified candidates are being considered for the position. A veteran desiring to use a veteran's preference shall provide the hiring

authority with a copy of the veteran's Department of Defense Form 214, also known as the DD Form 214. A spouse of a veteran desiring to use a veteran's preference shall provide the hiring authority with a copy of the veteran's Department of Defense Form 214, a copy of the veteran's disability verification from the United States Department of Veterans Affairs demonstrating a one hundred percent permanent disability rating, and proof of marriage to the veteran. Any marriage claimed for a veteran's preference must be valid under Nebraska law. Within thirty days after filling a position, veterans who have applied and are not hired shall be notified that they have not been hired. Such notice also shall advise the veteran of any administrative appeal available.

C. Criminal History, Background and References Screening

In accordance with procedures approved by the ~~Nebraska~~ Judicial Branch, a criminal background check will be conducted on all initial employment and reemployment situations. Also, all current employees will be reinvestigated upon selection for promotion or reassignment. This can be done before or after a conditional offer of employment is extended, with employment contingent upon a satisfactory result of the background check.

6. Employment Status Verification

The Immigration Reform and Control Act of 1986 requires employers to verify both identity and employment authorization of all individuals hired to work in the United States. Verification documents shall be reviewed, completed, and retained in accordance with federal regulations. This process is to be completed electronically within the Human Resources Information System (HRIS). Supervisors in local offices are responsible for verifying the appropriate completed forms of all new employees. Newly hired employees must complete Section 1 of Form I-9 in its entirety on the first day of employment. They may complete Section 1 before this date, but only after acceptance of an offer of employment. New employees choose the documents to present from the list of acceptable verification documents. Supervisors must complete Section 2 of Form I-9 in its entirety within 3 days of the employee's date of hire. To complete Section 2, supervisors must physically examine documents presented by the employee that establish his or her identity and employment authorization. Supervisors must not specify which documents from the "Lists of Acceptable Documents" on Form I-9 the employee must present.

Employers may reject a document if it does not reasonably appear to be genuine or to relate to the person presenting it. The completed I-9 form shall be included in the employee's record within the HRIS. ~~personnel file and a copy of the form shall be sent to the AOCP.~~

The Judicial Branch does not sponsor STEM (form I-983) or non-immigrant work visas.

7. Initial Employment

Employees will receive new employee information upon hire electronically within the Human Resources Information System (HRIS) or by email from the Human Resources Office. Forms should be completed within the HRIS or, if provided by Human Resources, be ~~and~~ returned to the ~~Administrative~~ Human Resources Office immediately. If the employee will be driving a state car, a driver identification card must be obtained after taking the State's defensive driving course.

All probation staff will be provided with access to the ~~a~~ Probation Based Policy and Procedural Manual ~~probation based policy and procedural manual~~ upon commencing employment. A state photo identification card will be issued to all probation officers, and to probation support staff, at the supervisor's discretion. Following completion of their provisional period and at the time of their swearing in ceremony, probation officers will be issued a badge. All probation staff are responsible for any state equipment or business related items entrusted to them and the same shall be returned to their supervisor upon termination of employment.

All employees are required to complete new employee orientation and required training for their specific position. ~~County court employees will complete JUSTICE training within the first 6 months of their employment as a condition of successfully completing their provisional period~~.

8. Service Date

An employee's service date is used to determine the amount of annual vacation and sick leave earned, and to compute eligibility for the Public Employees Retirement System. For most employees, this is the date of hire. If an employee leaves employment or is on leave without pay status with the Judicial Branch ~~Nebraska Court System~~ for other than disciplinary reasons and returns to employment with the Judicial Branch ~~Nebraska Court System~~ within 5 years, the service date will be adjusted for the period of absence. The employees will earn leave at the same rate as when they left employment with the Judicial Branch ~~Nebraska Court System~~ and their accumulated unpaid sick leave balance will be reinstated. Service date will also include all service with the State of Nebraska. The employee will be considered a "new employee" for original provisional status purposes. If an employee has transferred from another State Agency, retired from the Judicial Branch ~~Nebraska Supreme Court~~ or another State Agency and returns to work after the required 120 day break in service, the employee's service date will be reset to the date of reemployment and the employee will earn leave at the rate of a new employee.

9. Anniversary Date

An anniversary date is the date of original hire with the ~~Nebraska~~ Judicial Branch. Employees with service in other branches of Nebraska State Government will have a separate service date indicating their total service to the State of Nebraska. The anniversary date is the date utilized when determining when annual evaluations are required.

10. Employment Categories

A. Full-time

Full-time employees shall work at a minimum, 40 hours per week on an ongoing, continuous basis. Employees who do not log 40 hours each week, either in time-worked or authorized leave, are not full-time employees. Full-time employees earn all benefits.

B. Part-time

Part-time employees work fewer hours than full-time employees on an ongoing, continuous basis. Work schedules may fluctuate by week, month, or season. FTE status will be computed based on average hours-worked over a 6-month period.

Supervisors are to ensure the utilization of part-time employees is within the confines of the hours allotted to their position's FTE allocation. For example, part-time at 0.5 FTE are scheduled for 20 hours per workweek and 0.75 FTE if 30 hours per workweek.

Any additional hours that exceed the allotted part-time status of the position must be held to a minimum, to an extent practicable. A part-time employee's schedule should be flexed within the workweek to avoid working over the allotted hours.

If a part-time employee is needed for any additional hours over the part-time employee's allotted hours, it must be approved by the State Court Administrator, Probation Administrator, or designees.

It is the responsibility of the supervisor to monitor the additional hours of part-time employees. These additional hours must be recorded properly on the employee's timecard as required by the AOCP.

If a part-time employee is required/approved to exceed 40 hours in a workweek, refer to Nebraska Juridical Branch Personnel Policy 25. Workweek and Work Schedule; A. Overtime Compensation Eligibility and B. Non-Exempt Overtime | Compensatory Time | On-Call.

Only part-time employees working 50 percent or more of the FTE are eligible for insurance benefits. Permanent part-time employees who work more than 30 hours a week are considered full time for health insurance benefits. Permanent part-time employees who work less than 30 hours but at least 20 hours per week can utilize State benefits. For health insurance, for those employees working less than 30 hours per week, the Judicial Branch's contribution to premiums is prorated.

C. Temporary

Temporary employment may be full-time or part-time. Temporary employees shall be hired for a period of time not to exceed 1 year. There must be a break of work after the 1 year before an individual temporary employee can be hired again.

Temporary employment shall not count toward service date or original provisional period.

Temporary employees may be separated at any time without 2 weeks' notice. The notice of separation must be in writing and shall specify the date of separation.

Temporary employees shall not receive benefits except for the following types of paid leave: civil leave and military training or emergency duty leave.

Temporary employees have no grievance rights.

D. Authority for Employment of Temporary or Part-time Employees

Employment of ~~persons~~ people on a temporary basis can be undertaken upon the recommendation of the appropriate supervisor and the approval of the AOCP ~~Administrative Office~~. The recommendation shall contain the reasons for employment and the expected duration of employment. If offices have temporary help from those who are paid on an hourly basis, ~~time cards~~ timecards shall be submitted in compliance with the schedule that has been set by the AOCP ~~Administrative Office~~.

E. Replacement Status

For the purpose of training, and with the approval of the AOCP ~~Administrative Office~~, supervisors may hire a qualified applicant for a period not to exceed 30 calendar days to ~~understudy~~ be overstaffed with an incumbent vacating a position. Service in a replacement status shall be included as a part of the original provisional period for the position occupied.

11. Classification Plan

The classification plan is based on a systematic review and analysis of the duties and responsibilities of all positions in the ~~Supreme Court~~ Judicial Branch classified personnel system. Classification is based on a variety of factors including duties performed, scope and level of responsibilities assigned, the nature and extent of supervision received and/or exercised, and the knowledge, abilities and skills required. Positions having similar duties and responsibilities are grouped into classes or occupational groupings and are assigned to a salary grade.

A. Job Reclassification

When a position's duties have significantly changed, the AOCP, an employee's supervisor, or a manager who is higher in the reporting chain, may initiate a reclassification request to be submitted for administrative review. The employee's supervisor, in consultation with the employee, shall complete a position description questionnaire (PDQ) to be reviewed and commented upon by local management, submitted to the AOCP Human Resources office for review and necessary investigation, and then to the State Court or Probation Administrator for approval. Reclassifications may not be requested more frequently than once a year. It is a supervisor's responsibility to monitor changes in duties and/or responsibilities to maintain appropriate classification assignments.

Any reclassification to a higher salary grade shall result in a salary increase to the minimum permanent rate of the new job classification or 3~~5~~% per grade changed, not to exceed 12% ~~above the employee's current salary~~, whichever is greater. Any reclassification to a lower salary grade may result in a salary decrease of ~~5~~3% for each salary grade, ~~with no greater than a 20% decrease,~~ unless the rate is more than the maximum rate of the new classification. The employe's new salary will not be above the maximum rate of the new salary grade. A deviation can be requested on a case-by-case basis with review and approval of the State Court Administrator.

B. New Job Classifications

When a proposed new position does not fit within existing job classifications, a supervisor may submit a request for a new job classification, accompanied by a Position Description Questionnaire

(PDQ), to Personnel. New classifications will be created and submitted for review by the State Court ~~Administrator~~ and Probation Administrators, followed by Supreme Court approval.

12. Temporary Reassignment to a Higher Salary Grade

When an employee is approved by the State Court or Probation Administrator for a temporary promotion to a higher salary grade position for a period exceeding 15 working days, the employee shall be paid at least the ~~hiring~~ minimum permanent rate of the salary grade being filled or 5% more than the employee's current salary, whichever is greater. The salary increase may begin on the first day of the temporary promotion but shall begin no later than the 16th day following the temporary promotion. At the end of this temporary promotion, the employee's salary shall be reduced to the amount paid prior to the temporary promotion, except that any salary increases granted during that temporary promotion shall be added back into the employee's base salary. Temporary promotions shall not exceed 1 year unless authorized by the AOCP.

13. Salary Schedule

All salaries are included and published on the Judicial Branch Salary Schedule, except for the following positions: State Court Administrator, Probation Administrator, Clerk of the Supreme Court, Reporter of the Supreme Court and Court of Appeals, Counsel for Discipline, Supreme Court Staff Attorney, Career Law Clerks, Law Clerks, and ~~personal staff of the justices and judges of the~~ Supreme Court and Court of Appeals Administrative Assistants. These positions are reflected on the Judicial Branch Unclassified Position Salary Schedule.

14. [Reserved.]

15. Judicial Branch Salary Information

The following section is applicable to all court and probation employees, employees in the Supreme Court Clerk's Office, Reporter of Decisions Office, Career Law Clerks, Administrative Assistants, Staff Attorney Offices of the Supreme Court and Court of Appeals, Office of the Counsel for Discipline, Office of Dispute Resolution and State Library other than the State Court Administrator, the State Probation Administrator, the Clerk of the Supreme Court, and the Counsel for Discipline.

A. New Employee Salaries

New employees will usually begin at the Hiring Rate of the salary grade for their job classification. If the individual possesses outstanding qualifications in terms of education or related experience ~~or bilingual skills~~, the hiring supervisor may request the individual be started at an increased hiring rate not to exceed the ~~Mid-point~~ midpoint of the salary range. ~~If the starting salary is above the Hiring Rate, the employee will not be eligible for a provisional salary increase and shall be so informed in writing.~~ Any starting salary other than the Hiring Rate of the applicable grade requires the approval of the State Court ~~Administrator~~ or ~~State~~ Probation Administrator based upon

the written recommendation of the supervisor. Written recommendations for an increased hiring rate must include the reasons why the applicant should be paid more than the hiring rate. Additional factors that may be considered for the authorization of an increased hiring rate:

(A) Unique skills and/or experience of the candidate that exceeds a typical applicant.

1. Knowledge demonstrated by educational background.

2. Skills demonstrated by certification or validated experience.

3. Significant experience demonstrated by documented experience related to position duties.

(B) Operational impact on the Judicial Branch if this applicant is not hired.

B. Salary Increases Upon Completion of Provisional Period

Upon completion of the original provisional period, unless notified of an extension or separation in writing, employees paid at the Hiring Rate of their salary grade must be given a salary increase to Minimum Permanent of that grade. Employees hired above the Hiring Rate but below the Minimum Permanent shall receive a 2.5% increase. Employees hired at a salary equal to or greater than Minimum Permanent of their salary grade will not receive a salary increase upon completion of the provisional period. Employees shall be informed of this information in writing when they are hired.

C. Salary Adjustments

1. General alterations. The Supreme Court may authorize a general alteration in the salary schedules and/or an adjustment of all salaries of employees in good standing based upon appropriations made available. When such "across the board" adjustments are authorized, all approved employees shall receive an alteration in salary in the amount authorized without affecting their placement within the salary schedule. Adjustments made under this provision can take an employee's salary, and apply to employees, above the maximum rate for their job classification.

2. Specific alterations. The Supreme Court may authorize specific alterations of job classifications to reflect labor market conditions, based upon salary survey information. When any such alteration is authorized, all employees subject to that job classification shall receive an alteration in salary of the amount authorized on the effective date of the alteration without affecting their placement within the salary schedule. Adjustments made under this provision will not apply to employees above the maximum rate for their job classification.

D. Salary Adjustments Within Grade

A supervisor may request an in-grade salary adjustment for an employee in exceptional circumstances. Requests shall be reviewed by Human Resources before being submitted for approval by the State Court ~~Administrator~~ or Probation Administrator.

In-grade adjustments shall not be treated like merit increases. Reasons for such requests may include the following:

1. Internal pay equity within the Judicial Branch for similar jobs with disparity in pay.

2. If hiring above minimum permanent due to superior qualifications causes inequity for current, equally qualified staff.

3. If a single position within a class has unique responsibilities/skill requirements which significantly distinguish it from others in the class but are not sufficient to warrant reclassification.

The reasons for and anticipated consequences of such requests shall be explained in detail and documented.:

(A) Unique skills and/or experience of the employee.

1. Knowledge demonstrated by educational background.
2. Skills demonstrated by certification or validated experience.
3. Significant experience demonstrated by documented experience related to position duties.

(B) Criticality of the position.

The decision of the State Court ~~Administrator and~~ or Probation Administrator is final and is not appealable by the supervisor or the employee.

E. Salary Grade Changes

(1) Promotions

Employees who are promoted to a higher salary grade shall be placed at the minimum permanent salary rate of the new job classification or shall receive a ~~5~~3% increase per grade promoted, not to exceed 12%, whichever is greater. If the employee being promoted possesses outstanding qualifications in terms of education or related experience, the hiring authority may request additional compensation, not to exceed 20% of current salary ~~total~~, to be approved by the State Court ~~Administrator~~ or Probation Administrator. Employees who are promoted shall not be paid above the maximum rate of the new salary grade without approval from the State Court or Probation Administrator.

(2) Demotions

Employees requesting voluntary transfers downward shall have their salaries reduced by 3~~5~~% per salary grade demoted, ~~not to exceed 20%~~ unless the salary is more than the maximum rate of the new salary grade. The employee's new salary will not be above the maximum rate of the new salary grade without approval from the State Court ~~Administrator~~ or Probation Administrator.

Disciplinary demotions require at least a ~~5~~3% ~~percent~~ reduction per salary grade or the employee's salary may be reduced to the minimum permanent rate at the supervisor's recommendation, with approval by the State Court or Probation Administrator. (See Forms of Discipline.)

F. Part-time Employees

All provisions contained within the salary guidelines, except where otherwise stated, shall apply to part-time employees (working under 40 hours weekly). Rates of pay for part-time employees, excluding exempt employees, and temporary employees shall be calculated on an hourly rate of the applicable salary grade monthly rate.

Part-time exempt employees shall be paid a monthly salary proportionate to that which would be paid under full-time employment. Temporary employees shall be paid at the hiring rate of the

applicable salary grade.

Supervisors are to ensure the utilization of part-time employees is within the confines of the hours allotted to their position's Fulltime Equivalent (FTE) allocation. For example, part-time at 0.5 FTE are scheduled for 20 hours per workweek and 0.75 FTE is 30 hours per workweek.

Any additional hours that exceed the allotted part-time status of the position must be held to a minimum, to an extent practicable. A part-time employee's schedule should be flexed within the Monday to Sunday workweek to avoid working over the allotted hours.

If a part-time employee is needed for any additional hours over the part-time employee's allotted hours and the hours cannot be flexed within the workweek, it must be approved by the State Court or Probation Administrator, or designee.

It is the responsibility of the supervisor to monitor the additional hours of part-time employees. These additional hours must be recorded properly on the employee's timecard as required by the AOCP.

If a part-time employee is required/approved to exceed 40 hours in a workweek, refer to Nebraska Juridical Branch Personnel Policy 25. Workweek and Work Schedule; A. Overtime Compensation Eligibility and B. Non-Exempt Overtime | Compensatory Time | On-Call.

G. Bilingual Employees

~~(1) Increased Hire Rate for New Employee.~~

~~The State Court Administrator or the State Probation Administrator, upon written justification from the hiring supervisor, may approve an increased hiring rate of 2-5% for a bilingual employee who will use bilingual skills, on average, at least five hours per week, and who has demonstrated bilingual skills of at least an "adequate" level through the Judicial Branch testing process. The need for a bilingual employee and the language skill level demonstrated by testing will be factors in determining the amount of the increased hiring rate. A bilingual employee is expected to perform all duties of the job for which he or she is hired. The supervisor should, as needed, adjust the bilingual employee's workload based on the time the employee may be taken away from his or her duties to assist non-English speaking customers.~~

~~(2)~~ (1) Increased Pay Rate for Existing Employee.

The State Court ~~Administrator~~ or ~~the State~~ Probation Administrator or their designee, upon the successful passing of the Judicial Branch standardized test ~~written justification from a supervisor~~, may approve a pay increase of ~~2-5%~~3% for an "adequate" score or 5% for an "excellent" score. ~~for an existing employee who was not offered a premium bilingual hiring rate upon original hire, and who~~ The employee must utilize ~~will use~~ bilingual skills, on average, at least five hours per week~~, and has demonstrated bilingual skills of at least an "adequate" level through the Judicial Branch testing process. The need for a bilingual employee and the language skill level demonstrated by testing will be factors in determining the amount of the pay increase.~~ The bilingual employee is expected to perform all duties of the job for which he or she is hired. The supervisor should, as needed, adjust the bilingual employee's workload based on the time the employee may be taken away from his or her duties to assist non-English speaking customers.

~~(3)~~ (2) Bilingual employees shall not serve as courtroom interpreters.

H. Rehiring Former Employees

If separated in good standing, a former employee returning to work in the same job classification within the ~~Nebraska~~ Judicial Branch may be rehired at the same rate the employee was receiving when the employee left employment with the Judicial Branch ~~Court~~, except that the rate must not be less than the hiring rate or higher than the Maximum Rate of the current salary grade. For former employees returning to work in a lower graded job classification, they return at the minimum permanent rate for the new job classification, unless an increased hiring rate is approved.

16. Pay Periods

Employees shall receive their paychecks once a month. ~~For those employees hired before 1986 and paid every 2 weeks, there are two pay cycles during the year where there are no deductions except for federal and state withholding taxes, Social Security, credit union, and retirement contributions for those employees participating in a retirement system. During these two pay cycles, those employees will receive three paychecks in 1 month, the second of which will have no deductions.~~ Deductions ~~for employees paid monthly are~~ for benefits are made each month.
~~Deductions for employees paid every 2 weeks are made in two equal amounts each month.~~

Employee pay stubs are available to staff through the ~~State Payroll and Financial Center~~ Department of Administrative Services (DAS) website. ~~https://link.nebraska.gov/~~

17. Furloughs and Layoffs

Furloughs are defined as placing an employee in a temporary non-duty, non-pay status because of the short-term lack of funds. This is an alternative to allow continuation of critical work and retention of valuable employees.

Layoffs are defined as involuntary employee separations from employment. Layoffs may be necessary for reasons such as elimination or reduction of funds, reduction in the workload, and/or reorganization.

The Nebraska Supreme Court decides when a furlough or layoff plan is necessary and directs the Administrative Office of the Courts and Probation ~~AOCP~~ to develop such a plan.

Furlough and layoff plans shall provide as much notice as possible, but at least a 15-workday written notice to affected employees.

18. [Reserved.]

19. Original Provisional Period

The original provisional period is part of the selection process. It is a time for the employee and the

employer to determine suitability for the job. The following shall apply to the use of the original provisional employment status:

1. All new employees, including employees who have left employment with the Judicial Branch ~~Supreme Court System~~ and have been rehired, shall serve an original provisional period of ~~6 months~~ 180 calendar days from the date of hire, and shall be so notified during new employee orientation about the original provisional period and the requirements.* Employees who transfer from other state agencies are also required to serve an original provisional period.

*New employees hired into job classifications requiring extensive initial training periods, or who are granted periods of extended leave early in their employment, may be required to serve an original provisional period of up to 12 months or 365 calendar days during leap years from the date of hire to allow sufficient time for observation of job suitability.

2. An employee will be removed from original provisional status on the day following the end of the original provisional period, unless notified of an extension or separation by the supervisor. Notification of separation or an extension for up to 12 months or 365 calendar days during leap years from the date of hire must be in writing, must be delivered prior to the end of the ~~6 month~~ 180 calendar days ~~period~~, and must include the performance-related reason for the extension or separation. During a provisional period extension, a supervisor can remove the employee from the original provisional period at any time.

3. It is the supervisor's responsibility to closely review the job performance of the employee.

4. If during the original provisional period it is determined that the performance of the employee is not acceptable and, in the opinion of the supervisor, is not likely to become acceptable, the employee shall be separated. Employees may be separated at any time during an original provisional period. Two ~~weeks notice~~ weeks' notice of separation does not have to be given to provisional employees; however, the supervisor shall notify the employee in writing of the date the separation is effective. The reason for separation shall be documented in the employee's personnel file, and the employee shall be informed regarding the reasons for separation. Employees who are separated during an original provisional period do not have ~~Nebraska Court System~~ Judicial Branch grievance rights.

20. New Position Provisional Period

In the case of personnel actions (promotion, lateral move or move to a lower position) employees ~~may~~ shall be required to serve a new position provisional period and must be informed of this in writing. (Note -- this is not another original provisional period.) This provisional period in no way affects the grievance rights of an employee. The length of the provisional period is at the supervisor's discretion, but shall not exceed ~~six months~~ 180 calendar days, beginning on the date the employee begins work in the new position.

If an employee cannot, or does not, perform satisfactorily in the new position, with State Court or Probation Administrator approval the supervisor may transfer the employee to another position of either the same salary previous grade or ~~an even~~ lower salary grade. If no ~~other~~ position is available for transfer, the supervisor may reassign the duties of the employee, reclassify the employee to a classification of a lower salary grade or terminate the employee.

The supervisor shall not be required to utilize the disciplinary process to revert an employee back to the employee's former position, or a vacant position equivalent to the former position's salary grade or to reclassify to a lower salary grade. If termination becomes necessary, the supervisor shall

utilize the disciplinary process outlined in this set of rules. The supervisor shall document efforts to provide the promoted employee with performance improvement counseling when utilizing this provision.

21. Office Hours

Service offices of the Judicial Branch that require public access, e.g., the Library, the Clerk's office, the AOCP, county courts, and the probation offices~~, and the offices of the Supreme Court which require public access, e.g., the Library, the Clerk's office, and the Administrative Office,~~ shall be open from 8 a.m. to 5 p.m. daily except Saturdays, Sundays, days on which a specifically designated court is closed by order of the Chief Justice of the Supreme Court, and holidays. Such days shall be designated as non-judicial days. There may be other times when the offices are ordered closed due to special circumstances. Offices of less than three employees may be closed for 1 hour at noon. Local courthouse hours may prevail with approval of the State Court Administrator ~~Administrative Office~~.

When an alternative office-hour schedule has been approved by the State Court Administrator or required by the Supreme Court, the following process shall be followed:

1. That county court shall post the court hours in a prominent location within the courthouse;

1. That county court shall post the court hours in a prominent location within the courthouse;

2. A voicemail system shall inform callers where a ~~judge or~~ court employee may be reached in case of an emergency; and

3. The county judge shall give written authority to a person or persons within the same courthouse to accept filings during the hours the county court is closed but the courthouse is open.

Requests for alternative schedules shall be sent in writing to the State Court Administrator ~~Administrative Office~~. In the event of a reduced schedule, the salaries of employees of the office will be adjusted on a pro rata basis.

Probation officers are required to have scheduled activities of at least 40 hours each week. Since it is necessary for some officers to work additional hours, some degree of flexibility is allowed in working schedules. Probation officers are expected to keep their immediate supervisor informed as to their whereabouts and general activities.

22. Rest Breaks

Supervisors are encouraged to grant employees 15-minute mid-morning and mid-afternoon rest breaks per each 8-hour workday. Breaks shall not be combined. Breaks shall not be taken until 1 hour after the employee arrives at work, or 1 hour before the employee leaves work. Breaks are considered paid work time, therefore employees must stay within a reasonable distance of the work area. The scheduling of these periods is at the discretion of the supervisor, based on current work activities.

23. Meal Periods

Supervisors shall grant employees a 30-60-minute unpaid meal period for each workday of 6 or more hours. Meal periods shall not be taken before 1 hour after the employee arrives at work, or 1 hour before the employee leaves work. Unlike rest periods, meal periods are not considered work time and are not paid or considered part of the 40-hour work week, unless relief is not available and the employee must work during the meal period. Scheduling of these periods is at the discretion of the supervisor, but the supervisor will attempt to schedule the meal period at approximately the middle of a workday.

24. Office Closing

In inclement weather, employees should use their best judgment in trying to get to work. Employees not choosing to work due to weather conditions must use accrued vacation leave, earned compensatory time, or with supervisor approval may be allowed to telecommute or make up missed work time within the work week.

If an employee's work site is closed due to inclement weather or other emergency situations, upon approval of the State Court Administrator or designee ~~Administrative Office~~ the employee shall be considered to be on a "ready to work" status. This means that the employee is ready and available to work and be called back to work at any time when the work site is re-opened. Employees in this "ready to work" status will be compensated.

25. Workweek and Work Schedule

The designated workweek shall be from 12:00 a.m. on ~~Friday~~ Monday to 11:59 p.m. the following ~~Thursday~~ Sunday. Supervisors set each employee's work schedule. Employees ~~shall~~ will be informed of any schedule changes in writing at least 14 calendar days before. All Judicial Branch full-time employees shall account for at least 40 hours of work or authorized leave time per ~~workweek~~ work week. Any leave hours used shall be deducted from an employee's leave balance.

For nonexempt employees, actual hours worked, as well as authorized leave taken, during each workweek shall be recorded on the employee's timecard. Hours worked ~~in excess of~~ more than 40 hours will be compensated as provided in rule 25(B).

A. Overtime Compensation Eligibility

The Administrative Office shall determine, in compliance with Fair Labor Standards Act (FLSA) requirements, the exempt or nonexempt status of all employees for overtime purposes. The status will be indicated on each job classification description.

(1) ~~Exempt- Employees~~ Exempt-Employees exempt from overtime include those who meet the FLSA definitions of professional, administrative, computer professional, supervisory, or executive.

(2) Nonexempt-All nonexempt employees must be compensated with compensatory time equal to one and one-half times the hours worked above 40 in a workweek, unless approved for overtime pay by the Administrative Office.

B. Non-Exempt Overtime I Compensatory Time

l On-Call

Overtime is considered time in excess of the 40-hour workweek. Leave time (vacation, sick, etc.) shall not be considered as hours worked. Holidays shall be considered as hours worked. When the combination of leave time and work hours exceeds 40 hours, leave time will be reduced to the point the employee is no longer over 40 hours or all leave time is removed. Overtime in the ~~Nebraska~~ Judicial Branch shall be held to a minimum, to the extent practicable. A nonexempt employee's schedule should be flexed within the ~~Friday to Friday~~ Monday to Sunday workweek in order to avoid working over 40 hours. For example, an employee working 2 extra hours on Wednesday may be directed to take 2 hours off on Thursday.

Requests for overtime must have approval from the supervisor prior to the work, unless it is not possible or practical to obtain prior approval, in which case the local manager or his/her designee may approve the overtime in writing as soon as possible subsequent to the time the work was performed.

Compensatory time is an authorized form of overtime compensation for nonexempt employees unless overtime pay is approved by the State Court or Probation Administrator or designee. Ensure you include Human Resources when submitting the request.

Nonexempt employees (including part-time employees) working more than 40 hours in one workweek shall receive overtime compensation in the form of compensatory time, granted at one and one-half hours for time worked above 40 hours. Accumulated compensatory time shall be used within 6 months.

In certain situations, Judicial Branch employees may be required to serve on-call after normal business hours ~~off-premise~~. This is not considered work time if the employee is not engaged in work. Work required to be performed (answering a phone call, responding to an email, reporting to a work site, etc.) during on-call time is considered hours worked and eligible for overtime. For Judicial Branch employees required to be on-call with a workload that prevents flexing of one's schedule ~~(juvenile probation intake or public guardian/conservator statutory responsibilities)~~, overtime compensation may be in the form of overtime pay or compensatory time. The employee must indicate his/her choice of overtime compensation on the timesheet or on a required overtime approval form for the pay period during which the overtime was worked; the first overtime designation made during a pay period applies to the entire pay period. During times of budgetary constraint, overtime pay may be suspended and revert to compensatory time. If this occurs, employees shall be provided a 2-week notice, at a minimum.

It is the responsibility of the supervisor to monitor overtime for an employee. A record of all overtime shall be included on time sheets required by the Administrative Office. Overtime shall be counted in 15-minute increments, with a 7-minute rule applied to rounding. The cutoff point for rounding down is 7 full minutes. If the employee works for 7 full minutes, but less than 8 minutes, time is rounded down. If the employee works at least 8 full minutes, time is rounded up.

Upon proper authorization, an employee may accumulate up to 240 hours of compensatory time, although Judicial Branch management shall require employees to utilize compensatory time well before reaching this threshold, as directed by either the State Court ~~Administrator~~ or ~~the~~ Probation Administrator. Compensatory time earned above 240 hours ~~shall~~ may be paid.

Payment for accrued compensatory time upon termination of employment or upon the direction of the Administrative Office shall be calculated at the average regular rate of pay for the final 3 years of employment, or the final regular rate received by the employee, whichever is greater.

Any exception to this policy requires a written request from the supervisor to either the State Court ~~Administrator~~ or ~~the~~ Probation Administrator.

C. Travel Time

Travel time of non-exempt employees required to attend a meeting, conference, seminar, training course, etc., is considered compensable time. A non-exempt employee traveling for one day (not overnight) shall be paid for all travel time. This travel time is counted when computing hours "worked" for overtime purposes.

D Telecommuting

Telecommuting is a mechanism for facilitating the fulfillment of Judicial Branch organizational goals. Telecommuting allows an employee to work from his or her residence or other approved location outside of the employee's regular Judicial Branch office. Telecommuting shall not be used solely as an accommodation for the employee, or a substitute for using official leave.

Telecommuting may be permitted under the following circumstances: (1) occasional/situational circumstances at the discretion of the supervisor with guidance from the Administrative Office of the Courts and Probation; (2) emergency situations where there is a national, state, or locally declared state of emergency or dangerous weather conditions exist prompting an office closure; (3) on a regularly scheduled basis with guidance and approval from the Administrative Office of the Courts and Probation.

For regularly scheduled telecommuting, or an emergency situation that is expected to last for more than 1 week, the supervisor and the employee shall submit a request to telecommute to the Administrative Office of the Courts and Probation for approval and execute a telecommuting or emergency telecommuting agreement. All telecommuting requests and agreements submitted must be prepared and approved by local management, in collaboration with the employee and with final approval by the Administrative Office of the Courts and Probation.

Telecommuting is not a right for any employee, is not available to all employees or positions, may be time-limited, is reviewed at least annually, and may be withdrawn at any time by the supervisor and/or the Administrative Office of the Courts and Probation. Failure to follow the telecommuting agreement may be grounds for discipline and/or revocation of the agreement. Decisions withdrawing telecommuting agreements or denying requests to telecommute are nongrievable.

In addition, employees approved for Telecommuting are not permitted to claim mileage or lodging reimbursement when traveling to their division or office's designated office location.

E. Remote Work

Remote Work is a mechanism to support the operational needs of the Judicial Branch. Remote Work allows an employee to work from his or her residence or other approved location in lieu of a Judicial Branch office. Remote Work shall not be used solely as an accommodation for the employee and approval decisions by the State Court or Probation Administrator shall be made based on supporting the operational needs of the Judicial Branch.

Remote Work may be permitted under the following circumstances:

(1) Judicial Branch offices are not available in the location staff is needed;

(2) The agreement best supports the operational needs of the Judicial Branch.

Remote Work differs from telecommuting in that the employee will not have regularly scheduled time in a Judicial Branch office. The employee's office may be located at their residence or at another location designated by the Judicial Branch. Any moving expenses or costs incurred in establishing a remote office at the employee's residence are the responsibility of the employee.

Individuals in remote positions are eligible for travel reimbursements from their remote work location.

26. Authorized Leave

The following are forms of authorized leave: holiday, vacation, sick, funeral, military, civil, family/medical, injury leave, temporary emergency leave, and official leave of absence.

Authorized leave policies apply to all employees of the Judicial Branch. All full-time employees shall account for at least 40 hours of work or leave time per week. If the combination of leave and hours worked for an employee is more than 40 hours, the employee will be asked to reduce leave until the combination of hours is at 40 hours or all the hours recorded are work hours. If the employee does not reduce the leave, the Human Resources office will reduce the leave. The first leave reduced will be vacation, then compensatory time earned, and then finally sick leave.

An absence by an employee not authorized by the employee's supervisor shall be considered as unauthorized leave.

A. Holidays

Judicial Branch holidays will generally follow dates as stated in Neb. Rev. Stat. § 25-2221:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (Third Monday in January)
- President's Day (Third Monday in February)
- Arbor Day (Last Friday in April)
- Memorial Day (Last Monday in May)
- Juneteenth National Independence Day (June 19)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Indigenous Peoples' Day and Columbus Day (Second Monday in October)
- Veterans Day (November 11)

- Thanksgiving Day (Fourth Thursday in November)
- Day After Thanksgiving (Friday following Thanksgiving)
- Christmas Day (December 25)

If such holiday falls on a Sunday, the following Monday shall be a holiday. If such holiday falls on a Saturday, the preceding Friday shall be a holiday. Other holidays declared by law or proclamation of the Governor are considered court holidays.

Many courthouses will be closed on occasional local holidays as well as court holidays. When the courthouse is closed for local holidays, the court and probation office must remain open and adequately staffed for emergency services and to meet filing deadlines.

Permanent part-time employees shall be eligible for paid holidays on a pro rata basis, ~~if the holiday falls on a day the employee would normally have been scheduled to work, and the pay the employee receives shall be for the number of hours the employee would have been scheduled to work~~ The amount of holiday leave will be based off the budgeted percentage of the full time equivalent (FTE) of 1.0. For example, a 0.6 FTE (24 hours per week) employee would receive 4.8 hours holiday leave for each holiday (0.6 FTE x 8 hours (for full-time) = 4.8 hours). Full-time employees shall receive 8 hours of holiday leave for each authorized holiday.

Temporary employees, whether ~~full-time or part-time~~ full-time or part-time, shall not be eligible for paid holidays, and, if required to work on a holiday, shall be paid for the time worked at their normal rate of pay.

If a holiday occurs while an employee is on workers' compensation or other disability compensation, no credit for the holiday shall be allowed.

In order to receive pay for an observed holiday, an employee must be in a paid status on the workday immediately preceding and immediately following the holiday.

If an employee combines vacation leave with an observed holiday, no deduction from the vacation leave shall be made for that holiday. Likewise, if a holiday falls within a period of ~~an~~ approved sick leave, no deduction shall be made from the employee's accumulated sick leave.

When an employee is required to work a scheduled holiday and is unable to flex the hours during the workweek, the State Court or Probation Administrator may authorize the holiday to be taken on a different day, also known as, “floating” holiday for the employee. There is no special rate of pay for working on holidays. Employees will be paid for the hours at their regular rate, plus the holiday hours earned.

B. Vacation Leave

Full-time employees shall earn vacation leave with pay at the following rates:

YEARS OF EMPLOYMENT	HOURS PER CALENDAR YEAR	DAYS PER CONTINUOUS CALENDAR YEAR
1st through 5th year	96 hours	12 days
6th year	120 hours	15 days

7th year	128 hours	16 days
8th year	136 hours	17 days
9th year	144 hours	18 days
10th year	152 hours	19 days
11th year	160 hours	20 days
12th year	168 hours	21 days
13th year	176 hours	22 days
14th year	184 hours	23 days
15th year	192 hours	24 days
16th year and thereafter	200 hours	25 days

Permanent part-time employees shall be entitled to vacation leave proportionate to that which would be granted under full-time employment. Temporary employees shall not be eligible for vacation time.

The amount of leave earned by each employee is based on the employee's years of continuous employment. For example, during the ninth year of continuous employment, vacation leave is earned at the rate of 1.5 days per month and an employee is eligible to use the earned vacation time in addition to any accumulated time based on the previous year's service. Vacation leave is earned during each pay period and credited to the employee at the end of that pay period. For example, leave earned in October is available to use on the first of November.

~~Leave that is used is deducted from the employee's accumulated leave one pay period after it is used.~~ It is the responsibility of each employee to monitor the amount of vacation leave available for use. If an employee takes vacation leave before it is earned it will result in the reduction of the employee's wages and possible disciplinary action. Vacation leave must be applied for in advance by the employee and may be used only when approved by the supervisor. However, prior approval is not required when the employee is required to use vacation leave as sick leave or chooses to use vacation leave instead of going on unpaid family/medical leave. Supervisors can only approve vacation leave after it has been earned, unless advanced with the approval of the State Court ~~Administrator~~ or ~~State~~ Probation Administrator, up to a maximum of 40 hours. Vacation leave shall be designated so as not to interfere with the efficient operation of the Judicial Branch ~~Nebraska Court System~~. Vacation leave need not be taken all at one time during the year. All employees must be given the opportunity to take their vacation leave before it expires.

An employee who has terminated employment with the state for any reason other than disciplinary or retirement and who returns to state employment with the Judicial Branch ~~Nebraska Court System~~ within 5 years from the date of termination shall have service for vacation leave entitlement computed by combining prior continuous service with current continuous service, disregarding the period of absence. An employee who transfers to the Judicial Branch ~~Nebraska Court System~~ from another state agency will continue to earn vacation leave at the same rate as the employee did with the former agency. No more than 40 hours of accumulated vacation leave may be transferred to the Judicial Branch ~~Nebraska Court System~~ with approval from the administrative office. The employee must arrange payment for accumulated vacation leave above 40 hours with the former agency.

Each employee, upon retirement, dismissal, or voluntary separation from ~~Nebraska Court System~~ Judicial Branch employment, shall be paid for unused accumulated vacation leave. Upon the death of the employee, the employee's beneficiary shall be paid for all unused accumulated vacation leave.

Vacation leave shall not be earned during a leave of absence or while the employee is removed from the payroll for any reason.

Each employee's vacation leave account shall be balanced as of the closing date of the last pay period of each calendar year. Vacation leave in excess of 35 days shall be forfeited. In special and meritorious cases, when it would cause hardship for any employee to take earned vacation leave before December 31, excess carryover leave may be approved by the State Court or Probation Administrator ~~Administrative Office~~. In these cases, the hours carried over shall be used within the next 6 months. In no case shall carryover vacation continue from year to year.

Some employees of the offices of the Supreme Court (staff of the Clerk and Library who were hired before 1980), some probation employees (who either joined the Nebraska Court System in July 1985 or July 1986), and some county court employees (who joined the Nebraska Court System in July of 1985 as a result of legislation merging the municipal and county courts) shall continue on the same leave schedules they were on prior to their becoming employees of the Judicial Branch ~~Nebraska Court System~~.

C. Sick Leave

Full-time employees earn sick leave at the following rates:

YEARS OF EMPLOYMENT	HOURS PER CALENDAR YEAR	DAYS PER CALENDAR YEAR	CONTINUOUS
1st through 5th year	96 hours	12 days	
6th year	136 hours	17 days	
7th year	144 hours	18 days	
8th year	152 hours	19 days	
9th year	160 hours	20 days	
10th year	168 hours	21 days	
11th year	176 hours	22 days	
12th year	184 hours	23 days	
13th year	192 hours	24 days	
14th year	200 hours	25 days	
15th year	208 hours	26 days	
16th year	216 hours	27 days	
17th year	224 hours	28 days	
18th year	232 hours	29 days	
19th year and thereafter	240 hours	30 days	
Maximum Accrual	1440 hours	180 days	

Permanent part-time employees shall earn sick leave in an amount proportionate to that which would have been earned under full-time employment. Temporary employees shall not be eligible for sick leave.

Sick leave is defined to mean a period during which the employee is unable to perform his or her duties because of sickness, disability, or injury not arising from the course of employment; or for medical, psychological, surgical, dental, or optical examination or treatment; or when, by reason of the

employee's exposure to a contagious disease, the employee's presence would jeopardize the health of others.

Sick leave for immediate family is defined to mean a period during which the employee's presence is required to provide medically-related care for a member of the employee's immediate family because of sickness, disability, or injury; or for medical, psychological, surgical, dental, or optical examination or treatment. The immediate family shall be considered as spouse, children, and parents. At the State Court ~~Administrator~~ or ~~State~~ Probation Administrator's discretion, the definition of immediate family may be broadened to include other individuals with a like relationship to the employee as that of an immediate family member. Employees must use vacation time for care of family members when their presence is helpful, but not essential, if approved by the supervisor.

The amount of leave earned by each employee is based on the employee's years of continuous employment. For example, during the ninth year of continuous employment, sick leave is earned at the rate of 1.67 days per month and an employee is eligible to use the earned sick leave in addition to any accumulated time based on the previous ~~year's service~~ years' service. Sick leave is earned during each pay period and credited to the employee at the end of that pay period. For example, leave earned in October is available to use on the first of November.

Sick leave shall not be earned during a leave of absence or while the employee is removed from the payroll for any reason.

~~Leave that is used is deducted from the employee's accumulated leave one pay period after it is used. For example, any leave used in November will be recorded as leave used on the December 31 paycheck information.~~ It is the responsibility of each employee to monitor the amount of sick leave available for use. Sick leave shall not be used as vacation leave. Sick leave cannot be taken in advance, unless approved by the State Court ~~Administrator~~ or ~~State~~ Probation Administrator, up to a maximum of 40 hours.

Sick leave shall be requested in advance from the supervisor whenever possible, i.e., dental appointment or physical examination, etc. In case of sickness, injury, emergencies, or any other absence not approved in advance, the employee shall advise his or her supervisor of the circumstances as soon as possible. If the sickness, injury, or emergency qualifies as family/medical leave the employee should submit a family/medical leave form to Personnel.

Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery there from are, for all job-related purposes, temporary disabilities and will be treated as such under the rules and regulations for sick leave.

Sick leave shall be taken on a working-hour basis. An employee may be required to submit substantiating evidence when the reason for the leave request was a medical or dental appointment or when the supervisor suspects sick leave abuse. Substantiating evidence may also be required by the supervisor if the sick leave absence exceeds 3 workdays but is less than 10 workdays and does not qualify for family/medical leave.

Substantiating evidence shall be required by the supervisor if the sick leave absence is 10 workdays or longer and the employee is not on family/medical leave. Sick leave may be denied when the employee fails to substantiate the legitimate use of sick leave. When an employee is absent for 3 or more days or when a supervisor receives information that indicates the reason for the sick leave may qualify as family/medical leave, the employee shall be notified of their rights under 29 U.S.C. § 261, Family and Medical Leave Act, and given a family/medical leave form. If the employee qualifies for FMLA and the employee's condition is a serious health condition as defined

by 29 U.S.C. § 261(11), employees are required to complete a request and utilize leave options authorized under the Family and Medical Leave Act. (See additional information under Family/Medical Leave section.)

Before utilizing sick leave in conjunction with Injury Leave/Workers' Compensation Payments, refer to "Use of Sick and/or Vacation Leave to Supplement Workers' Compensation Payments" policy or a Human Resources professional in the AOCP.

If an employee leaves the service of the Judicial Branch ~~Nebraska Court System~~ in good standing and is reemployed within 1 year from the date of separation, sick leave earned during the previous period of continuous employment shall be reinstated to the employee's credit.

An employee who has terminated employment with the state for any reason other than disciplinary or retirement, and who returns to state employment with the Judicial Branch ~~Nebraska Court System~~ within 5 years of termination, will have sick leave entitlement computed by combining prior continuous service with current continuous service, disregarding the period of absence. Sick leave is not affected by the transfer of an employee from one state agency to another.

Upon retirement under the existing Nebraska State Employees Retirement System, or upon reaching the age of retirement and voluntarily resigning in good standing, an employee shall be paid one-fourth of unused, accumulated sick leave, with the rate of payment based upon the employee's regular pay at the time of retirement. Upon the death of an employee, the employee's beneficiaries shall be paid one-fourth of the accumulated unused sick leave with the rate of payment based upon the employee's regular pay at the date of death.

If an employee who retires and is paid sick leave from the ~~Nebraska~~ Judicial Branch or any other Nebraska State agency, and the employee subsequently returns to the ~~Nebraska~~ Judicial Branch for employment, the person shall be considered a new employee without any prior service when determining entitlement to and accumulation of sick leave.

The payment of one-fourth of the accumulated sick leave to an employee is limited to a ~~onetime~~ one-time payment, and no employee, by virtue of reentering state employment, shall become entitled to additional payments for unused sick leave.

Employees may not be compensated for earned sick leave when they are separated from Judicial Branch ~~Nebraska Court System~~ employment unless the separation is due to retirement or death.

The sick leave account of each employee shall be balanced as of the closing date of the last pay period of each calendar year. Sick leave in excess of 1,440 hours will be forfeited.

D. Bereavement/Funeral Leave

Up to 5 days of funeral leave may be granted for funerals in the immediate family. In extraordinary circumstances additional leave may be approved by the ~~Probation or~~ State Court or Probation Administrator. For funerals of persons not in the immediate family, up to 1 day of funeral leave may be granted at the discretion of the supervisor. Immediate family, for purposes of this leave policy, shall mean wife, husband, children, parents, children-in-law, grandchildren, grandparents, brothers, sisters, or those bearing the same relationship to the spouse. Step-persons bearing these relationships are included. At the State Court ~~Administrator~~ or Probation Administrator's discretion, the definition of immediate family may be expanded to include other individuals with a similar personal relationship to the employee as that of an immediate family member.

E. Military Leave

All employees who are members of the Nebraska National Guard or any other reserve component and who participate for up to 15 workdays in drills, encampments, maneuvers, active duty, state active duty, or training, and other exercises prescribed by competent authority, will receive their full pay in addition to their military pay.

Employees, other than temporary and intermittent, who leave a position to undergo military duty in the active service of the State of Nebraska are entitled to a leave of absence without loss of pay during the first 15 workdays of the leave of absence. This is not in addition to the 15 days mentioned in the paragraph above.

Employees who perform Active Guard and Reserve duty, as defined by 10 U.S.C. §101(d)(6), for 180 or more consecutive days for the purpose of organizing, administering, recruiting, instructing, or training the Reserve Components are ineligible for use of military leave.

An employee on a military order for more than 365 consecutive days is entitled to use military leave in the first year but will not be eligible for military leave in subsequent years prior to their return to state employment.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. § 4301 et seq., establishes the cumulative length of time that an individual may be absent from work for military duty and retain reemployment rights to a 5-year limit. There are important exceptions to the 5-year limit, including initial enlistments lasting more than 5 years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency. USERRA clearly establishes that reemployment protection does not depend on the timing, frequency, duration, or nature of an individual's service as long as the basic eligibility criteria are met.

Employees are entitled to reinstatement to their former positions with seniority, status, pay, and vacation as if they had not been absent, if application is made within 30 days after release from training or service.

F. Civil Leave

When an employee is called to serve as a juror or is appointed as a clerk or judge on an election or counting board, the employee is entitled to any fees received as a result of this service in addition to receiving paid civil leave. Employees will return to work when not actually serving as a juror on a daily basis.

If any employee does not have sufficient time before or after regular duty hours to vote, up to 2 hours of civil leave may be granted.

Time spent by employees appearing in court as a function of their job shall be considered as hours worked. Any witness fees and reimbursements received as a result of those court appearances shall be returned to the State.

Employees attending court as a plaintiff, defendant, or witness on ~~non-work-related~~ non-work-

related matters may use vacation leave or earned compensatory time, or the Administrative Office may grant a leave of absence. Any witness fees paid to the employee for these court appearances shall be kept by the employee.

Employees who provide proof of their disaster relief volunteer certification with the American Red Cross, or active volunteer for civil response teams like firefighter and reserve Deputy Sheriff, may, with appropriate supervisory authorization and minimal impact on Judicial Branch operations, be granted paid civil leave not to exceed 15 working days, or 120 hours, in each calendar year to participate in specialized disaster relief services or civil response events in Nebraska for the American Red Cross or local jurisdiction, upon the request of the American Red Cross or local authority.

G. Family Military Leave Act

The Family Military Leave Act was passed by the Nebraska Legislature and became effective on April 5, 2007. In accordance with the act, it shall be the policy of the Nebraska Supreme Court to allow an eligible employee who is the spouse or parent of a person called to military service lasting 179 days or longer, with the State or United States pursuant to the orders of the Governor or President of the United States, to take up to 30 days of unpaid leave.

For purposes of the Family Military Leave Act, an eligible employee is an employee who has at least 12 months of service and has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of this leave. An eligible employee is the spouse or parent of a person called to military service lasting 179 calendar days or longer. An eligible employee may request up to 30 days of leave without pay. Employees may choose to use accrued vacation leave for some or all of this requested leave.

The employee shall give at least 14 calendar days of notice of taking leave if the leave will consist of 5 or more consecutive workdays. Whenever possible, the employee shall consult with the supervisor to schedule the leave so as to not unduly disrupt the work operations. An employee taking less than 5 consecutive days shall give the supervisor notice as is practicable. The supervisor may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

When the leave ends, the employee must be restored to the position previously held or to a position with equivalent seniority status, benefits, pay, et cetera, except when the supervisor proves the employee is not restored due to reasons unrelated to taking leave.

The employee may continue benefits, during leave, at the employee's expense. ~~The employee's service date will be adjusted after 14 calendar days of unpaid leave~~.

The act provides that the employee may negotiate with the employer for the employer to maintain benefits at the employer's expense during the leave period. Taking family military leave shall not result in the loss of benefits accrued before the leave started.

H. Temporary Emergency Leave

In emergency situations resulting from public health, natural, technological, or manmade disasters and/or emergencies, when the federal or state government creates a form of temporary leave available

to employees, the Supreme Court may approve such leave as authorized leave.

Such temporary emergency leave shall be available only as long as the federal or state act provides, or as provided by the Supreme Court.

27. Employee Absent Without Approved Leave

When an employee is absent from work for longer than 1 workday without having approval for the use of an authorized form of leave, it may be considered that such employee has abandoned his/her job and has resigned not in good standing.

28. Leave Donation Program

A. Catastrophic Illness Donation Program

Employees may contribute accrued vacation leave and/or accumulated compensatory time to a Sick Leave Bank that will be available to benefit another employee of the ~~Nebraska~~ Judicial Branch who is suffering from a catastrophic illness. Time shall be donated in no less than 4-hour increments. The contributing employee must identify the specific amount and type of time on forms provided by the AOCP for this purpose. Time donated by an employee pursuant to this provision shall be irrevocably added to the Sick Leave Bank. The provisions of this program are nongrievable. (Note: The time an employee receives becomes wages for employment tax purposes.) Employees who donate vacation leave or accumulated compensatory time to the Sick Leave Bank must sign an authorization form indicating such donation.

Employees who have exhausted their own paid leave because of a bona fide serious illness or injury and who have been absent at least 30 workdays during the past 6 months may apply for the use of leave that is available in the Sick Leave Bank.

Eligibility of Recipient

1. The employee must be suffering a catastrophic illness or injury resulting in a prolonged absence lasting at least 30 ~~work days~~ workdays during the past ~~6 months~~ 180 calendar days. Catastrophic ~~condition is~~ conditions are a major medical condition including but not limited to cancer, heart condition, organ transplant, and any other condition that limits an employee's ability to work for an extended period of time. An employee may also qualify if his or her child, parent or spouse is suffering from a catastrophic illness or injury resulting in the employee's prolonged absence of at least 30 ~~work days~~ workdays during the past 6 months. (Note: This program is not intended for use to address ongoing chronic illness.)

2. The employee must produce satisfactory medical verification.

3. The employee must have completed the original provisional period with the ~~Nebraska~~ Judicial Branch.

4. The employee must have exhausted all earned paid leave time including compensatory time, sick leave, and vacation leave.

5. The employee must not have offered anything of value in exchange for the donation.

6. No more than 6 months of donated leave may be received by an employee during a 12-month period.

7. At such a time that the employee has exhausted all job protections provided by FMLA and other related policies and procedures and the employee remains unable to return to work, the employee will no longer be eligible for catastrophic leave donations.

Eligibility of Donor Employee

1. Only vacation and compensatory time in increments of 4 hours may be donated.

2. The employee must not have solicited nor accepted anything of value in exchange for the donation.

3. The donating employee must have at least 40 hours of accrued vacation leave, after donating vacation leave.

B. ~~Nebraska Supreme Court~~ Judicial Branch Maternity/Paternity Leave Donation (MPLD) Program.

When an expectant parent, due to a birth of a child has or will exhaust his/her own earned sick leave, the employee may request Maternity/Paternity Leave Donations for the period during which he/she qualifies for sick leave usage. Donated hours provided to the recipient will only be for the time they are qualified for sick leave use as certified by a health care provider. The expectant parent may be granted up to 80 hours of donated leave.

MPLD is available in conjunction with an approved Family Medical Leave (FML) under the Family Medical Leave Act. The requirement of the FML may be waived by the State Court ~~Administrator~~ or Probation Administrator. MPLD requests require approval of the State Court ~~Administrator~~ or Probation Administrator or designee.

Eligibility of Recipient. Employees shall meet the following criteria before request(s) for donations can be made:

- Be the expectant parent of a newborn baby
- FML request has been approved or waiver is granted
- Have exhausted all earned sick leave
- Have not offered anything of value in exchange for the donation

Requesting Maternity/Paternity Medical Leave Donations. Employees must submit a written request for MPLD to the Personnel Administrator. The request must include substantiating evidence as described in the Family Medical Leave Act. Personnel will initiate the process to verify eligibility, seek Administrator approval, request donations, apply the conversion formula to donations received, advise the employee of donations received and make the appropriate payroll changes to receiving/donating employees' leave balances. The receiving employee shall remain anonymous.

Contributing Maternity/Paternity Medical Leave Donations. Employees may contribute accrued vacation leave and/or accumulated compensatory time, in no less than 4-hour increments, to a Sick Leave Bank that will be available to benefit another employee of the ~~Nebraska~~ Judicial Branch who qualifies for the MPLD program. The donating employee shall remain anonymous.

Eligibility of the Donor. Before donating vacation leave, employees shall meet the following criteria:

- Only increments of 4 hours may be donated.
- Have not solicited nor accepted anything of value in exchange for the donation.
- Have remaining to his/her credit at least 40 hours of accrued vacation leave.

Adoptive Parents. Adoptive parents may be entitled to use the MPLD program in certain situations. Adoptive parents must meet the eligibility requirements as outlined above.

The provisions of this section are nongrievable.

29. Family l Medical Leave

In accordance with The Family and Medical Leave Act of 1993, effective August 5, 1993, it shall be the policy of the Nebraska Supreme Court to allow eligible employees, as defined herein, to take up to 12 weeks of paid or unpaid, job-protected leave (hereinafter family leave) each year for family and medical reasons as specified below. Accumulated sick leave and compensatory time will be required to be used before going on an unpaid leave status. Employees may also choose to use vacation leave after their sick leave is exhausted before going on an unpaid leave status. Total paid and unpaid leave time taken for family leave is limited to 12 weeks within a 12-month period, starting with the date the employee first uses family leave.

Sick leave absences due to a serious health condition of the employee or immediate family member will be counted toward the employee's 12-week-per-year family leave allotment. Employees may use sick leave beyond the 12-week family leave limitation for appropriate sick leave reasons with proper certification from a health care provider.

For purposes of this family leave policy, an "eligible" employee shall mean an employee who has at least 12 months of service and has worked at least 1,250 hours in the 12-month period preceding the start of the leave.

"Job-protected" leave shall mean that upon return from family leave, the employee shall be returned to his or her original position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. However, an employee's "service date" (the date used to determine amounts of vacation and sick leave) shall be adjusted when an unpaid absence due to family leave exceeds 14 consecutive calendar days.

An eligible employee shall be entitled to family leave and will be required to use family leave for one or more of the following reasons:

1. the birth of a child of the employee;

2. the adoption of a child or placement of a foster care child with the employee;

3. in order to care for a member of the employee's immediate family (defined as spouse, child, or parent) who has a serious health condition; or

4. a serious health condition of the employee that makes the employee unable to perform his or her job.

An employee must provide at least 30 days' notice to the Administrative Office before family leave is to begin if the need for such leave is foreseeable. Where the need for such leave is not foreseeable, notice must be given as soon as possible and practical. Employees are also required to inform their supervisor of the need for family/medical leave as soon as possible.

The term "serious health condition" means an illness, injury, impairment, or physical mental condition that involves (a) inpatient care in a hospital, hospice, or residential medical care facility, or (b) continuing treatment by a health care provider.

A request for family leave based on the serious health condition of the employee or his or her spouse, child, or parent must be supported by a medical certificate issued by the health care provider of the employee or the employee's family member. The medical certification must include the following information:

1. The date on which the serious health condition commenced and the probable duration of the condition; and

2. The diagnosis of the serious health condition; and

3. A statement containing specific information explaining either:

a. why the employee is needed to care for the child, spouse, or parent; or,

b. why the employee is unable to perform the functions of his or her job.

4. If the leave is to be intermittent, a statement containing specific information concerning planned medical treatments, including the expected dates and the duration of such treatments.

In addition, upon the employee's return to work after his or her own serious health condition, the employee shall provide the health care provider's "fitness-for-duty" certification only if the absence was due to a job related injury or illness.

If the Administrative Office questions the adequacy of medical certifications referred to above, a second opinion may be required at the Administrative Office's expense, by a health care provider designated by the Administrative Office. If that second opinion differs from the first, a third opinion may be required, at the Administrative Office's expense. The third health care provider must be mutually agreed upon, and the results of the third opinion shall be final and binding.

Records and documents relating to medical certifications, recertification or medical histories of employees or employees' family members, shall be maintained in separate file/records in the Administrative Office and be treated as confidential medical records. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.

For employees who have accumulated sick leave, the use of family leave will be concurrent with the use of accumulated sick leave when the reason for leave qualifies under the sick leave provision of the Nebraska Judicial Branch ~~Supreme Court~~ Personnel Policies and Procedures. An employee may elect to substitute accrued vacation leave for all or part of the unpaid family leave. Nothing in this family leave policy allows an employee to substitute paid sick leave in any situation where the Nebraska Judicial Branch ~~Supreme Court~~ Personnel Rules would not normally allow for such paid leave. Based on information provided by the supervisor and the employee, the Administrative Office shall be responsible for designating paid leave as family leave.

The Administrative Office may limit the total paid and unpaid leave which has been designated as family leave to 12 weeks in any 12-month period, beginning with the date the employee begins his or her family leave. Family leave is not cumulative.

Where a Judicial Branch ~~Nebraska Supreme Court~~ employee has a spouse working for the Judicial

Branch ~~court system~~ or a state agency, the Administrative Office, at its discretion, may limit family leave to a combined total of 12 weeks of family leave if such leave is taken for the birth or adoption of a child or placement of a foster child with the employee and his or her spouse.

Family leave may be taken intermittently, after proper notice and medical certification, whenever it is medically necessary to care for a spouse, child, or parent, or when an employee, because of his or her own serious medical condition, is unable to perform the functions of the job. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment, subject to the approval of the health care provider, in a manner that does not unduly interrupt the employer's operations. When intermittent leave is requested, the employer may require the employee to transfer temporarily to an alternative job, with equivalent pay and benefits, which will better accommodate recurring periods of leave than does the employee's regular position.

Employer health insurance contributions shall continue during an employee's unpaid family leave whenever such insurance was provided before the leave was taken. Employer contributions shall be computed as if the employee had continued to work his or her regular schedule. If the health insurance plan requires employee co-payments, an employee on unpaid family leave must continue to make insurance premium payments to maintain the insurance coverage.

30. Injury Leave and Workers' Compensation

A. Eligibility

All employees (including temporary) who are disabled as a result of a job-related injury or disease, which is deemed compensable by Worker's Compensation, may be granted injury leave not to exceed five of the employee's normal working days for any particular injury. Disabled shall mean unable to perform the tasks usually encountered in one's employment due either to any injury or disease or to treatments for any injury or disease. A working day is counted even if an employee is absent for any portion of his or her assigned shift. (For example, if an employee is injured at 3:00 p.m., and misses the final two hours of the work day, the absence will count as one day of the five possible days of injury leave.)

Any job-related injury or disease shall be reported to the Administrative Office as soon as possible. The employee's supervisor is responsible to complete a *First Report of Alleged Occupational Injury or Illness* form. When this form is received from the supervisor, the Administrative Office shall have the responsibility of supplying all of the necessary information to the State of Nebraska Worker's Compensation Administrator.

No employee shall receive a salary (workers' compensation plus regular pay) in excess of his or her normal wage.

Health insurance with the appropriate employer contribution will be paid during an absence under workers' compensation after all accrued leave and compensatory time has been depleted.

If an employee requests or is placed on family/medical leave due to an injury or illness qualifying for workers' compensation, the Administrative Office will contact the State of Nebraska Workers' Compensation Administrator for coordination of workers' compensation and family/medical leave benefits.

B. Use of Sick and / or Vacation Leave to Supplement Workers' Compensation Payments

Employees being paid workers' compensation for job-related injuries or disease may use sick and/or vacation leave to supplement the payment up to, but not to exceed, their regular rate of pay.

Employees on workers' compensation shall earn sick and vacation leave at the same rate being earned prior to the injury or disease except as provided in these rules. Example: An employee earning 8 hours of sick leave prior to injury shall earn 8 hours of sick leave subsequent to injury.

Holidays occurring during this period will be paid at a rate proportionate to the amount of sick and/or vacation leave being used.

After all sick and vacation leave has been exhausted, employees shall not be entitled to any leave or pay benefits except as authorized under workers' compensation, and shall be carried in a leave-without-pay status while on workers' compensation. This type of leave of absence may exceed 1 calendar year. No service date adjustment is necessary for this unpaid leave.

For a period of 1 year after the date of disability and upon termination of workers' compensation, and after the physician has released him/her to return to work, the employee shall be reinstated to his/her former classification with no salary reduction. If his/her former position is not available, the Administrative Office shall place the employee in a similar position and may reduce the employee's salary.

After 1 year from date of disability, if the employee has not or is not able to return to work, the Judicial Branch ~~Nebraska Court System~~ is relieved from any reemployment obligation and the employee may be terminated.

31. Official Leave of Absence

The State Court ~~Administrator or~~ and ~~State~~ Probation Administrator or their designee may grant employees a single continuous unpaid leave of absence, not to exceed 1 year (except for military service and some workers' compensation cases), when such absences will not interfere with the best interest of the courts. Under unusual circumstances, this time may be extended by the State Court ~~Administrator~~ or ~~State~~ Probation Administrator. Written requests for leaves of absence will be considered after consultation with the employee's supervisor, for such things as temporary disabilities or educational purposes related to the employee's work and benefitting the Judicial Branch ~~Nebraska Court System~~. The leave of absence, when granted, shall be in writing and detail the employment conditions that will be in effect at the end of the absence. Vacation leave shall not be required to be exhausted prior to such requests. If the leave of absence is greater than 14 calendar days, health insurance coverage ends on the last day of the month following the 15th day. Denial of a request for Leave of Absence is nongrievable.

32. Leave for Part-time Employees

All types of leave are granted in proportionate amounts for part-time employees.

33. Advancement of Vacation and Sick Leave

The State Court ~~Administrator~~ or ~~State~~ Probation Administrator or designee, after consultation with the employee's supervisor, may advance vacation leave and/or sick leave to an employee in an amount not to exceed a total of 40 hours (pro-rated for part-time employees). Employees who are serving an original provisional period are not eligible for vacation leave advancement but may submit a request for an official leave of absence. Employees may be required to reimburse the State for all used unearned vacation and sick leave upon separation or transfer.

34. Employee ADA Accommodations Request

Employee requests for accommodations under the Americans with Disabilities Act shall be made at the local level to the employee's immediate supervisor. The employee shall let the supervisor know of the type of accommodation or work adjustment required for a medical condition or disability. The supervisor, working with the ~~AOCP~~ Human Resources Office, shall evaluate the request and make a determination within 14 business days.

If the employee's request is oral, the supervisor shall put the request in writing confirming the employee's request and forward to Human Resources. If the request by the employee to the supervisor is in writing, the supervisor shall forward the written request to Human Resources.

If it is determined that the accommodation should be provided to the employee, Human Resources will work with the employee and supervisor to provide the accommodation at the earliest possible time. The employee may be asked to provide Human Resources medical or other documentation related to the disability to determine the request for accommodations. All information received shall be protected and treated as confidential.

If it is determined that the accommodation will not be provided, Human Resources shall inform the employee and supervisor in writing, stating the reasons for not providing the accommodation.

If the accommodation is requested for access to a building or office at a physical location not owned or under the legal control of the AOCP, Human Resources will contact the local authority to discuss the issue and determine if the accommodation can be provided by the local authority to the employee. The local authority may have the final determination on whether to grant the request for accommodation.

Nothing in this section excludes any remedy available to the employee under the law.

35. Travel Expenses

Reimbursement will be made only for travel expenses ~~essential~~, which are essential to the transaction of official business. Questions regarding allowable expenses should be directed to the Administrative Office. See the Travel Policies section for more details.

36. Use and Operation of State Motor Vehicles

Personal use of any state-owned vehicle is prohibited. It is the responsibility of the employee to see that the vehicle is used only for state business.

Any state employee who drives a state-owned vehicle must pass a defensive driving class and have a valid Nebraska driver's license. The license must be in the employee's possession while operating the state vehicle. All traffic violations are the responsibility of the operator.

Employees who drive state-owned vehicles shall review and comply with 5. Travel Policies*, Section D. Use and Operation of State Motor Vehicles.

37. Outside Employment

No employee of the Judicial Branch ~~Nebraska Court System~~ shall undertake any employment outside of his or her regular job which is or can be interpreted to be inconsistent with or detrimental to the employee's duties with the Judicial Branch ~~Nebraska Court System~~. Any outside employment must be approved by the Administrative Office.

38. Educational Reimbursement

When funding is available, ~~E~~employees of the Judicial Branch may receive up to 15 credit hours annually of courses related to the job of an individual and may be reimbursed at the rate of 50 percent to 100 percent of the tuition costs. Employees are eligible to apply for tuition reimbursement after they have successfully completed their original provisional period. The course(s) may be on-line or by attendance of classes at a university, college, or vocational or technical school. Job relatedness and the ~~percent~~ percentage of reimbursement shall be determined by the Administrative Office. However, such reimbursement shall not exceed the tuition rate of the University of Nebraska-Lincoln. Such reimbursement is for tuition only and does not include fees or textbook costs.

~~Until June 30, 2023, qualifying dependents may be eligible for tuition reimbursement. Any person up to the age of 26 that is a naturally born, legally adopted, stepchild, or ward of any current employee who has successfully completed his or her original provisional period is considered a dependent of the employee for the purposes of this policy. Any such dependent is eligible for tuition reimbursement by the Judicial Branch for up to 65 credit hours per eligible dependent at any participating Nebraska Community College.~~

Application for tuition reimbursement is to be made prior to the start of the course(s) by the employee on a "Request for Tuition Reimbursement" form which is available from the Administrative Office. Approval of the request must be secured by the employee from the immediate supervisor and the Administrative Office.

Upon successful completion of any approved course of study, the employee shall submit a copy of a class record, a grade, and a receipt for tuition payment which will serve as the documentation for reimbursement of the approved amount. Eligibility for reimbursement requires a course grade of at least "C" or equivalent, or "pass" for pass/fail courses. For dependent tuition reimbursement, payment shall be made directly to the employee parent. It is the responsibility of the employee parent and student to allocate the funds.

Employees who receive tuition reimbursement ~~for either themselves or a dependent~~ may be required to reimburse the Judicial Branch if they leave their employment within 1 year of the course

completion date.

Due to the significant impact the budget has on this program, Educational Reimbursement can be halted or restated at any point without notice. With the exception that, once an Education Reimbursement is approved, payment on the approval will be honored if all policy requirements are fully met.

This rule applies to all employees of the Judicial Branch except judges.

39. Disciplinary Actions

A. Reasons for Imposing Disciplinary Actions

A supervisor shall take appropriate disciplinary action if an employee commits one or more of the following:

*1. Violation of, or failure to comply with, the State's Constitution or statutes; an order of a court; codes of conduct; or published rules, regulations, policies, or procedures of the Nebraska Judicial Branch or the State of Nebraska.

2. Misconduct through the ~~F~~ failure or refusal to comply with a lawful order or to accept a reasonable or proper assignment from an authorized supervisor.

3. Misconduct by the demonstration of ~~I~~ inefficiency, incompetence, or negligence in the performance of duties or failure to meet clearly established performance expectations.

4. Misconduct by the ~~U~~ unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverages in the workplace or reporting for duty under the influence of alcohol and/or unlawful drugs.

5. Misconduct by the ~~N~~ negligent or improper use of public property, equipment, technology, or funds, or conversion of same to one's own use. This includes transmitting threatening, obscene, or harassing material through the ~~Nebraska~~ Judicial Branch or the State's communication systems.

6. Misconduct by the ~~U~~ use of undue influence to gain or attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage.

7. Misconduct by the ~~F~~ falsification, fraud, or omission of required information on the employment application/resume.

8. Misconduct by the ~~U~~ unauthorized, improper use, or abuse of any type of leave, meal, or rest periods.

9. Repeated tardiness or unauthorized leave, including unauthorized departure from the work area.

10. Misconduct through the ~~F~~ failure to maintain satisfactory and harmonious working relationships with the public or other employees while on the job or when performing job-related functions.

11. Misconduct by the ~~F~~ failure to obtain and maintain current license or certification required by law or policy as a condition of employment.

12. Misconduct as indicated by the commission ~~Conviction~~ of a felony, serious misdemeanor, or other law violations in the conduct of duties.

13. Repeated failure to make reasonable provision for payment of personal debts which result in multiple garnishments caused by two or more personal debts, excluding cases of court ordered child support payments.

14. Misconduct by ~~I~~ insubordinate acts or language which seriously hampers the Judicial Branch's ability to control, manage or function.

15. Acts or misconduct which bring discredit upon oneself, the ~~Nebraska~~ Judicial Branch, and the state.

16. Acts or misconduct (on or off the job) which adversely affect the employee's performance and/or the Judicial Branch's performance or function.

17. Misconduct of ~~W~~ workplace harassment based in whole or in part on race, gender, color, religion, age, disability or national origin which manifests itself in the forms of comments, jokes, printed material, and/or unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature.

18. Misconduct by ~~D~~ displaying or possession of materials and/or utterance of comments in the workplace that are derogatory toward a group or individual based on race, gender, color, religion, disability, age or national origin.

*Note: Although county court clerk magistrates are governed by the Nebraska Revised Code of Judicial Conduct, they are disciplined in accordance with the Nebraska Judicial Branch Personnel Policies and Procedures.

Employees shall not be disciplined more than once for a single specific violation. However, they may be disciplined for each additional violation of the same or similar nature.

B. Authority and Responsibility to Impose Disciplinary Actions

Responsibility to impose disciplinary action shall be vested in the employee's supervisor. Disciplinary action shall be taken in response to the employee's failure to meet the standards, objectives, or rules of the Judicial Branch. The objective of discipline is to correct or eliminate inappropriate behavior or conduct.

C. Steps for Imposing Disciplinary Actions and Due Process Provisions

Supervisors are responsible for ensuring due process for employees being disciplined. Prior to beginning the disciplinary process, a supervisor is encouraged to consult with the Personnel Administrator.

The following procedures shall be observed:

(1) Investigation

Upon obtaining information about an incident or performance issue which may warrant disciplinary action, the supervisor will conduct a fair investigation, including allowing the employee to respond to the information which may lead to discipline. In cases where information indicates an employee may be under the influence of alcohol or controlled substances, testing for the presence of alcohol or controlled substance may be conducted after consultation with the Deputy Administrator for Operations. Testing may be conducted when specific criteria are met, including but not limited to, observable behaviors such as impaired coordination, slurred, incoherent, or unusually rapid speech, noticeable odor consistent with alcoholic beverages or marijuana, unusual appearance of the eyes, such as redness, drooping eyelids, or noticeably impaired focus. Based upon the totality of the evidence and the individual circumstances of the case, the supervisor will make an objective decision whether or not to go forward with the disciplinary process.

(2) Notice of Allegations

If, based on the investigation, the supervisor decides a disciplinary action may be appropriate, the employee shall be entitled to written and oral notice of the proposed allegations against him or her, citing the rule or policy violated and an explanation, including any written documentation of evidence against him or her. The explanation should include a description of the incident or performance issues involved and dates of occurrence to the extent the explanation would not impair the function or operation of the Judicial Branch ~~System~~ or expose the Branch ~~System~~ to legal liability. The employee shall acknowledge receipt of the written notice of allegations by signing the document. The employee's signature does not constitute agreement with the content of the document. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document.

(3) Pre-disciplinary Employee Response Meeting (Mitigation Meeting)

Following receipt of the Notice of Allegations, the employee shall be entitled to an opportunity to present mitigating evidence or present reasons why disciplinary action should not be taken. If the opportunity or explanation is in the form of a meeting, the supervisor shall afford the employee adequate notice as to time, place, and purpose of such meeting. A minimum of 24 hours' notice shall be provided and the supervisor shall make a reasonable effort to reschedule where necessary for sufficient preparation. Upon request the employee shall be allowed representation or may bring a witness.

(4) Delivery of the Notice of Discipline or Notice of No Cause to Discipline

Following the employee's opportunity to provide mitigating evidence, if the supervisor determines disciplinary action is warranted, the employee shall be

a. advised in writing of the nature of the violation;

b. advised in writing of the disciplinary action being administered; and

c. if appropriate, notified in writing of the time allowed for improvement and the consequences (including dismissal) of future violations or failure to improve.

The employee shall acknowledge receipt of the written documentation of disciplinary action by signing the document. The employee's signature does not constitute agreement with the content of

the document. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document. A copy of the document shall then be placed in the employee's personnel file and a copy of the document shall be sent to the Administrative Office.

If the supervisor determines there is no cause for disciplinary action, the employee shall be advised in writing that no disciplinary action will be administered.

D. Forms of Discipline

The following types and levels of disciplinary actions are described in a progressive manner. The steps are intended to allow the employee to correct the behavior prior to the next stage. However, the type and extent of disciplinary action shall be governed by the nature, severity, and effect of the violation; the type and frequency of previous violations; the period of time elapsed since a prior offensive act; and consideration of extenuating circumstances. More severe levels of disciplinary action may be imposed when a lesser action is deemed inadequate or has not achieved the desired results. One or a combination of any of the following disciplinary actions may be imposed. All disciplinary actions shall be in writing, and if more than one action is imposed, they shall be on a single document and imposed at the same time.

(1) Written Warning

This is typically the first level of disciplinary action, appropriate for first incidents and lesser violations where efforts to counsel the employee have not been effective. This action consists of a written record providing in detail the reasons for the warning and advising the employee of the action required to correct the unsatisfactory performance or behavior, the time allowed for improvement, and the consequences of future violations or failure to improve. Additionally, the employee may be required to repair relationships damaged by their behavior. Example of this requirement is an apology letter. The employee shall be required to acknowledge receipt and understanding of the warning in writing. Such signature does not imply agreement. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document. A copy of this documentation shall be placed in the employee's personnel file. The employee has the right to file a written explanation or denial.

An employee shall not have a written warning imposed more than once for a single transgression. However, written warnings for each additional act of the same or similar nature may be imposed.

(2) Disciplinary Probation

This level of disciplinary action is appropriate where a written warning was not effective in resolving an issue or for more frequent or serious violations. A disciplinary probation may be imposed for a period of up to six months. This is a designated time period during which the employee must improve. Disciplinary probation may be extended for up to one year with State Court or Probation Administrator~~ive~~ approval. An extension of disciplinary probation shall be considered as a separate disciplinary action. The imposition of a disciplinary probation is to be accompanied by a written explanation concerning the employee's violation, performance shortcomings, etc., that have caused the action to take place; the action required for improvement if appropriate; the time allowed for improvement and notice that if positive action is not taken to correct the noted deficiencies, dismissal may be imminent. The employee shall be required to acknowledge receipt and understanding of the document by signing the document. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document. A copy of the document shall then be placed in the employee's personnel file

Employees placed on disciplinary probation may not be promoted, transferred, or granted any salary increase authorized by the Supreme Court other than the "across the board" annual cost of living increase. The termination of an employee on disciplinary probation does not preclude recourse in the form of the filing of a grievance by the employee. The termination of an employee on disciplinary probation shall be considered only as a separate disciplinary action.

An employee may be placed on disciplinary probation upon return to work following a suspension without pay providing the employee was so informed when the suspension was imposed. Employees granted leave while serving disciplinary probation, may have their probation extended by the number of days absent on leave. An employee may be removed from disciplinary probation at any time.

Any disciplinary probation is not to be considered an additional original provisional period. This is a period for an employee to demonstrate improvement with an identified behavior or performance issue. This is done using a performance improvement plan, observation, and/or training. Additionally, the employee may be required to repair relationships damaged by their behavior. Example of this requirement is an apology letter.

(3) Suspension Without Pay

This level of disciplinary action is appropriate where previous disciplinary acts were not effective in resolving an issue and/or for more frequent or serious violations. Suspension without pay may be imposed in conjunction with another form of discipline such as a written warning or disciplinary probation.

Suspension without pay shall not exceed 20 workdays and shall be imposed in writing. The document imposing this form of action shall be dated and shall include the reason for the suspension and the number of days the suspension will last and the effective date(s) of the suspension.

Employees placed on suspension without pay shall not be granted vacation, sick, or holiday leave or unused compensatory time off while in a suspended without-pay status, nor shall they earn vacation, sick, or holiday leave credit during the period of suspension.

If the same or an additional violation is committed while serving the disciplinary probation period, the employee may be suspended without pay as a result of the new violation. In such instances the period of suspension without pay shall not be credited to the original probation period. Upon completion of the period of suspension without pay, the employee shall complete the probationary period plus any additional period of probation imposed as a result of the violation which caused suspension without pay.

The notice of a period of suspension is to be accompanied by a written explanation of the reasons for the suspension and the fact that failure to improve may result in further discipline. The employee shall be required to acknowledge in writing receipt and understanding of such information. If the employee refuses to sign this document, the supervisor and a witness shall sign a notation of the employee's refusal to sign the document. A copy of the document shall then be placed in the employee's personnel file. In cases in which the employee is to be placed on disciplinary probation upon return from suspension without pay, the employee shall be informed of this fact at the time the suspension is imposed.

(4) Reduction in Salary Within Salary Grade

This level of disciplinary action is appropriate where previous disciplinary acts were not effective in resolving an issue and/or for more frequent or serious violations. Supervisors may recommend a reduction in an employee's salary within salary grade as a disciplinary action in consultation with the Administrative Office.

Supervisors may recommend restoration of an employee to his/her previous salary when circumstances justify. An employee's salary may be reduced to no lower than the minimum permanent rate of the salary grade

(5) Demotion

This level of disciplinary action is appropriate where despite attempts to improve performance, an employee is not successful at doing so, and may be successful in a lower job classification. The employee's duties shall be changed to reflect the new classification. Upon demotion of an employee for disciplinary reasons, the Administrative Office shall reduce the employee's salary a minimum of ~~5~~3% ~~percent~~ and the salary may not be above the maximum rate of the new salary grade. However, a demoted employee's salary may be reduced no lower than the minimum permanent rate of the new salary grade.

(6) **Dismissal**

This level of disciplinary action is appropriate where previous disciplinary acts were not effective in resolving an issue and for the most serious violations, such as theft, physical altercations, law violations participating in harassment based on protected class, and for personnel policy violations for which anything less than dismissal would depreciate the seriousness of the violation or for which other forms of discipline are either unavailable or would not prompt the desired performance improvement.

~~Employees dismissed shall be provided with written notice of their dismissal 2 weeks prior to dismissal, or, at the discretion of the Administrative Office, may be granted 2 weeks' pay in lieu of the 2 week notice where the employee's continued presence in the workplace would potentially be disruptive or otherwise adverse to effective operations.~~

~~Employees granted 2 calendar weeks pay in lieu of notice shall not be eligible to accrue sick or vacation leave for the period for which payment in lieu of notice is made.~~

An employee who commits a violation or an act which endangers or threatens the safety, health, or well-being of another person or persons, or a violation or act which is of sufficient magnitude that the consequences thereof cause irreparable disruption of work presently performed, or to be performed in the future, may be dismissed forthwith and shall not be entitled to a 2-week notice of dismissal or 2 calendar weeks pay in lieu of notice.

40. Investigatory Suspension

An employee who is under investigation either by the AOCP or other civil authorities for criminal activity, an employee who is alleged to have committed a violation which threatens the safety or health of another person, or a violation of sufficient magnitude that the consequence causes disruption of work, the employee may be suspended with or without pay based on the nature of the alleged offense while investigation takes place.

1. Except as provided below, if no immediate danger would result, a supervisor, before suspending an employee under this section, should attempt to verify evidence with the employee and may afford the employee an opportunity to refute this information or present mitigating evidence. If a meeting takes place, the supervisor shall notify the employee prior to such meeting and shall inform the employee of the purpose of the meeting.

The employee shall be notified of the general nature of the investigation. The employee shall not be disciplined for refusing to make self-incriminatory statements regarding alleged wrongdoing.

2. Anytime an employee is arrested or cited for a criminal offense classified as a Class I, IA, IB, IC, ID, II, IIA, III, IIIA, or IV felony or a Class I, II, III, or W misdemeanor, the employee shall immediately be placed on an investigatory suspension with pay.

At such time a prosecuting authority files formal charges against the employee for a criminal offense classified as a Class I, IA, IB, IC, ID, II, IIA, III, IIIA, or IV felony or a Class I, II, III, or W misdemeanor, the investigatory suspension may move from a suspension with pay to a suspension without pay at the discretion of the State Court ~~Administrator~~ or ~~State~~ Probation Administrator. During a period of investigatory suspension without pay, an employee shall not be authorized to utilize vacation, sick, or holiday leave, nor utilize accrued compensatory time off. The employee shall not accrue vacation or sick leave. The investigatory suspension without pay shall remain in effect until such time as the trial court (not an appellate court) makes a final determination of guilt, the charges are dismissed, or the employee resigns.

As Judicial Branch employees are held to a higher ethical standard, and even the appearance of impropriety can bring discredit upon the Judicial Branch, at any time an employee enters a plea of guilty or no contest to a nonwaiverable offense, or a finding of guilt is entered by the trial court, the employee may be dismissed from his/her employment, at the discretion of the State Court or Probation Administrator, in accordance with the Nebraska Judicial Branch Personnel Policies and Procedures Manual.

3. If the preponderance of the evidence acquired in the investigation is inconclusive or finds no fault, or if an employee is found not guilty, the employee may or may not be restored to his/her position. If the employee is reinstated, full pay and service credit for the period of his/her suspension shall be granted.

4. If the preponderance of the evidence acquired in the investigation shows that disciplinary action should be taken, the supervisor shall initiate disciplinary procedures.

5. An investigatory suspension is not a disciplinary action but is a grievable action.

41. Employee Grievance Procedure

Unless otherwise specified below, all full-time and part-time employees occupying a permanent position have grievance rights. The following positions do not have grievance rights: Applicants, temporary employees, employees serving an original provisional period, private staff of individual justices or judges of the Supreme Court or Court of Appeals, Judges, the Clerk of the Supreme Court and Court of Appeals, the Reporter of the Supreme Court and Court of Appeals, the State Court ~~Administrator~~, and ~~the State~~ Probation Administrator.

Covered employees in the system who are aggrieved as a result of management actions resulting in an injury, injustice, or wrong involving a misinterpretation or misapplication of personnel rules promulgated by the ~~Nebraska~~ Judicial Branch ~~Supreme Court~~ or policies of a particular county court or probation district may formally grieve such actions.

Supervisors shall ensure that every possible effort is made to resolve grievances at the local level. Employees may ultimately appeal grievances not resolved at the local level to the Supreme Court Personnel Board by following the procedures set out in these rules.

The resolution of grievances must span the entirety of the grievance. If an employee agrees to only portions of a response, they cannot grieve other portions of the response. The continuance of a grievance process must be the grievance in its entirety.

A. Nongrievable Issues

The Supreme Court 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 nongrievable are subject to summary dismissal by the board. The identification of nongrievable issues is not intended to sanction mistakes or unfair management practices.

The following issues, when done in compliance with established law, rule or policy, are examples of nongrievable matters. The list below is not to be considered all inclusive:

1. appointments and initial hiring selections;

2. involuntary transfers with no salary reduction or relocation required;

3. leave of absence, decisions regarding grants of maternity/paternity leave donations, and determination of eligibility for use of the catastrophic illness donation programs;

4. position classification determinations;

5. salary schedules;

6. furloughs and layoffs due to elimination or reduction of funds, reduction in the workload, and/or reorganization; and

7. payment of travel or moving expenses;

8. determinations regarding an employee's ability to telecommute~~.~~ ; and

9. employees who are separated during an original provisional period.

B. Effects of Grievance on Management Action and Employee Status

The filing of a grievance does not delay the effective date of any management action. Filing of a grievance shall not jeopardize the grievant's position, opportunities for advancement, or salary increases. No employee may be coerced by a supervisor or another employee into not proceeding with a grievance or not appearing as a witness at a hearing.

C. The Supreme Court Personnel Board

The members of the Supreme Court Personnel Board shall be appointed by the State Court Administrator and serve 3-year terms. The Board shall be composed of one county or district judge, one chief probation officer, and one clerk magistrate or Judicial Administrator. The judge member of the Board shall be the chairperson and shall preside over hearings.

A listing of the current Board member's names and addresses shall be available ~~in~~ from the AOCP ~~Administrative Office~~. Currently this list is available on the Intranet: https://nebraskajudicial.gov/administration/committees-commissions/judges-staff-mediation-

committees/supreme-court-personnel-board

The authority of the Supreme Court Personnel Board is to determine if any decision regarding a grievance made by the State Court Administrator, ~~State~~ Probation Administrator, or an administrative employee delegated to respond to a grievance was made in good faith and for cause and to ensure that the actions were in reasonable compliance with the Nebraska ~~Supreme Court~~ Judicial Branch Personnel Policies and Procedures or relevant state statutes.

A Supreme Court Personnel Board member shall excuse himself or herself in decisions where his or her impartiality might reasonably be questioned, including, but not limited to, instances where the Board member has been a participating party in the grieved action. In the event that a member is excused, the State Court Administrator ~~or State Probation Administrator~~ shall appoint a temporary Board member to serve until a decision is made regarding the grievance.

D. Grievance Procedure Steps and Time Allowances

The following are the procedures and time allowances for the official grievance process. If the grievant fails to advance a grievance to any step within these time allowances, the grievance shall be considered discontinued by the grievant and the matter will be considered closed. However, time allowances may be extended by mutual agreement of the parties.

(1) Step 1. Presentation of Formal Grievance

Within 15 workdays of the occurrence of the grieved action (or from the day the employee should have known about the action), the employee shall present a formal written grievance (using the official grievance form) to his/her immediate supervisor. The grievance shall contain a detailed statement of the grievance which indicates the issue involved, the relief sought, the date the incident or violation took place, if known, and the specific rule or policy involved.

(2) Step 2. Decisionmaker's Reply

If the immediate supervisor is the person who made the decision causing the grievance, that supervisor may discuss it with the grievant. The supervisor shall prepare a written reply on the grievance form to the grievance within 5 workdays of receiving the grievance. If the immediate supervisor did not make the grieved decision, the immediate supervisor shall note that fact on the grievance form, sign it, and forward through the supervisorial chain within 2 workdays. At each level, if the management team member did not make the grieved decision, that person has 2 workdays to provide a separate endorsement and forward on to the next level. Once to the decision maker, that person shall prepare a written reply on the grievance form within 5 workdays.

The supervisor who made the original decision causing the grievance may discuss the grievance with the grievant, shall reply in writing (on the grievance form or an attachment) to the grievant within 5 workdays after receiving the grievance, and shall be responsible for consulting with all necessary levels of supervision in the preparation of the written response to the grievant.

If a supervisor in Step 2 of the Grievance Procedure fails to respond to the grievant within the specified time periods, the grievance shall be considered denied, and the grievant may proceed with his/her grievance to the next step.

(3) Appeal to the Administrative Office

If dissatisfied with the decision-maker's reply, the grievant has 5 workdays from receipt of the reply to appeal the decision to the Administrative Office. The State Court Administrator, the ~~State~~ Probation Administrator or a delegated person in the Administrative Office shall issue a decision in writing to the grievant as soon as possible.

(4) Appeal to the Supreme Court Personnel Board

If the grievant wants to appeal the decision from the Administrative Office to the Supreme Court Personnel Board, that appeal using the grievance form must be filed with the chairperson of the Board within 5 workdays of receipt of the administrative decision. Upon receipt of the appeal, the chairperson shall provide written notification to the involved parties that an appeal has been filed. The written appeal to the Supreme Court Personnel Board must set forth alleged facts in sufficient detail for the Board to decide if a misinterpretation or misapplication of the Nebraska ~~Supreme Court~~ Judicial Branch Personnel Policies and Procedures has possibly occurred and whether an evidentiary hearing is necessary. If the Board decides that the appeal does not meet these criteria, an evidentiary hearing may not be granted and the appeal will be dismissed without prejudice. If the appeal is dismissed without prejudice and the grievant wishes to amend the appeal, the amendment must be filed within 10 workdays of receiving notice of dismissal. Amended appeals not filed with the Board within the 10-workday limit will be dismissed.

When a grievance appeal is properly submitted and the Supreme Court Personnel Board determines that the issue includes a possible misinterpretation or misapplication of the Nebraska ~~Supreme Court~~ Judicial Branch Personnel Policies and Procedures, an appeal hearing will be scheduled. The chairperson of the Board shall notify all parties of the time and place of any appeal hearing. A copy of the appeal shall be provided to the affected staff member in the Administrative Office.

The Supreme Court Personnel Board shall hold a hearing on as early a date as is possible or inform all parties that the issue is not grievable.

The Supreme Court Personnel Board may order a pre-hearing conference prior to the grievance hearing to clarify the issues to be heard, the number of witnesses, the evidence to be presented, and other procedural details determined by the Board; or the Board may issue a pre-hearing order requiring the parties to mutually resolve such matters prior to the hearing. Failure by either party to appear at a pre-hearing conference or to respond timely to a pre-hearing order may bind that party to the issues, witnesses, and evidence submitted by the opposing party, or to those established by the Board, which shall control the presentation of issues, witnesses, exhibits, etc., during the hearing. The Board shall designate which party shall go first in the presentation of evidence.

The Supreme Court Personnel Board shall conduct the grievance hearing and rules of evidence shall not apply unless requested by either party. Such request shall be made in writing at least 3 workdays prior to the holding of the hearing. The hearing shall be recorded on four-track audio recording equipment.

Either party may present witnesses and/or written data. If either party wishes to use any employee of the ~~Nebraska~~ Judicial Branch ~~Court System~~ as a witness in the presentation of his/her case, he/she shall request the Board, through the State Court ~~Administrator~~ or t~~he State~~ Probation Administrator, to require the attendance of the witness. The request for an employee's appearance must be submitted to the chairperson of the Board at least 8 workdays prior to the hearing. Notice of less than 8 workdays shall not guarantee employee attendance. A written requirement of attendance of an employee shall be prepared by the Administrative Office and sent to the employee

whose attendance is required at least 4 workdays before the scheduled hearing. The Board may limit the number of witnesses either party may call to testify by considering relevancy of proposed testimony and whether or not it would be repetitious.

Employees of the ~~Nebraska Supreme Court~~ Judicial Branch who are required to attend an appeal hearing shall be granted time off from their assigned duties to appear. All hours of attendance, including travel time, shall be considered work time. Reimbursement will be made for allowable expenses.

The Supreme Court Personnel Board may request opening and/or closing statements from both parties in the grievance hearing. The parties may be requested to submit summary briefs at a mutually agreed upon date subsequent to the hearing.

All parties involved with a grievance appeal hearing may present their cases either personally or through their authorized representative. Each party is responsible for any attorney costs incurred in presenting his/her case.

In the event that one party fails to appear at the grievance hearing scheduled by the Supreme Court Personnel Board, a default judgment shall be entered unless the party who failed to appear shows good cause for having failed to appear within 5 workdays after the hearing date. The chairperson of the Board will provide written notification of a default judgment to all parties.

At any time during the grievance procedure, the parties may reach a settlement and thereby terminate the process. The settlement must be in writing and is binding on both parties. The settlement must be signed by both parties and shall include a statement that neither party will pursue the matter further as long as settlement agreements are followed. At this point the grievance will be considered to be resolved. If either party fails to abide by the settlement, the violation may be grieved beginning at the local level.

E. Discovery Process

At any time after the proper filing of a formal grievance to the Supreme Court Personnel Board, the employee and/or the AOCP obtain discovery regarding any matter not privileged that is relevant to the subject matter involved in the pending appeal by utilization of one or more of the following methods: requests for depositions, requests for interrogatories, requests for production of documents or things, requests for permission to enter appropriate offices for the purpose of inspection and/or requests for admissions. Unless the Supreme Court Personnel Board rules otherwise, the frequency of use of these methods is not limited. All discovery requests are subject to the following provisions:

1. Requests for discovery shall be addressed to the party from whom the discovery is sought, with a copy addressed to the Supreme Court Personnel Board through the AOCP. Such requests shall be sufficiently in advance of the scheduled hearing to allow for the accommodation of the time lines established below.

2. Responses to discovery requests must be provided within 10 workdays of receipt of request, unless objections are entered. Objections to such requests may be made only to the chairperson of the Supreme Court Personnel Board and must be made within 5 workdays of receipt of the request. The chairperson shall affirm or deny such objections within 10 workdays of receipt of the objections and shall establish time limits for response when objections are denied.

3. Within 5 workdays of the receipt of the discovery requested, the requesting party shall notify the answering party of any failure on the part of the answering party to properly respond to the request.

4. Except where objections to discovery requests are sustained, the failure to respond to any discovery requests may result in the answering party being denied the right to introduce the

requested evidence or such other remedy as is deemed appropriate by the chairperson.

A copy of the Supreme Court Personnel Board's decision shall be forwarded to the parties involved. The original decision and all documents relating to the grievance shall be filed in the AOCP.

42. Resignations

To resign in good standing, an employee must give written notice to his/her supervisor at least 10 workdays before separation, unless otherwise agreed. In the absence of notice to a supervisor, the AOCP can receive a notice of resignation on the supervisor's behalf. The employee's failure to inform the immediate supervisor may be counted as an improper resignation and may affect eligibility for future rehiring with the Judicial Branch. The employee is expected to still inform their supervisor at the earliest time possible.

It is the responsibility of the supervisor to inform the Human Resources office within 24 hours of receiving a resignation and provide proper documentation of the resignation in a timely manner.

43. Bonding

In accordance with Neb. Rev. Stat. § 11-201, employees are bonded under the state blanket bond for all state employees.

44. Benefits Provided by Office of Justice Programs

The Office of Justice Programs were established by 34 U.S.C. § 10101. This office has oversight of Justice System Improvement Programs. One of these programs is the Public Safety Officers' Death Benefits, 34 U.S.C.
§§ 10281, 10282, and 10283. This program provides the following benefits:

a. Death benefits for a public safety officer who has died as the direct and proximate result of a personal injury sustained in the line of duty. This benefit was established as $250,000, and on each October 1 as of 1988, this benefit will be adjusted by the percentage of change in the Consumer Price Index.

b. Benefits for permanent and total disability for a public safety officer who has become permanently and totally disabled as the direct and proximate result of a personal injury sustained in the line of duty.

c. National peer support and counseling programs to assist families of public safety officers who have sustained fatal or catastrophic injury in the line of duty.

45. Relocations

When an employee is requested to change locations for the benefit of the Judicial Branch ~~Nebraska Court System~~, moving expenses may be paid. Three estimates will be required by the

AOCP ~~Administrative Office~~ and approval must be received prior to the move. Such moving allowances are subject to withholding and an IRS Form 4782 will be furnished to the employee by the AOCP ~~Administrative Office~~.

46. Firearms

Employees including probation officers and constables are not allowed to carry firearms in the performance of their duties, and no firearms will be kept in court or probation offices or in state cars.

47. Employee Dress

A. Purpose

The purpose of this policy is to establish basic guidelines for appropriate work dress for employees of the ~~Nebraska~~ Judicial Branch. In an effort to maintain a professional appearance as an employee of the ~~Nebraska~~ Judicial Branch, staff shall be well groomed and shall present an appropriate image commensurate with the status and dignity of the office. Attire shall be in good taste and reflect the requirements of the job and the working conditions. Employees have frequent public contact, and their appearance and demeanor convey an impression of the Judicial Branch ~~court system~~. The purpose of this policy is to promote a positive image of the Nebraska Judicial Branch, but also to allow for considerations of safety, job requirements, and the work environment. Personal neatness, cleanliness, and appropriate attire provide an atmosphere of professionalism and inspire confidence in an employee's ability to deliver services.

B. Applicability

This policy applies to all employees of the ~~Nebraska~~ Judicial Branch operating in court, probation, public guardian, and administrative offices and includes interns, volunteers, contract employees, temporary employees, and grant-funded positions. The various offices may have unique operating needs such as public contact and court appearances, and thus, local offices may establish more stringent requirements based on those needs. At no time may an office establish lower standards than those set forth herein, except as needed in individual cases of safety or work needs.

C. Policy

DEFINTIONS:

Professional Attire: Professional attire means employees shall dress in a conventional businesslike manner; appropriate professional attire includes dresses, skirts, dress slacks, pantsuits, collared shirts, ties, suits, or sport coats. Dress shoes are required.

Business Casual Attire: Business casual attire means employees may dress in khakis or similarly styled pants, shirt, and dress shoes. Shirts should have a collar or finished edge. Capri or "Gaucho" pants may be worn if they are no shorter than mid-calf length and are worn in the same manner as dress slacks,

i.e., with a jacket or dress shirt.

Casual Attire: Casual attire shall consist of jeans, a collared shirt with a Nebraska Judicial Branch approved logo or similar shirt, and casual shoes, which may include tennis shoes. Shorts or hats are not permitted unless specifically authorized by the Administrative Office of the Courts and Probation to be worn in conjunction with community activities occurring outside, on weekends, or as other conditions warrant.

(1) Field Work description

Field Work means ~~is defined as~~ visitations to homes, other places of residence, hospitals, treatment facilities, schools, places of employment, community service sites, nursing homes, or similar locations.

(2) Courtroom and Other Professional Activities

Professional attire is required in court and when participating in or attending other professional activities in which an employee is representing the ~~Nebraska~~ Judicial Branch.

(3) Office Staff not Required to Attend Court

Business casual attire is acceptable when not required to attend court. Business casual attire is required while conducting business during the course of the day and for field work unless otherwise specified per subsection (5) of this policy.

(4) Specific Designations for Casual

Casual "jeans" or "denim" days are permitted not more than one day per month at the discretion of the presiding judge, chief probation officer or the division head within the Administrative Office of the Courts and Probation.

Additional days may be granted at the discretion of the State Court Administrator or the State Probation Administrator.

(5) Field Work

Business casual attire is required during field work unless the location or purpose of the visit warrants a more casual attire. Such more casual attire shall be pre-approved and appropriate for the type of field work being performed. No sandals or open-toed shoes may be worn for field work.

Unless otherwise prevented from doing so, body armor shall be worn under clothing or concealed from public view. At all times, probation officers shall present themselves in appearance as officers of the Court, not as law enforcement officers. Battle dress uniforms (BDUs), "raid-type" jackets, or similar clothing with law enforcement identifiers may be worn only in conjunction with conducting a search or field visits in conjunction with law enforcement.

When an officer elects to obtain body armor, the body armor must be always worn while conducting enforcement type field work.

(6) Training Events

Trainers/presenters/trainees are expected to present themselves in professional or business casual attire while attending or conducting training and providing education. Casual attire is permissible while

attending a training or educational event only when specifically designated and as approved by the Administrative Office of the Courts and Probation.

(7) Unacceptable Attire

The following is a list of unacceptable attire, not to be considered inclusive, although it is subject to modification by a supervisor or management and the limited exceptions detailed elsewhere in this policy.

- Tank tops, spaghetti-strap tops, strapless tops, or any top that does not completely cover the midriff area.
- Clothing with noticeable wear, including ripped, frayed, dirty, or wrinkled clothing.
- Stretch pants or leggings worn without skirts, dresses, cardigans, and/or long tops.
- Sweat pants, warm-ups, or other athletic clothing.
- Flip-flop sandals, slippers, or Crocs.
- Clothing which is excessively tight, short, low-cut, revealing, or sheer.

(8) Other Considerations

Drug technicians, substance use monitors, or others serving a majority of their time in similar roles are permitted to wear scrubs or other suitable attire while performing assigned duties while in the lab/office.

Tattoos which by slogan and/or design imply negative connotation shall be concealed at all times during working hours.

Jewelry and other accessories shall not present a safety hazard nor be offensive to clients and co-workers.

1. Jewelry shall not be functionally restrictive or excessive.

2. Jewelry which, by its slogan, and/or design, implies a negative connotation is prohibited.

Body Piercings: Excessive body piercing in nontraditional areas of the body may distract from the normal course of business, and therefore, such piercings shall not be visible.

1. The normal wearing of earrings in the earlobe and/or a small, single "stud" in a nostril is acceptable. Although an employee may have parts of his or her body pierced, all other piercings shall be covered by clothing. The wearing of ear gauges is not permitted.

2. All staff is advised to consider safety precautions in their choice of clothing, jewelry, and shoes.

An employee may request an exemption to parts of these standards based on legitimate medical, religious, or cultural practice.

(9) Special Occasion Exceptions

Costumes, holiday specific outfits, or other special event outfits are acceptable for predetermined special occasions/holidays upon preapproval from the presiding judge, chief probation officer, the

State Court ~~Administrator,~~ or ~~the State~~ Probation Administrator.

(10) Action to be Taken or Sanctions for Inappropriate Dress

A supervisor may require an individual employee to change clothes in the event that an employee's attire does not fit the above criteria. The time required to change such clothes may be considered an official leave of absence without pay for the employee. Subsequent violations may be cause for disciplinary action.

48. Political Activity

An employee shall not participate in political activities while performing official Judicial Branch ~~state~~ duties.

An employee shall not use their ~~state~~ Judicial Branch job to distribute or receive political favors.

If an employee's position is partially or entirely funded with federal money, the employee is covered by the federal Hatch Act and is barred from being a candidate for a partisan office (offices with candidates identified as being from specific political parties).

For employees covered by these rules and also covered by the Hatch Act, the federal agency responsible for administering the Hatch Act should be consulted for specific restrictions on these employees. The agency responsible for administering and investigating violations of the Hatch Act is the Office of Special Counsel of the U.S. Merit Systems Protection Board, 1120 Vermont Ave., N.W., Washington, DC 20419.

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 Judicial Branch or with the employee's job, or interferes with the employee's scheduled work hours, the employer ~~ing agency~~ has authority to change the terms and conditions of employment, up to and including termination of employment.

49. Employee Performance Report

Employee performance reports shall be prepared for all employees on forms developed and/or approved by the Administrative Office. An evaluation conference with the employee shall be conducted by the employee's immediate supervisor.

A. Frequency

Reports shall be prepared (1) upon completion of the original provisional period, (2) at least on an annual basis with the date to be determined by the local office, (3) as a subsequent report after the issuance of a report of performance less than satisfactory (such subsequent report may not be done less than 90 days after the previous report), and (4) on occasions when the supervisor desires to record performance worthy of recognition, either favorable or unfavorable. Reasons for submission

of this type of report shall be explained in the report.

B. Administration

After completion of the written report, it is recommended that the report be reviewed by the evaluator's supervisor(s) prior to discussion with the employee.

Performance reports shall then be discussed with the employee, who shall have the right to add his/her comments. These comments shall be submitted within 30 calendar days of the date of the report. The signing of the performance report form of the employee does not signify the employee's agreement with the content, but only that he/she has seen the performance report, that it has been discussed with the employee, and that the employee has been given an opportunity to comment. The evaluator should sign and date the performance report. If the employee refuses to sign, the supervisor and a witness shall document the employee's refusal on the employee's performance report.

Each employee shall receive a copy of his/her performance report. A copy of each performance report shall be included in the employee's personnel file and a copy sent to the ~~Administrative~~ Human Resources Office.

50. Personnel Records

A. Accessibility of Records

Information concerning an employee's or former employee's name, position, gross salary, date of hire, date of separation, and location where employed shall be considered public information. Any other information

contained in an employee's personnel file shall not be released to any requesting party unless the employee has signed a release authorization, or if a legal warrant has been served requesting such information.

B. Records to be Maintained

Each supervisor shall maintain the following personnel records:

1. Record of salary;

2. Copies of all personnel transactions pertaining to individual employee; and

3. Employee performance report(s).

Former employees' personnel files may be destroyed 10 years after the employees' separation date~~:~~, unless there is a complaint filed by or on the employee and/or charges are filed. In those instances, the file may be destroyed 10 years after all actions and appeals are complete and/or final. A brief file or information card shall be retained containing former employees' dates of employment and rate of pay.

Employees shall have the right to review their personnel file maintained at the employees' place of employment during regular office hours. Review may be done in the presence of a supervisor.

Documentation (including performance reports) which reflects unfavorably on an employee or former employee shall not be placed in their personnel file without their knowledge.

Employees or former employees have the right to file a written rebuttal within 30 calendar days from date of notice to any item placed in their personnel file with the exception of grievances settled in accordance with ~~Supreme Court~~ Judicial Branch Grievance Procedures. This written rebuttal shall be placed in their personnel file.

No negative documentation shall be placed in an employee's file after the dismissal, resignation or retirement of the employee unless the former employee is notified. Exceptions are reports, letters or documents originated and signed by the employee.

51. Confidentiality

The employees of the ~~Nebraska Court System~~ Judicial Branch must be concerned with the area of confidentiality because of the nature of some of the information handled by the Judicial Branch ~~judicial system~~. Some of the information in the courts is public information and it is the duty of many employees to help provide this kind of information to those requesting it. Employees are also exposed to some information that must be held in the strictest of confidence and must never be released unless it is absolutely certain that it is appropriate. There are several sections of the state and federal law which refer to various types of confidentiality and penalties involved for not adhering to those policies. With the supervisor's guidance, all confidential information should be kept in a secure place not readily accessible by other persons.

If employees have questions pertaining to confidentiality and do not know whether a certain piece of information can be released, the employee should ask his/her immediate supervisor.

52. Internships

The Administrative Office of the Courts and Probation (AOCP) internship program provides both undergraduate and graduate/professional students with an experiential learning opportunity to promote professional development and increase skills specific to the Judicial Branch.

The purpose of the internship program is to enhance the skill of the current workforce, and provide entry level experience and exposure to candidates and provide for the following:

Access to a pool of educated and trained students who are motivated to become employees of the Judicial Branch.

Allow hiring managers to assess prospective candidates prior to making permanent hiring decisions.

Provide leadership and management opportunities for staff members who oversee the internship program and participating interns.

On-the-job learning opportunities for students to gain experience in a real-world setting.

1. Procedure

Two types of internships are available; each level will have clearly established completion guidelines and appropriate supervision.

(1) Experiential Internship Program (Unpaid)

Experiential Interns shall be unpaid students who will observe, assist, and participate in tasks and functions within the office or administrative unit, gaining both knowledge and skills required of successful employees. Experiential Internship opportunities shall exist at both the undergraduate and graduate/professional levels.

(2) Select Internship Program (Paid)

Select Interns shall be advanced students with higher expectations who will observe, assist, participate, and complete identified tasks and functions within the office or administrative unit. Select Interns who are approved for the Program are temporary Judicial Branch employees and shall be paid at the rate set forth by the managing office or administrative unit. Select Internship opportunities shall exist at both the undergraduate and graduate/professional levels. The Select Internship Program is discretionary and contingent upon funding availability.

(3) Intern Program Guides

Each office/administrative unit offering either Experiential or Select Internship opportunities shall develop an Intern Program Guide that clearly identifies expectations, duties, and evaluation criteria associated with the appropriate level of internship and at both the undergraduate and graduate levels. Each Intern Program Guide must be approved by a Deputy Administrator or Designee prior to any office/administrative unit offering internship opportunities.

(4) Internship Coordinator

Each office/administrative unit will designate an Internship Coordinator, who is already in a supervisory position. The Internship Coordinator will be responsible for the oversight of the internship program within the office/administrative unit, under the direction of the overall supervisor for the office/administrative unit.

(5) Intern Eligibility Criteria

All internship applicants shall be required to have reached junior standing or higher at an accredited college or university unless an exception is approved by the AOCP. All intern appointments shall receive written approval from the AOCP prior to acceptance into the internship.

(6) Application Process

Students shall complete the appropriate application and submit it to the educational institution for review and approval prior to submission to the office/administrative unit. All applicants will undergo a criminal history check.

(a) For select internship positions, each office/administrative unit will request to fill a select intern position in accordance with the current Human Resources procedures for filling regular positions for employment.

(b) For experiential internships, no formal advertising is required for the opportunities. Coordination with Human Resources is required to advertise these positions if desired.

(7) Intern Oversight

Interns will be teamed with a mentor(s) assigned by the Internship Coordinator. Mentors will meet with their assigned intern and provide an overview of expectations, orient the intern to the office/administrative unit, and complete a schedule to ensure exposure to all expected work assignments and available educational opportunities.

(8) Waiver and Release

For Probation Districts, Interns shall not be allowed to participate in unannounced home visits. Interns may be allowed to participate in limited field visits, such as at a school, place of employment, treatment facility, a scheduled home visit, or other similar venue if approved by the Internship Coordinator or head of the office/administrative unit.

(9) Confidentiality Agreement

Prior to participation, all interns shall agree in writing to abide by all AOCP policies, particularly those relating to the security of client information and confidentiality.

(10) Termination

In the event an intern does not comply with the internship program expectations, the intern may be terminated from his/her assignment immediately. The Internship Coordinator shall notify the collegiate instructor/advisor who referred the student, indicating the date of termination and general circumstances surrounding termination. Students who are terminated from the Select Intern Program shall be paid for any hours worked pursuant to AOCP policies.

(11) Evaluation

There shall be an evaluation process in each intern program that meets the needs of both the office/administrative unit and the referring educational institution; this process shall be outlined in the corresponding Intern Program Guide.