

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 508

FINAL READING

Introduced by Hilgers, 21.

Read first time January 18, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to county government; to amend sections
2 23-2520 and 23-2521, Reissue Revised Statutes of Nebraska, and
3 sections 23-2503 and 23-2518, Revised Statutes Cumulative
4 Supplement, 2016; to change the population threshold for the
5 applicability of certain county civil service systems; to change
6 provisions relating to personnel policy boards of boards of county
7 commissioners; to harmonize provisions; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-2503, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 23-2503 In any county having a population of four ~~three~~ hundred
4 thousand inhabitants or more as determined by the most recent federal
5 decennial census, there shall be a Civil Service Commission which shall
6 be formed as provided in sections 23-2501 to 23-2516. A county shall
7 comply with this section within six months after a determination that the
8 population has reached four ~~three~~ hundred thousand inhabitants or more as
9 determined by the most recent federal decennial census.

10 Sec. 2. Section 23-2518, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 23-2518 For purposes of the County Civil Service Act:

13 (1) Appointing authority means elected officials and appointed
14 department directors authorized to make appointments in the county
15 service;

16 (2) Board of county commissioners means the board of commissioners
17 of any county with a population of one hundred fifty thousand or more but
18 less than four ~~to three~~ hundred thousand inhabitants as determined by the
19 most recent federal decennial census;

20 (3) Classified service means the positions in the county service to
21 which the act applies;

22 (4) County personnel officer means the employee designated by the
23 board of county commissioners to administer the act;

24 (5) Department means a functional unit of the county government
25 headed by an elected official or established by the board of county
26 commissioners;

27 (6) Deputy means an individual who serves as the first assistant to
28 and at the pleasure of an elected official;

29 (7) Elected official means an officer elected by the popular vote of
30 the people and known as the county attorney, public defender, county
31 sheriff, county treasurer, clerk of the district court, register of

1 deeds, county clerk, county assessor, and county surveyor;

2 (8) Internal Revenue Code means the Internal Revenue Code as defined
3 in section 49-801.01;

4 (9) Political subdivision means a village, city of the second class,
5 city of the first class, city of the primary class, city of the
6 metropolitan class, county, school district, public power district, or
7 any other unit of local government including entities created pursuant to
8 the Interlocal Cooperation Act or the Joint Public Agency Act. Political
9 subdivision does not include a contractor with the county;

10 (10) State means the State of Nebraska;

11 (11) Straight-time rate of pay means the rate of pay in effect on
12 the date of transfer of employees stated in the resolution by the county
13 board requesting the transfer; and

14 (12) Transferred employee means an employee of the state or a
15 political subdivision transferred to the county pursuant to a request for
16 such transfer made by the county under section 23-2518.01.

17 Sec. 3. Section 23-2520, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 23-2520 There is hereby created a personnel office in the office of
20 the board of county commissioners, the executive head of which shall be
21 the county personnel officer. In such office there shall be a personnel
22 policy board ~~with consisting of six~~ members appointed pursuant to section
23 23-2521 and with powers and duties provided in the County Civil Service
24 Act. The board of county commissioners shall make appropriations from the
25 general fund to meet the estimated costs of administering the act.

26 Sec. 4. Section 23-2521, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 23-2521 (1) The members of the personnel policy board shall be
29 persons in sympathy with the application of merit principles to public
30 employment and who are not otherwise employed by the county, except that
31 the member employed by the county if serving on such board on May 6,

1 1987, shall continue to serve until the term of such member expires. No
2 member shall hold during his or her term, or shall have held for a period
3 of one year prior thereto, any political office or a position as officer
4 or employee of a political organization.

5 (2)(a) Prior to January 1, 2018, two ~~(2) Two~~ members of the board
6 shall be appointed by the board of county commissioners, two members
7 shall be appointed by the elected department heads, and two members shall
8 be appointed by classified employees who are covered by the county
9 personnel system.

10 (b) Beginning January 1, 2018, a new personnel policy board shall be
11 appointed pursuant to this subdivision to replace the board appointed
12 pursuant to subdivision (a) of this subsection. One member shall be
13 appointed by the board of county commissioners, one member shall be
14 appointed by the elected department heads, and two members shall be
15 appointed by classified employees who are covered by the county personnel
16 system. The four members shall select a fifth member for the personnel
17 policy board. The initial selection of the fifth member for a term
18 beginning on January 1, 2018, shall be made on or before March 1, 2018.

19 (3)(a) This subdivision applies until January 1, 2018. ~~(3)~~ The first
20 appointments made to the personnel policy board shall be for one, two,
21 three, four, and five years. The board of county commissioners shall
22 initially appoint members for terms of one and five years. The elected
23 department heads shall initially appoint members for terms of two and
24 four years. The classified employees who are covered by the county
25 personnel system shall initially appoint a member for a term of three
26 years. Within three months after May 6, 1987, the classified employees
27 who are covered by the county personnel system shall initially appoint
28 another member for a term of one year.

29 (b) This subdivision applies beginning January 1, 2018. The member
30 appointed for a term beginning on January 1, 2018, by the board of county
31 commissioners shall serve for a term of one year. The member appointed

1 for a term beginning on January 1, 2018, by the elected department heads
2 shall serve for a term of five years. The members appointed for a term
3 beginning on January 1, 2018, by the classified employees who are covered
4 by the county personnel system shall serve for terms of two years and
5 four years as designated by the appointment process. The fifth member
6 appointed for a term beginning on January 1, 2018, by the other four
7 members shall serve a term of three years.

8 (c) Thereafter, each member shall be appointed in the same manner
9 for a term of five years, except that any person appointed to fill a
10 vacancy occurring prior to the expiration of a term shall be appointed in
11 the same manner for the remainder of the term. Each member of the board
12 shall hold office until his or her successor is appointed and qualified.

13 (4) The board of county commissioners and elected department heads
14 may remove any member of the personnel policy board for neglect of duty
15 or misconduct in office after first giving him or her a copy of the
16 reasons for removal and providing for the member to be heard publicly
17 before the commissioners and elected department heads. A copy of the
18 charges and a transcript of the record of the hearing shall be filed with
19 the county clerk.

20 (5) The personnel policy board shall elect a chairperson from among
21 its members. The board shall meet at such time and place as shall be
22 specified by call of the chairperson or the county personnel officer. At
23 least one meeting shall be held quarterly. For the personnel policy board
24 appointed prior to January 1, 2018, pursuant to subdivision (2)(a) of
25 this section, four ~~Four~~ members shall constitute a quorum for the
26 transaction of business. For the personnel policy board appointed on and
27 after January 1, 2018, pursuant to subdivision (2)(b) of this section,
28 three members shall constitute a quorum for the transaction of business,
29 except that no business shall be transacted unless one of the members
30 appointed by the board of county commissioners or the elected department
31 heads and one of the members appointed by the classified employees who

1 are covered by the county personnel system are present at the meeting.
2 Board members shall serve without compensation.

3 Sec. 5. Original sections 23-2520 and 23-2521, Reissue Revised
4 Statutes of Nebraska, and sections 23-2503 and 23-2518, Revised Statutes
5 Cumulative Supplement, 2016, are repealed.