

**TITLE 192 NAC NEBRASKA COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED  
CHAPTER 4 - WORKPLACE POLICIES**

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## APPENDIX

United States Department of Education 34 CFR Part 361 State Vocational Rehabilitation Services Program

### TITLE 192 - NEBRASKA ADMINISTRATIVE CODE NEBRASKA COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

#### CHAPTER 4 - WORKPLACE POLICIES

##### 001. Coverage.

##### 001.01. Collective Bargaining Agreements.

Commission employees included in collective bargaining units may have provisions that differ from those in this rule covering salary, benefits and other terms and conditions of employment. In cases where there is a discrepancy, the collective bargaining agreement prevails. Both the Nebraska Commission for the Blind and Visually Impaired (NCBVI) Personnel Officer and Business Manager have a listing of which positions are covered by a collective bargaining agreement.

001.01A. Employees in bargaining units represented by the Nebraska Association of Public Employees, Local 61 of the American Federation of State, County and Municipal Employees (NAPE/AFSCME) are covered by these rules except as specifically covered by the applicable NAPE/AFSCME contract with the State of Nebraska.

**001.02. Nebraska Department of Administrative Services Rules and Regulations.**

Supervisors and other exempt Commission employees, except those whose positions are created as discretionary pursuant to Nebraska Revised Statute 71-8605, are covered by the Nebraska Classified System Personnel Rules and Regulations (Personnel Rules). If there is any discrepancy, the Personnel Rules prevail for those employees. Employees subject to the Personnel Rules are covered by these rules except where language therein applies.

**001.03. Commission Rules and Policies.**

These rules shall not be construed as limiting, in any way, the power and authority of the Commission to make policies governing the conduct of NCBVI employees and the performance of Commission functions, provided that such policies shall be consistent with, and limited by, the provisions of these rules and any collective bargaining agreements or Personnel Rules, which supersede all Commission policies.

**001.04. Availability and Responsibility.**

Each employee has the right to examine these rules. Copies are available for examination in the Personnel Office (in print, Braille, disk, and cassette tape formats) and posted on the NCBVI website ([www.ncbvi.state.ne.us](http://www.ncbvi.state.ne.us)). It is the responsibility of all NCBVI employees to know and understand the rules, regulations, and internal processes applicable to their work, including these rules, Personnel Rules, and the applicable NAPE/AFSCME labor contract.

**002. Definitions.**

**002.01. Commission** shall mean the Nebraska Commission for the Blind and Visually Impaired also referred to as NCBVI (Nebraska Revised Statutes 71-8603).

**002.02. Employee** shall mean any person who works for the

Nebraska Commission for the Blind and Visually Impaired and receives a state payment warrant.

**002.03. Director** shall mean the Executive Director of the Nebraska Commission for the Blind and Visually Impaired.

**002.04. Business Manager** shall mean the Business Manager of the Nebraska Commission for the Blind and Visually Impaired.

**002.05. Personnel Officer** shall mean the Personnel Officer of the Nebraska Commission for the Blind and Visually Impaired.

**002.06. Consumer/blind consumer** shall mean a person having sight that is so defective as to seriously limit his or her ability to engage in the ordinary vocations and activities of life (Nebraska Revised Statute 71-8603).

**002.07. Customer** shall mean a person, organization, or entity with whom the Commission is engaged, including but not limited to clients, policy-makers, public and private entities and organizations, and the public at large.

### **003. MISSION AND CULTURE**

#### **003.01. Mission:**

Empowering blind individuals, promoting opportunities, and building belief in the blind.

**003.01A.** NCBVI provides services enabling blind persons to achieve education or training, engage in the workforce, eliminate dependence on public support, and to be able to live independently, fully participating in all facets of life.

**003.01B.** Our primary principle is the concept that vision loss alone does not prevent people from

achieving personal goals and ambitions. To accomplish full participation in life, persons with visual impairments need to develop a positive understanding of blindness, gain confidence in their abilities, and learn the skills needed to function non-visually. Employers, educators, family members, and the public in general require education & information to understand how tasks are done without vision in order to eliminate the attitudinal barriers that prevent blind persons from achieving their goals.

**003.02. Culture Principles:**

**003.02A. Communication.** Communication means keeping people informed; listening actively; being open and accessible; and ensuring we are accurate, timely, and complete in all we say and write. Blind consumers, the people we work with and the public, should be able to perceive us as open and honest in our communication, believe that we hear and understand what they say, and consider us as a source of valid and reliable information that is easily accessible.

**003.02B. Cooperation, Flexibility and Adaptability.** Cooperation means a willingness to work with others in good faith; assisting them and accepting assistance from them. Blind consumers and other people we work with join us in seeking solutions and improvements.

**003.02C. Collaboration and Teamwork.** Collaboration means a willingness and ability to work together with others as equals in the pursuit of common goals. Our consumers and the people we work with trust that we will work with them as partners in the pursuit of common goals.

**003.02D. Customer Service.** Customer Service means responding to our customers in a respectful, timely, and effective manner. Our customers know we value them, their needs, and their perspectives.

**003.02E. Confidence (Job Knowledge and Productivity).** Confidence means reliance on us to do our jobs effectively and efficiently with integrity and fairness. We do our jobs with commitment, professionalism, efficiency, and through accountable programs and accurate systems.

#### **004. CODE OF CONDUCT.**

##### **004.01. Service/Professional Conduct.**

Commission employees will implement all roles, relationships, and responsibilities of employment in a professional manner. All persons are entitled to expect NCBVI employees to be honest, trustworthy and respectful, and to take responsibility for upholding these standards of behavior. Commission employees measure their actions using these standards:

##### **004.01A. Commission employees shall maintain professional standards:**

**004.01A1.** Commission employees will demonstrate only proper and unbiased involvement with clients. Personal relationships that conflict with the professional judgment and interests of the Commission or the client are prohibited.

**004.01A2.** Commission employees' workplaces will portray professional standards.

**004.01A3.** Commission employees will maintain constructive oral and written communication with consumers, the public, other professionals and other staff.

**004.01A4.** Commission employees will work to achieve and maintain proficiency at assigned duties.

**004.01B. Commission employees shall uphold the highest level of integrity and impartiality:**

**004.01B1.** Commission employees will ensure that personal relationships do not influence professional decisions, and avoid even the appearance of impropriety, bias, or conflict of interest.

**004.01B2.** Commission employees will immediately report to supervisors any situation where a conflict of interest could be perceived.

**004.01B3.** Commission employees will abide by state and federal laws and by the rules and regulations that cover their employment.

**004.01B4.** Commission employees will immediately report to supervisors any information that could impact an individual case, contract, or other Commission business.

**004.01B5.** Commission employees will understand that all work products developed on work time belong to the Commission, and will not accept any outside financial gain or benefit.

**004.02. Expectations of Employee Attendance.**

Absenteeism and lateness detract from our ability to carry out the mission and cause an undue burden, as well as morale issues, for those employees who must fill in for

absent or tardy employees. Regular, predictable attendance is an essential function of each job in the Commission. Each employee has the responsibility to report to work promptly, as scheduled. Tardiness and unexcused absences may impact on transfer or promotion opportunities and may result in loss of pay or disciplinary action.

**004.03. EMPLOYEE DRESS.**

All Commission employees will maintain a high standard of personal appearance and grooming. The clothing worn on the job should reflect the requirements of the job and working conditions. Supervisors have the responsibility and authority to determine what attire reflects the requirements of the job and working conditions. Administrators may provide specific expectations to staff.

**005. THE WORK PLACE.**

**005.01. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION STATEMENT.** Each employee regardless of title is expected to make a good faith effort to carry out this understanding and demonstrate appropriate behavior. Disparaging remarks, actions or materials making reference to race, religion, national origin, disability, color, gender, age, marital status or sexual orientation will not be tolerated. New employees will receive a copy of this statement, as one step in confirming the significance these values have in the workplace. Disciplinary action may be imposed for any such behavior in accordance with the applicable labor contract and/or Personnel Rules.

**005.02.** The Commission is committed to a future that is inclusive of all who can provide the knowledge, skills, abilities, ideas and efforts needed to make our vision a reality.

**005.03. EQUITY AND DIVERSITY POLICY.** We recognize, encourage, utilize, and value people's similarities and differences to carry out our mission. Therefore, all employees are expected to incorporate NCBVI's Equal Opportunity and Affirmative Action Statement and Equity and Diversity Policy as an integral and visible way we do our work.

**005.03A.** Specifically, we expect that each employee will:

**005.03A1.** Treat all people with respect and dignity, and

**005.03A2.** Foster a culture that invites and values the rich diversity among our employees and the people we serve.

**005.03B.** Adherence to the Commission's Equal Employment Opportunity and Affirmative Action Statement and Equity and Diversity Policy is a part of the overall basis for evaluating the performance of administrators, managers, and supervisors. The leadership of the Commission will enforce the principles set forth in this policy in appropriate ways and in a timely manner.

**005.04. WORK PLACE HARASSMENT AND DISCRIMINATION POLICY.**

**005.04A. Work Place Harassment** is based, in whole or in part, on race, color, gender, religion, age, disability, national origin, or sexual orientation and is manifested in the form of unwelcome comments, jokes, printed or electronic material and/or unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, or display of materials and/or the utterance of offensive comments in the work place that are derogatory towards a group or individual.

**005.04B. Directives to Supervisors.** Work place harassment can and does create a negative work environment which affects productivity, efficiency, work attendance, and turnover in staff. In addition, allegations of such harassment which are not appropriately responded to place both the Commission and the State of Nebraska in a position of potential liability to the victim of harassment. Therefore, each member of management is expected to carry out this policy within his/her area of responsibility. All supervisors must report any complaint alleging work place harassment or any unreported inappropriate behavior that the supervisor observes to the Commission's Personnel Officer, who must report this information to the Executive Director. This report will be provided in writing to the Commission's AA/EEO (Affirmative Action/Equal Employment Opportunity) designee (NCBVI Business Manager) within five working days of the alleged incident(s). Failure to do so will be considered a violation of this policy and will be just cause for corrective or disciplinary action.

**005.04B1.** Any supervisor receiving a complaint alleging work place harassment will also be obligated to immediately notify the complainant of his/her rights concerning the pursuit of such allegations by giving the complainant a copy of

the policy. Complainants and other persons involved in the investigation will not be subjected to retaliation, coercion, intimidation, or fear of reprisal. Since investigations of alleged work place harassment are personnel matters, persons involved shall maintain appropriate confidentiality. Information concerning a complaint will not be released to anyone who is not a party to or involved in the investigation.

**005.04B2.** All complaints will be handled in a timely and confidential manner. Information concerning a complaint will not be released to anyone who is not a party to or involved in the investigation. Complainants and other persons involved in the investigation of an allegation of work place harassment will not be subjected to retaliation, coercion or intimidation, or fear of reprisal. Such actions, in addition to any employee breaching confidentiality on information obtained as a result of a work place harassment complaint, are subject to disciplinary action.

**005.05. Notification.**

All employees are to receive a copy and explanation of this policy at the time of hire. All employees will be required to sign an acknowledgment of receiving this information.

**005.06. DISABILITIES AND ACCOMMODATIONS.**

State and federal law prohibits discrimination against people with disabilities in every aspect of employment. Discrimination in employment actions include recruitment, selection, hiring, separations, job related reasonable accommodations and any other terms, conditions and/or privileges of employment.

**005.07. Reasonable Accommodation Guidelines.**

The Commission has a responsibility to provide reasonable accommodation to allow otherwise qualified persons with disabilities to participate in our workforce. This accommodation must be provided unless doing so would create an undue hardship for the Commission.

**005.08. Disability.**

An employee may be considered to have a disability if the employee has a physical or mental impairment that substantially limits one or more major life activities, if the employee has a record of such impairment, or if the employee is regarded as having such impairment. Major life activities include things such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working. Employees who experience disabilities are protected from discrimination. In addition, discrimination against an employee on the basis of association with a person who experiences a disability is prohibited.

**005.08A. Request.**

An employee may request an accommodation at any time. The Commission may ask for information supporting the request from the employee's physician or another appropriate source. If information is requested, the supervisor shall discuss this with the employee in advance and provide the employee with a copy of any correspondence sent to a third party.

**005.09. DRUG FREE WORK PLACE POLICY.**

The Commission supports the Drug Free Work Place Act of 1988 and unequivocally endorses the philosophy that the work place should be free from the detrimental effects of illicit drugs.

**005.09A.** It is the policy of NCBVI that unlawful manufacture, distribution, dispensation, possession,

use, or being under the influence of a controlled substance or alcohol in the work place is prohibited. Any employee who violates this policy will be subject to discipline up to and including dismissal, referred to a law enforcement agency, and/or may be required to successfully complete an approved drug abuse program sponsored by a private or governmental institution.

**005.09A1.** The term "controlled substance" means any drug listed in 21 U.S.C. 812 and other federal regulations. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and crack. They also include legal drugs that are not prescribed for the person using them.

**005.09A2.** Employees may be subject to drug and alcohol testing in conformance with Chapter 48, Article 19 of the Revised Statutes of Nebraska when there is reasonable cause to believe the employee is using or under the influence of a controlled substance or alcohol while on duty or on work premises. Reasonable cause includes, but is not limited to, observable signs of intoxication (such as bloodshot eyes, slurred speech, or unsteady movement); a work-related accident or near accident which indicates employee fault; or credible information received from a reliable person with first-hand knowledge. A positive test result that has been confirmed in compliance with Chapter 48, Section 1903 of the Revised Statutes of Nebraska may result in disciplinary action in conformance with the applicable collective bargaining agreement, state statutes, regulations, or rules.

**005.09B.** An employee of the Commission is required by the Drug Free Work Place Act of 1988 to inform the agency within five (5) days after being convicted for

violation of any federal or state drug offense criminal statutes, where violation occurred while on the work premises or while the employee was representing the Commission in an official capacity. A conviction means a finding of guilt, including a plea of nolo contendere (no contest), or the imposition of a sentence by a judge or jury in any federal or state court.

**005.09C.** The Drug Free Work Place Act of 1988 specifies that the agency head or designee of the Commission must notify the U.S. Government agency from which any funding is received, either through contract or grant, within ten days after receiving notice from an employee or otherwise receiving actual notice of a conviction.

**005.09D.** Any contractor/vendor doing business with the Commission must have on file a written drug free work place policy with the state Purchasing Department. A contractor/vendor's failure to comply with this policy will result in violation of the contract and/or removal from the state Vendor List.

**005.10. Procedures.**

All employees will receive a copy of this policy at the time of hire, and will sign an acknowledgment of receiving the information.

**005.10A. Reasons for Imposing Disciplinary Action.**

Unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcoholic beverage in the workplace, or reporting for duty under the influence of alcohol and/or unlawful drugs will constitute reason for imposing disciplinary action.

**006. CONFIDENTIALITY.**

**006.01. Public Records and Confidentiality.**

State law provides that records that the agency has are available for review unless another law expressly provides that the record is not public. Supervisors will review with each employee the state and federal laws and regulations governing the release of records to which they have access on a routine basis as part of their work assignments. Employees shall know the internal agency process for access to and security of such records. Application forms for vocational rehabilitation and independent living services of NCBVI state that all information provided by the applicant will be kept confidential, except as specifically released for purposes of information exchange, for the purpose of service provision, or for public information.

**006.01A.** Employees shall comply with those laws, regulations, and internal processes in providing access to public records and maintaining the confidentiality of the records in accordance with 34 CFR 361.38 (Appendix).

**006.01B.** Employees who have access to confidential records through interagency agreements or similar sharing arrangements shall comply with the conditions under which access to the confidential information is permitted.

**006.01C.** Employees who gain access to a record, or information from a record, which has been designated by law or regulation as confidential, whether as part of their regular job duties or by accident, may not further share that information with anyone other than those people within the agency who have the right to know this information.

**006.02. Release of Information.**

If a Commission employee appears before a legislative committee, the courts, the Parole Board, Pardons Board or any other administrative or judicial body, the employee shall not purport to speak on behalf of the Commission, unless so authorized by the director or designee.

**006.02A.** There may be some situations when information may be released to individuals who normally do not have access to the Commission's confidential records and information. Written release of information must be obtained in such situations.

**007. USE OF STATE PROPERTY.**

**007.01.** No employee shall use state property or time for their own personal use or benefit. Therefore, Commission employees must go outside the work area for such things as postage, photocopies, computer use, sending and receiving faxes, or any other personal business. Personal business shall be conducted on an employee's own time, either on breaks or non-work hours.

**007.02.** All employees must take every precaution to see that waste is avoided and that care is exercised at all times to ensure that employees, contract staff (such as drivers), and volunteers properly care for state property.

**007.03. Telephone Usage.**

The Commission's telephones are provided for the conducting of state business. The Commission's telephones may be used for essential personal business as long as no costs are charged to the state, the use does not interfere with state business and the use is kept to a minimum.

**007.03A.** Essential personal business is defined as local or long distance calls to children at home,

teachers, doctors, day care centers and baby sitters to inform family members of unexpected schedule changes or other essential personal business. Essential personal long distance calls shall be either collect, charged to a third-party, non-state number, or charged to a personal credit card.

**007.04.** When on Commission business away from the home base, employees may use their state telephone credit card to make one three-minute long-distance call to their home per day.

**007.05. Calling Cards.**

State sponsored telephone calling cards may be issued through the NCBVI Business Office, with approval from the employee's direct supervisor.

**007.06. Cellular Telephones and 800 Numbers.**

The state provides cellular telephones to agency personnel to utilize in the performance of their official state duties when deemed necessary. Employees are not permitted to make or receive personal calls on state cellular phones or "800" numbers unless it is of an emergency nature. Each emergency situation will be evaluated on a case by case basis by the appropriate supervisor or manager. An example of an emergency situation would be to notify someone that a trip has been extended and the previously scheduled return time will be delayed. Occasionally, an employee will make work related cellular calls on their personal cellular telephone and may request reimbursement.

**007.06A.** Employees operating state vehicles will use extreme caution if it is necessary to use a cell phone while operating a motor vehicle.

**007.07. Computer Usage.**

All communications sent or received via computer functions, including email and internet logs, are the property of the Commission and are subject to being retrieved and viewed by

authorized staff at any time. End users should have no expectations of privacy regarding personal business conducted on NCBVI electronic equipment or on the State Data Communications Network unless protected by state or federal statute. The information is generally retrievable even after the sender or receiver has erased it from the file. Computers, including laptops, are tools for work and should only be used for work-related activities. Only software owned/licensed and distributed by the Commission using the standard software distribution methods will be authorized for use by Commission staff. Software not distributed in this fashion will be removed from the PC with no requirement to notify the user. User computer identification numbers and passwords shall not be "loaned" to anyone in the agency or outside the agency without supervisory approval. It is against state policy to use state equipment for unauthorized personal use. Computer use is also governed by the State of Nebraska, "Acceptable Use Policy" located at <http://www.doc.state.ne.us/policies/AUP.pdf>, which will be provided to all employees. Employees must be familiar with this policy when using a State of Nebraska Computer.

**007.07A. Computer Assets.**

Employees of the Commission shall report lost or suspected theft of all computer equipment or other property including computer software to appropriate management personnel. Note that copying computer software from a Commission computer and placing it on a home PC is theft.

**007.07A1.** To prevent unauthorized losses, all moves of computer equipment shall require prior written approval of the Business Manager so the location can be maintained on the Computer Inventory System.

**007.07A2.** Staff of the Commission are responsible

for reporting damaged computer equipment to appropriate managers. For items management elects to replace or remove, disposal shall involve the Business Manager, the agency Inventory Coordinator (Executive Director's Administrative Assistant), and the Department of Administrative Services as required by statute.

**007.07A3.** No computer, hardware or software should be destroyed or discarded without approval from the Business Manager and the agency Inventory Coordinator who will work with the Department of Administrative Services.

**007.08. Other Assets.**

Property other than computer equipment that is lost or suspected stolen should be reported to the employee's immediate supervisor and to the agency Inventory Coordinator. Damaged equipment must be reported to appropriate managers. Replacement, removal, or disposal of equipment shall involve the agency Inventory Coordinator and the Department of Administrative Services as required by statute.

**007.09. USE AND OPERATION OF STATE MOTOR VEHICLES.**

**007.09A. Driving Policy for State Business.**

The Commission has a responsibility to the public to allow only employees with driving records indicating a pattern of safe driving practices to operate a motor vehicle on state business. It is the policy of the Commission to ensure that when our employees drive a motor vehicle on state business, they do so legally, safely and defensively. In addition, independent contractors driving for the Commission under contract will be subject to the same policies, expectations, and rules that apply to NCBVI employees. (Refer to the Department of Administrative Services

Transportation Services Bureau (DAS TSB) Rules and Regulations for additional information on driving vehicles for state business.)

**007.09B. Employees Driving on State Business on a Regular or Occasional Basis.**

The supervisor or Personnel Officer will verify that the employee has a valid driver's license from his/her domicile state. If the employee will be driving a personal vehicle on state business, proof of required liability insurance will also be verified. Employees who drive on state business are required to successfully complete an approved defensive driving course within six months of their employment or notification of this policy. State rules and regulations require that every state employee authorized to drive a state-owned vehicle shall also have a State of Nebraska identification card registered with the Department of Administrative Services, Transportation Services Bureau.

**007.09C.** The Commission periodically reviews the license status and driving record of employees assigned an ID card. The assessment of six or more points in the preceding 24 months on a driving record is the indicator for an in-depth review. State rules and regulations require that each employee sign an affidavit that he/she has read the Transportation Services Bureau Policies and Procedures Manual before operating a state-owned vehicle (NAC Title 8, Ch 1, Sec 003.).

**007.09D.** Employees shall comply with applicable driver's licensing laws and shall also notify the agency if they are experiencing a medical condition or are using medication that would interfere with the safe operation of a motor vehicle. If a medical condition appears to be interfering with an employee's

safe operation of a motor vehicle, the agency shall request a medical release from the employee's physician indicating whether the employee is medically capable of driving as part of his/her job duties.

**007.09E. Responsibilities of Employees who Drive on State Business.**

Any employee failing to meet the responsibilities described within this policy and the Department of Administration Services, Transportation Services Bureau Rules and Regulations shall be subject to corrective personnel action and may be subject to disciplinary action up to and including dismissal.

**007.09F. Reporting of Citations.**

**007.09F1.** Employees shall notify their supervisor by the beginning of the next working day any time a citation for either of the following serious moving violations occurs, whether on state or personal time or whether in a state or personal motor vehicle: 1) motor vehicle homicide or 2) driving under the influence. Employees shall report all citations for moving violations received while on state business no later than the first working day following the citation to their supervisor. State rules and regulations require that the Department of Administrative Services, Transportation Services Bureau be notified if a ticketed violation is being contested. Employees shall notify their supervisor immediately if their driver's license is suspended, is revoked, or becomes invalid.

**007.09F2.** Commission employees may not operate a state vehicle or a personal vehicle being used

for state business under the influence of drugs or alcohol.

**008. GENERAL EMPLOYEE INFORMATION.**

**008.01. Interviews.**

Employees interviewing for positions within the Commission will be allowed up to two hours of work time to interview. This time will be granted only if the time involved cuts across the employee's normal work hours. Interviewing time beyond the employee's normal work hours will not be counted as work time and will not be compensated. With supervisory approval, the employee may use leave to extend the time needed for the internal interview beyond the allowed two hours of work time. Travel to and from the interview site is the responsibility of the employee and no travel expenses will be reimbursed.

**008.02. POLITICAL ACTIVITIES.**

Employee positions within NCBVI are partially or entirely funded with federal money, so employees are covered by the federal Hatch Act and are barred from being a candidate for a partisan office (offices with candidates identified as being from specific political parties). Employees may engage in political activities when not performing official state duties, but shall not use a position with the state to distribute or receive political favors.

**008.02A.** Employees may not display a political poster in the office, nor wear clothing with political slogans/symbols or political buttons while on duty.

**008.02B.** If an employee wishes to take part in political activities during his/her normally scheduled work hours, he/she must arrange for leave (vacation, leave without pay, etc.) to cover the period of authorized absence.

**008.02C.** If an employee is elected to an office, and such office presents a conflict of interest with his/her job or interferes with scheduled work hours, the agency has the authority to change terms and conditions of employment, up to and including termination of employment.

**008.03. LAW VIOLATIONS.**

Commission employees are required to report, in writing, any arrest or apprehension for law violations, including traffic offenses to their immediate supervisor in accordance with 192 NAC Ch. 4, Section 007.09F1.

**008.04. EMPLOYEE FRAUD.**

Any employee who believes another employee of the Commission is committing a fraudulent act with respect to the Commission programs or functions shall provide a written confidential report to the agency head or designee.

**008.05. OFFICE/FACILITY SECURITY AND SAFETY.**

Each office/district in the Commission strives to assure safety and security for employees on the job, the security of state property and the safety and security of the people we serve. Commission employees are expected to keep possession of and to not loan any keys or access cards that have been issued to them, unless written authorization has been given by a supervisor.

**008.06. EMERGENCY SITUATIONS POLICY.**

In the case of emergencies that present a danger to the safety or security of employees, the Executive Director or District Supervisor may release employees. Employees will be released only for the period necessary to correct the situation.

**008.06A.** If no weather emergency has been declared by the Governor, employees who choose either not to report to work or to leave work will be charged with

accumulated vacation leave, earned compensatory time or leave without pay.

**008.06B.** Employees who are on the road on Commission business and face severe conditions will continue to be in work status, even if unable to travel further. The employee will contact his/her supervisor, or the next level supervisor if necessary.

## **009. COMPENSATION AND BENEFITS.**

### **009.01. PAY PERIODS.**

The Commission employees are paid on a bi-weekly pay cycle. It is critical to notify the Personnel Officer of any change of address. Deductions for employees paid every two weeks are done in two equal amounts each month. For these bi-weekly paid employees, there are two pay cycles during the year when there are no deductions except for federal and state withholding taxes, Social Security, credit union and retirement contributions.

### **009.02. LEAVE.**

State of Nebraska employees are eligible for various types of leave. The NAPE/AFSCME labor contract and state Rules and Regulations provide detailed information about the types of leave, provisions for requesting leave, and specific dates of established holidays.

### **009.03. INSURANCE.**

#### **009.03A. Life Insurance.**

Full-time employees, excluding temporaries, of the Commission receive a \$20,000 Basic Life term insurance policy at no cost to them. Employees who work at least half time and are less than full-time may enroll in the optional Basic Life (\$20,000) but will be required to pay a portion of the state's premium contribution. Optional Life Insurance for employees

and dependents is available at the employees' expense.

**009.03A1.** The choice for the Optional Basic Life and Optional Life Insurance plans needs to be made within the first 30 days of employment. Coverage becomes effective the first of the month following 30 days of employment.

**009.03B. Health Insurance.**

State employees who work half-time or more are eligible for medical and hospitalization coverage under a group program. Temporary employees may be eligible for health insurance participation. This coverage can include single, partial or full family coverage. Employees have several plans to choose from and costs differ according to the coverage chosen.

**009.03B1.** Employees who choose to participate in the State of Nebraska health insurance plan must enroll within the first 30 days of employment. Coverage begins the first day of the month following 30 days of employment.

**009.03B2.** When an employee ends employment with the state, he/she may be able to continue health insurance coverage for a period of time. If this option is chosen, the individual will be responsible for the total premium.

**009.03C. Dental Insurance.**

State employees who work half-time or more and live or work in areas where there are contracting dentists are eligible to enroll in a voluntary dental plan under a group program. Temporary employees may be eligible for dental insurance participation. There is no state contribution for this insurance.

**009.03D. Vision Insurance.**

State employees, excluding temporaries, who work half-time or more and live or work in areas where there are contracting eye doctors, are eligible to enroll in a voluntary vision insurance plan under a group program. There is no state contribution for this insurance.

**009.03E. Long Term Disability Insurance.**

State employees who work half-time or more are eligible to enroll in a voluntary long-term disability plan under a group program. Temporary employees may be eligible for long-term disability insurance participation. There is no state contribution for this insurance.

**009.04. Flexible Spending.**

State employees, including new hires but excluding temporaries, may voluntarily elect to set aside an amount from their paycheck that is not taxed. The Department of Administrative Services Employee Benefits Division administers this flexible spending account under Internal Revenue Service Code Section 125. The money set aside in this plan can only be used toward medical and/or dependent care expenses. Contact the Personnel Officer for more information.

**009.05. RETIREMENT.**

The State of Nebraska offers a retirement plan for the purpose of providing lifetime benefits in recognition of service to the state. Employees, other than temporaries, who are 30 years of age and have two years of continuous service must participate in the plan. Any employee who has attained the age of 20 and has a total of twelve months of service may elect voluntary participation. As a member of the Retirement System, employees contribute 4.33% of their salary. When the contribution reaches \$864.00 for the year, the contribution rate increases to 4.8%. The state matches the contribution at 156%. The benefits under the

plan are in addition to any supplemental benefits received from Social Security.

**009.06. Deferred Compensation.**

A deferred compensation plan is available to permanent state employees. Under the provision of this voluntary supplemental retirement plan, employees may request the state to defer payment of a portion of their income to a later date. The taxes normally due now on the money are deferred until retirement when most participants would be in a lower tax bracket. The deferred income is invested at the direction of the participant in a fixed stock, bond, money market or several other available investment options. Any investment gains remain in the annuity account and are not reportable for federal or state income tax purposes.

**009.07. EMPLOYEE ASSISTANCE PROGRAM (EAP).**

The state offers confidential short-term counseling and referral services through a statewide employee assistance program (EAP). All permanent employees and their dependent family members or family members residing with them may receive assistance in dealing with issues such as stress, chemical dependency, emotional difficulties, marital complications, and difficulties at work. Initial visits with the EAP are covered at no cost to the employee. Fees for services beyond and outside of the EAP contract are the responsibility of the employee.

**009.07A.** The office hours of the EAP are flexible so employees are encouraged to make appointments during non-work time. If an appointment during the work schedule is needed, the employee will be allowed to use Sick Leave.

**009.07B.** The EAP is also available to supervisors when working with an employee who has unsatisfactory job performance, attendance or other issues. If a supervisor refers an employee to the EAP, the employee

may use work time and any information shared with the counselor will be kept confidential unless the employee signs a release.

**009.08. TRAINING AND TUITION ASSISTANCE.**

**009.08A. Tuition Assistance Policy.**

Employees of the Commission are eligible for tuition assistance on a first-come, first-served basis, (per semester) within existing Commission allocated funds, under the following guidelines. The federal In-Service Training Grant allows for special provisions beyond those mentioned below (including but not limited to travel, books and other costs, and use of work time). Employees must request any unusual arrangements from their supervisor and the Executive Director.

**009.08A1.** Tuition - shall mean the expenses required for tuition costs only. Expenses paid for fees, books and other expenses are not considered a part of tuition.

**009.08A2.** Employee - for purposes of this policy employee shall mean permanent in status, either full or part-time, excluding temporary, original probation or employees serving disciplinary probation.

**009.08A3.** Passing grade - for purposes of this policy a passing grade will be a "C" or better for an undergraduate course, a "B" or better for a graduate course (or in accordance with the graduate degree program if different), or a pass in a pass/fail situation.

**009.08A4.** Operational definitions for the course

categories that can be approved at 100% are:  
Career related - shall mean any course taken which has direct relationship to a declared career path within the Commission. Job-related shall mean any course taken that has direct relationship to the position the employee currently occupies.

**009.08B. Application Process.**

When an employee applies for tuition assistance she or he must complete a Tuition Assistance Request form, attach a current class/course description, indicate the appropriate category for this course on the application, and submit it to his/her immediate supervisor for approval or denial within sixty (60) days prior to the beginning of the course. Additional levels of review are at the agency's discretion. Applications will be logged in a centralized data base and summary reports of all applications (both approved and denied) shall be made available at the Executive Director's request. Agreements made regarding work scheduling will be noted on the request form. Decisions to deny tuition assistance are final and non-grievable.

**009.08C.** Tuition assistance requests that are approved may be paid at the rate of up to 100% depending on approval of the supervisor and Executive Director or Designee, and within the parameters established in the In-Service Training Grant. Tuition assistance requests that are approved will be based on the actual attended accredited institution's current tuition cost not to exceed a maximum of up to 150% per credit hour of University of Nebraska-Lincoln (UNL) rate for graduate and undergraduate courses respectively.

**009.08D.** Full time employees will receive full

percentages of assistance as indicated. Part-time employees will receive pro-rated amounts based upon a percentage of their allocated FTE.

**009.08D1.** If the employee is eligible for tuition assistance through any other public or private source, that will be noted by the employee on the Tuition Assistance Request form. The tuition assistance percentages outlined above will be applied to the remaining tuition cost. No employee will receive more than 100% of his/her course work reimbursed.

**009.08E.** A maximum of up to 18 credit hours per fiscal year per employee may be approved, depending on funding availability, with applications only considered for approval if received within 60 days of the starting date of the course. Employees will note the number of credit hours on the Tuition Assistance Request form. Exceptions to the maximum must be approved by the Executive Director.

**009.08F.** Tuition Assistance Request forms will be available through the NCBVI Business Office.

**009.08G. Procedure for Reimbursement.**

When the employee has completed the course with a passing grade, he/she will submit an Expense Reimbursement Document for payment of the tuition costs. Attached to this document shall be copies of an itemized receipt for the tuition paid, grade report indicating a passing grade, and a copy of the prior approved Tuition Assistance Request form.

**009.08G1.** Employees should apply for reimbursement as soon as the course is completed. They must apply for reimbursement no later than 90 calendar days after the course is completed. Masters level classes, excluding those required

to maintain employment per the Comprehensive System of Personnel Development, are subject to income tax and the amount of reimbursement will be added to the employee's W-2 form.

**009.08G2.** Failure to complete a course or receiving a less than passing grade, as defined above, voids approval of the Tuition Assistance Request.

**009.09. CREDIT UNION.**

State employees, other than temporary, are eligible to join the Nebraska State Employees Credit Union (Credit Union). The Credit Union is a financial institution providing an opportunity to save regularly through payroll deductions. Credit Union members are eligible to borrow money for approved reasons at a reasonable rate of interest. Share draft accounts, which enable an employee to write "checks" on a savings account, are also available, as are traveler's checks and a number of other services.

**009.10. EXPENSE REIMBURSEMENT.**

Reimbursements will be made only for travel or other actual expenses strictly essential to the transaction of official business.

**009.11. DISCLAIMER.**

Benefits are subject to change based on state negotiations with NAPE/AFSCME. Those listed are in place at effective date for 192 Nebraska Administrative Code Chapter 4. Beyond that date, the above text serves as examples of types of benefits that may be offered to NCBVI employees at any given time.

**010. INTERNAL COMPLAINT PROCEDURE.**

**010.01.** The applicable NAPE/AFSCME labor contract and Personnel Rules address in detail reasons for imposing

disciplinary measures upon employees, types of disciplinary actions that may be imposed, and the processes for grieving such actions. Employees have the responsibility to acquaint themselves with those provisions.

**010.02.** NCBVI has established an internal complaint procedure to deal with issues that are not grievable and are not covered by the Workplace Harassment Policy. The internal complaint procedure is not intended to address any topic that may be the legitimate subject of a grievance. The Commission will not process both a grievance and an internal complaint on the same issue at the same time.

**010.03.** In the Commission non-grievable issues and complaints should be resolved at the lowest level possible. An employee is encouraged to bring concerns directly to his/her immediate supervisor for discussion and resolution. If the employee is not satisfied with a verbal response, the concern may be presented in writing to the supervisor within ten workdays of the event causing the concern. The supervisor will respond in writing within five workdays.

**010.04.** If the employee is not satisfied with his/her supervisor's response, the issue may be presented in writing to a deputy director, within five workdays of receiving the supervisor's response.

**010.05.** The appropriate deputy director shall respond in writing within ten workdays.

**010.06.** If the employee is not satisfied with the deputy director's response, the issue may be presented in writing to the Executive Director, within two workdays of receiving the deputy director's response. The Executive Director will respond in writing within 15 workdays. The Executive Director's decision is final.

**010.07.** Time frames may be extended by mutual agreement of the parties. Failure to meet the timelines by any member of management automatically allows the employee to go on to the next step. If the employee does not forward his/her concern within the specified time frame, the issue is considered resolved.

**011. VENDOR SOLICITATION POLICY.**

**011.01.** The intent of the Vendor Solicitation Policy is to make sure that the State of Nebraska is not endorsing or appearing to endorse or assist a vendor in selling or promoting his/her product or service.

**011.02.** For the purpose of this policy, a "vendor" is a person, group of people, or organization (whether profit or nonprofit) selling or promoting a product or service for personal use by the employee. These persons who are selling or promoting this product or service shall not contact individual employees during work hours. This does not apply to a vendor selling items to be used in state business (i.e. computers, office equipment, or consultants), who may contact the agency.

**011.03.** Only "state sponsored" vendors that have been selected by the state to provide a product or service to employees will be allowed to use state time and property to distribute information. This type of solicitation will be coordinated through the DAS State Personnel Division. The securing of a payroll deduction through the DAS Accounting Division does not mean a vendor is state sponsored.

**012. EMPLOYEE RECOGNITION PROGRAM.**

The Commission may implement an Employee Recognition Program, which may include awards such as certificates, plaques, pins, and/or monetary recognition.

## APPENDIX A

UNITED STATES DEPARTMENT OF EDUCATION  
34 CFR Part 361  
State Vocational Rehabilitation Services Program

Sec.361.38 Protection, use, and release of personal information.

(a) General provisions.

(1) The State agency and the State unit must adopt and implement written policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies and procedures must ensure that--

(i) Specific safeguards are established to protect current and stored personal information;

(ii) All applicants and eligible individuals and, as appropriate, those individuals' representatives, service providers, cooperating agencies, and interested persons are informed through appropriate modes of communication of the confidentiality of personal information and the conditions for accessing and releasing this information;

(iii) All applicants or their representatives are informed about the State unit's need to collect personal information and the policies governing its use, including--

(A) Identification of the authority under which information is collected;

(B) Explanation of the principal purposes for which the State unit intends to use or release the information;

(C) Explanation of whether providing requested information to the State unit is mandatory or voluntary and the effects of not providing requested information;

(D) Identification of those situations in which the State unit requires or does not require informed written consent of the individual before information may be released; and

(E) Identification of other agencies to which information is routinely released;

(iv) An explanation of State policies and procedures

affecting personal information will be provided to each individual in that individual's native language or through the appropriate mode of communication; and

(v) These policies and procedures provide no fewer protections for individuals than State laws and regulations.

(2) The State unit may establish reasonable fees to cover extraordinary costs of duplicating records or making extensive searches and must establish policies and procedures governing access to records.

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(b) State program use. All personal information in the possession of the State agency or the designated State unit must be used only for the purposes directly connected with the administration of the vocational rehabilitation program. Information containing identifiable personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program. In the administration of the program, the State unit may obtain personal information from service providers and cooperating agencies under assurances that the information may not be further divulged, except as provided under paragraphs (c), (d), and (e) of this section.

(c) Release to applicants and eligible individuals.

(1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, if requested in writing by an applicant or eligible individual, the State unit must make all requested information in that individual's record of services accessible to and must release the information to the individual or the individual's representative in a timely manner.

(2) Medical, psychological, or other information that the State unit determines may be harmful to the individual may not be released directly to the individual, but must be provided to the individual through a third party chosen by the individual, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual, in which case the information must be released to

the court-appointed representative.

(3) If personal information has been obtained from another agency or organization, it may be released only by, or under the conditions established by, the other agency or organization.

(4) An applicant or eligible individual who believes that information in the individual's record of services is inaccurate or misleading may request that the designated State unit amend the information. If the information is not amended, the request for an amendment must be documented in the record of services, consistent with Sec. 361.47(a)(12).

(d) Release for audit, evaluation, and research. Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the vocational rehabilitation program or for purposes that would significantly improve the quality of life for applicants and eligible individuals and only if the organization, agency, or individual assures that—

(1) The information will be used only for the purposes for which it is being provided;

(2) The information will be released only to persons officially connected with the audit, evaluation, or research;

(3) The information will not be released to the involved individual;

(4) The information will be managed in a manner to safeguard confidentiality; and

(5) The final product will not reveal any personal identifying information without the informed written consent of the involved individual or the individual's representative.

(e) Release to other programs or authorities.

(1) Upon receiving the informed written consent of the individual or, if appropriate, the individual's representative, the State unit may release personal information to another agency or organization for its program purposes only to the extent that the information may be released to the involved individual or the individual's representative and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program.

(2) Medical or psychological information that the State unit determines may be harmful to the individual may be released if the other agency or organization assures the State unit that the information will be used only for the purpose for which it is being provided and will not be further released to the individual.

(3) The State unit must release personal information if required by Federal law or regulations.

(4) The State unit must release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to an order issued by a judge, magistrate, or other authorized judicial officer.

(5) The State unit also may release personal information in order to protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

(Authority: Sections 12(c) and 101(a)(6)(A) of the Act; 29 U.S.C. 709(c) and 721(a)(6)(A))