

On October 23, 2024, the Nebraska Supreme Court approved the following rule amendments to the Nebraska Supreme Court Personnel Policies and Procedures Manual, with a delayed effective date of January 1, 2025:

Nebraska ~~Supreme Court~~ Judicial Branch Personnel Policies and Procedures Manual
Personnel Policies and Procedures for the Nebraska ~~Supreme Court~~ Judicial Branch System

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1. Range of Applicability

These policies and procedures apply equally to all employees of the Nebraska ~~Supreme Court~~ Judicial Branch unless otherwise noted. ~~Included are employees working in the probation system, the district courts, the separate juvenile courts, the county courts, the Reporter of the Supreme Court's Office, the Clerk of the Supreme Court's Office, the Administrative Office, the Staff Attorney Offices of the Supreme Court and Court of Appeals, the Office of the Counsel for Discipline, the Office of Dispute Resolution, and the State Library.~~

~~These policies, e~~Except where otherwise specifically stated hereinafter or in any other Nebraska Supreme Court rule, these policies expressly do not apply to 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, or private staff of the individual justices of the Supreme Court or judges of the Court of Appeals. Such private staff consists of administrative assistants, career law clerks, and law clerks.

If additional policies exist pertaining only to particular probation districts, ~~or~~ 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 in that location. Any additional policy, however, shall require approval by the Administrative Office of the ~~Courts/Probation~~ Courts and Probation (AOCB) and shall be consistent with, and limited by, the provisions of these rules.

2. Management Authority

Supervisors in local offices are responsible for managing and directing the employees of those offices in accordance with the ~~Supreme Court~~ Nebraska Judicial Branch Personnel Policies and Procedures. Supervisory staff ~~is~~ are designated by ~~job description~~ the AOCB. Unless otherwise assigned, pursuant to Neb. Ct. R. § 6-1459. Presiding Judges, Neb. Ct. R. of Cty, Cts. 59 (Presiding Judges), in consultation with the AOCB, 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 ~~Supreme Court~~ Nebraska Judicial Branch Personnel Policies and Procedures.

For purposes of these policies, supervisor means any 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 ~~and to make assignments or changes in duties as needed~~. 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.

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4. Nepotism

Recognizing the intent of Neb. Rev. Stat. § 49-1499.07(6), it is the policy of the Judicial Branch that ~~A~~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. ~~the participation by an employee in any action relating to the employment or discipline of a member of the employee’s family, including advocating, authorizing, or otherwise causing the employment, appointment, promotion, transfer, or advancement of a member of the employee’s family, or supervising or managing any member of the employee’s family.~~

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 ~~grandfather, grandmother, mother, father, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father in law, mother in law, son in law, daughter in law, brother in law, sister in law, stepfather, stepmother, stepdaughter, stepson, stepbrother, stepsister, half brother or half sister.~~

5. Selection and Recruitment

Each office of the Nebraska ~~Court System~~ 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. Each office is responsible for documenting all required selection activities involved in the hiring process, including the interview questions and any other screening device tool. A copy of the hiring procedure shall be sent to the ~~Administrative Office of the Courts/Probation~~ 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 ~~Administrative Office of the Courts/Probation~~ AOCP. Job notices ~~shall be~~ 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 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. ~~except in the event that the nature of work and the business needs of a local office support a shift in the Office’s job classifications from one type of job to another type of job (for example, when probation caseloads demand an increase in Specialized Officers and a decrease in Probation Officers, or court caseloads demand an increase in Records Clerks and a decrease in~~

~~Cashiers), 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 ~~Administrative Office of the Courts or Probation~~ AOCP, citing the business need 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.

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 ~~with the same language used in the State Posting~~. Notices placed in newspapers or publications that involve costs to the Supreme Court require prior approval from the ~~Administrative Office~~ AOCP. Positions shall be advertised for a minimum of 6 workdays.

~~Applications shall only be accepted when a vacancy occurs.~~

With prior approval from the AOCP, the ~~Supreme Court~~ 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.

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C. Criminal History Screening

In accordance with procedures approved by the Nebraska ~~Supreme Court~~ Judicial Branch, a criminal background check will be conducted. This can be done before or after a conditional offer of employment is extended, with ~~continued~~ employment contingent upon a satisfactory result of the background check. ~~The employee shall be required to sign a statement of understanding regarding the criminal background check and conditional job offer.~~

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. 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 after the job offer has been made and within the first three days 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 personnel file and a copy of the form shall be sent to the ~~Administrative Office~~ AOCP.

9. Anniversary Date

An anniversary date is the date of original hire with the Nebraska ~~Court System~~ 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.

10. Employment Categories

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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 ~~six~~6-month period. 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.

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 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 ~~Administrative Office~~ AACP, 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 ~~Personnel~~ the AACP 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 5% above the employee's current salary, whichever is greater. Any reclassification to a lower salary grade may result in a salary decrease of 5% for each salary grade, with no greater than a 20% decrease, unless the rate is more than the maximum rate of the new classification.

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12. Temporary Reassignment to a Higher Salary Grade

When an An employee temporarily promoted is approved by the Court or Probation Administrator for a temporary promotion to a higher salary grade position to fill a vacancy, or to fill in for a leave period exceeding 15 working days, the employee shall be paid at least the hiring 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 ~~Administrative Office~~ AOCP.

13. Salary ~~Administration~~ 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. These positions are reflected on the Judicial Branch Unclassified Position Salary Schedule. ~~except those of the Counsel for Discipline, the State Probation Administrator, the State Court Administrator, and the Clerk of the Supreme Court have been placed on salary schedules.~~

14. Field Salaries (A* County Court and Probation) [Reserved.]

~~*Applicable to all County Court and Probation Employees other than those probation employees in the Administrative Office.~~

- ~~• A. New Employee Salaries~~
- ~~• B. Bilingual Employees~~
- ~~• C. Rehiring Former Employees~~
- ~~• D. Salary Increases Upon Completion of Provisional Period~~
- ~~• E. Salary Schedule Adjustments~~
- ~~• F. Salary Grade Changes~~
- ~~• G. Part-time Employee Salaries~~

15. Judicial Branch Salary Information ~~Administrative Salaries (B)~~**

~~**The following section is A~~ Applicable to all Court court and probation employees in the Nebraska Supreme Court Administrative Office, and all 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.

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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 ~~less than~~ at the Minimum Permanent 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 ~~Changes~~ 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.

~~The Supreme Court may authorize a general alteration in the salary schedule based upon appropriations made available. When such an “across the board” adjustment is authorized, all employees subject to the salary schedule shall receive an alteration in salary in the amount authorized.~~

~~The Supreme Court may authorize specific alterations of salary grades to reflect labor market conditions, based upon salary survey information. When any such alteration is authorized, all employees subject to that salary grade shall receive an alteration in salary of the amount authorized on the effective date of the alteration.~~

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 ~~Personnel Management~~ Human Resources before being submitted for approval by ~~both the State Court Administrator and 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. The decision of the Court Administrator and Probation Administrator is final and is not appealable by the supervisor or the employee.

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F. Part-time Employee Salaries

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.

16. Pay Periods

~~New e~~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 made each month. Deductions for employees paid every ~~two~~ 2 weeks are made in two equal amounts each month.

Employee pay stubs are available to staff through the State Payroll and Financial Center website. <https://link.nebraska.gov/>

17. Furloughs and Layoffs/~~Reduction in Hours~~

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 ~~or reduction of employees' hours~~. 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~~ 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. ~~Employee Pay Records~~ [Reserved.]

~~Employee pay stubs will be available to staff through the State Payroll and Financial Center.~~

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22. Rest Breaks

~~Although not required, it is~~ Supervisors are encouraged for supervisors to grant employees ~~fifteen minute~~ 15-minute mid-morning and mid-afternoon rest breaks per each ~~eight~~ 8-hour workday. Breaks shall not be combined. Breaks shall not be taken ~~before~~ until 1 ~~one~~ hour after the employee arrives at work, or ~~one~~ 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~~ Sscheduling of these periods is at the discretion of the supervisor, based on current work activities.

23. Meal Periods

~~Although not required, it is encouraged for s~~Supervisors shall to grant employees a ~~30-60 minute~~ 30-60-minute unpaid meal period for each workday of ~~six~~ 6 or more hours. ~~A supervisor may require an employee to take a meal period.~~ Meal periods shall not be taken before ~~one~~ 1 hour after the employee arrives at work, or ~~one~~ 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.

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25. Workweek and Work Schedule

The designated workweek shall be from ~~8~~ 12:00 a.m. on Friday to ~~7:59~~ 11:59 p.m. ~~a.m.~~ the following ~~Friday~~ Thursday. Supervisors set each employee's work schedule. Employees shall be informed of any schedule changes in writing. ~~All employees shall be informed of the designated workweek.~~ All Judicial Branch full-time employees shall account for at least 40 hours of work or authorized leave time per workweek. 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 ~~time sheet~~ timecard. ~~and shall~~

~~be compensated at straight time.~~ Hours worked in excess of 40 hours will be compensated as provided in rule 25(B).

~~Management sets each employee's work schedule. The workweek and work schedule of each employee shall be documented by each office.~~

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26. Authorized Leave

The following are forms of authorized leave: holiday, vacation, sick, funeral, military, civil, family/medical, injury leave, ~~Administrative Office approved "ready to work" status,~~ temporary emergency leave, and official leave of absence.

Authorized leave policies ~~also apply to~~ all employees of the Judicial Branch ~~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, Supreme Court and Court of Appeals Administrative Assistants, Career Law Clerks, and Non-Career Law Clerks with the Supreme Court or Court of Appeals.~~ These leave policies ~~also apply to official court reporters with some exceptions to the vacation leave policy as set out in the Supreme Court Rules Relating to Official Court Reporters.~~ All full-time employees shall account for at least 40 hours of work or leave time per week.

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

A. Holidays

~~The following is a list of court~~ 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. Full-time employees shall receive 8 hours of holiday leave for each authorized holiday. ~~holiday leave equal to one-fifth of their normally scheduled workweek for each paid holiday.~~

Temporary employees, whether 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.

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C. Sick Leave

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

Years of Continuous Employment	Hours per Calendar Year	Days Per Calendar Year
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
17 th 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 ~~at his or her post~~ would jeopardize the health of others.

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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, ~~given 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 shall be~~ are required to complete a request and utilize take leave options authorized under the Family and Medical Leave Act ~~family/medical leave concurrently with sick leave if the reason for sick leave qualifies.~~ (See additional information under Family/Medical Leave section.)

~~Holidays within a period of sick leave shall not be counted as working hours. If an absence because of illness or injury not arising from the course of employment extends beyond the sick leave earned to the credit of an employee, and if the employee is not on family/medical leave, such additional time shall be charged to vacation leave. Sick leave can be used to supplement workers' compensation up to the employee's current salary level extent.~~

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 AOC.

If an employee leaves the service of the 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 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.

~~An employee who is eligible for retirement and who elects to receive payment for one-fourth of accumulated, unused sick leave upon retirement from~~ If an employee who

~~retires and is paid sick leave from the Nebraska Court System Judicial Branch~~ or any other Nebraska State agency ~~employment~~, and ~~the employee~~ subsequently returns to the ~~system's 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 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 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.

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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 who are ordered to active duty by the Governor under emergency conditions will receive the difference between their full state pay and their military pay, provided the military pay is less than their state 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 ~~for the period of such training or service not to exceed 4 years, and~~ 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.

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.

~~When separated from such training or service under honorable conditions, e~~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.

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28. Leave Donation Programs

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 ~~Supreme Court~~ Judicial Branch who is suffering from a ~~life threatening~~ catastrophic illness. ~~Employees may also contribute accrued vacation leave to benefit another State employee in a different agency suffering from catastrophic illness with the agreement of both the receiving agency and the donating agency.~~ Time shall be donated in no less than ~~eight hour~~ 4-hour increments. The contributing employee must identify the specific amount and type of time on forms provided by the ~~Administrative Office of the Courts~~ 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 ~~thirty~~ 30 workdays during the past ~~six~~ 6 months may apply for the use of leave that is available in the Sick Leave Bank. ~~Employees who donate vacation leave or accumulated compensatory time to the Sick Leave Bank must sign an authorization indicating such donation.~~

A. Eligibility of Recipient

1. The employee must be suffering a ~~life-threatening~~ catastrophic illness or injury resulting in a prolonged absence lasting at least ~~thirty~~ 30 work days during the past ~~six~~ 6 months. Catastrophic condition is 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 ~~life-threatening~~ catastrophic illness or injury resulting in the employee's prolonged absence of at least ~~thirty~~ 30 work days during the past ~~six~~ 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 ~~Supreme Court~~ 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 ~~maximum medical improvement has been reached~~ 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.

~~B.~~ Eligibility of Donor Employee

1. Only vacation and compensatory time in increments of ~~8~~ 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 ~~remaining to his/her credit~~ at least 40 hours of accrued vacation leave, ~~if~~ after donating vacation leave.

B. Nebraska Supreme Court 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 non-grievable.

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34. Record of Leave

~~Each local office shall maintain an attendance record for each employee, accounting for time worked and all absences from work.~~

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 AOC Human Resources, 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 AOC, 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.

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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 ~~Court System~~ Judicial Branch or the State of Nebraska.

2. Failure or refusal to comply with a lawful order or to accept a reasonable or proper assignment from an authorized supervisor.

3. Inefficiency, incompetence, or negligence in the performance of duties or failure to meet clearly established performance expectations.

4. 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. 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. Use of undue influence to gain or attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage.

7. Falsification, fraud, or omission of required information on the employment application/resume.

8. Unauthorized, ~~or~~ improper use, or abuse of any type of leave, ~~or abuse of meal, and~~ or rest periods.

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

10. 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. Failure to obtain and maintain current license or certification required by law or policy as a condition of employment.

12. Conviction of a felony.

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

14. Insubordinate acts or language which seriously hampers the Nebraska ~~Court System~~ Judicial Branch's ability to control, manage or function.

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

16. Acts or conduct (on or off the job) which adversely affect the employee's performance and/or the Nebraska ~~Court System~~ Judicial Branch's performance or function.

17. Workplace harassment based in whole or in part on race, gender, color, ~~sex,~~ 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. Display or Ppossession 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 ~~Supreme Court~~ 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.

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40. Investigatory Suspension

~~Investigatory suspension is not a disciplinary action.~~ An employee who is under investigation either by the Nebraska ~~Supreme Court~~ AOCP or other civil authorities for criminal activity, ~~or 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 ~~granted~~ authorized to utilize vacation, sick, or holiday leave, nor ~~unused~~ utilize accrued compensatory time off. ~~The, nor shall~~ the employee shall not accrue earn vacation or sick, ~~or holiday~~ leave ~~credit~~. 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. ~~Resignation will only be accepted until such time as a finding of guilt is entered by the trial court.~~

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 Administrator, in accordance with the Nebraska ~~Supreme Court~~ Judicial Branch Personnel Policies and Procedures Manual.

3. ~~Based on the relevant facts~~ If the preponderance of the evidence acquired in the investigation is inconclusive or finds no fault, or if an employee is found not guilty ~~or if no judicial action is taken~~, 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~~ 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., ~~and the district court reporters have no grievance rights within the Nebraska Supreme Court Personnel System.~~

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 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.

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. performance evaluations;~~
- ~~1 2. appointments and initial hiring selections, ~~including promotions to positions;~~~~
- ~~2 3. involuntary transfers with no salary reduction or relocation required;~~
- ~~3 4. leave of absence, decisions regarding grants of maternity/paternity leave donations, and determination of eligibility for use of the catastrophic illness donation programs ~~program decisions;~~~~
- ~~4 5. position classifications determinations;~~
- ~~5 6. salary ~~allocations~~ schedules;~~
- ~~6 7. furloughs and layoffs ~~or reduction in hours~~ due to elimination or reduction of funds, reduction in the workload, and/or reorganization; and~~
- ~~7 8. payment of travel or moving expenses;~~
8. determinations regarding an employee's ability to telecommute.

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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. Decision-maker'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, he/she 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. it to the person who made the decision within 2 workdays, skipping any levels of intermediate supervision.

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.

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E. Discovery Process

At any time after the proper filing of a formal grievance ~~has been properly filed~~, the employee and/or the ~~Administrative Office~~ AOCP may 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 ~~Administrative Office~~ AOCP. ~~s~~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 ~~Administrative Office~~ AOCP.

42. Resignations

To resign in good standing, an employee must give written notice to his/her supervisor ~~or the Administrative Office~~ at least 10 workdays before separation, unless otherwise agreed. In the absence of notice to a supervisor, the AOCF 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.

43. Bonding

In accordance with Neb. Rev. Stat. § 11-201, ~~Employees are bonded under the state blanket bond for all state employees. Individual bonds are not required. The state is protected up to one million dollars.~~

44. Benefits Provided by Office of Justice Programs ~~Public Safety Officer's Benefits Act~~

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.

~~On September 29, 1976, the federal Public Safety Officer's Benefit Act was signed into law, providing payment of a \$50,000 death benefit to survivors of state and local public safety officers who have died as a direct and proximate result of a personal injury sustained in the line of duty. The benefit was increased from \$50,000 to \$100,000 for deaths occurring on or after June 1, 1988. Beginning on October 1, 1988, and on each~~

~~October 1st thereafter, the benefit will be adjusted by the percentage of change in the Consumer Price Index. Eligible public safety officers includes probation officers.~~

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50. Personnel Records

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B. Records to be Maintained

Each supervisor shall maintain the following personnel records:

~~1. Individual employees' monthly records of vacation, sick, and other leave taken and overtime hours earned on a time sheet for all full-time employees or a time card for part-time and temporary employees;~~

~~2. Job description/classification for each employee;~~

~~3.~~ 1. Record of salary;

~~4.~~ 2. Copies of all personnel transactions pertaining to individual employee; and

~~5.~~ 3. Employee performance report(s).

Former employees' personnel files may be destroyed ~~five~~ 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 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.

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