

*Appendix C (DHHS) Tentative Agreements*  
*12-19-16*

- C.1.2 *(T.A. - CCL)* The Employer shall make reasonable efforts to distribute workloads in a fair and responsible manner. The employer recognizes that additional coverage assignments may affect an employee's ability to adequately cover his/her own caseload/workload. Overtime may be authorized.
- ~~C.2.8 *(T.A.)* In the event of a severe weather emergency where the Agency Head or the Governor has declared a state of emergency, or, where State or Local Law Enforcement has advised that only emergency service vehicles should be on the roads/highways, no employee shall be required to use accrued leave to cover absence from work, if the absence is caused by the above declaration or unsafe road conditions.~~
- ~~C.2.9 *(T.A.)* An employee who is placed in on-call status and who subsequently is called out to work shall have the option of electing compensatory time for such hours worked, notwithstanding the provisions of Article 12, 12.8 of the Contract.~~
- ~~C.2.10 *(T.A. & renumber to C.2.8)* No employee shall be disciplined, counseled, evaluated, or placed on a Performance Improvement Plan for reasons arising from the unsubstantiated statement or testimony of a client or patient with a diagnosis of mental illness or developmental disability.~~
- C.3.2 *(T.A. - CCL)* Any contract covered classification may be considered when utilizing this internal employee transfer option, as deemed appropriate by the Agency.
- C.3.3 *(T.A.)* Under this process, vacant positions will first be made available to qualified current DHHS employees for five (5) calendar days. Qualified employees must hold the same classification title as the vacant position and must be located within the same Division as the vacancy. Once available, interested employees may express their interest in the position via ~~email/letter~~ an application in the on-line applicant tracking system. System generated responses will keep applicants informed of their progress in the process.
- C.6.2 *(T.A. - CCL)* Temporary reassignments shall be accomplished by first reassigning qualified employees who have volunteered for the temporary reassignment. If no volunteers are available, the least senior qualified employee shall receive the temporary reassignment. (If appropriate, other job related factors may be considered.) This provision is not applicable to new hires for the first 90 days of employment.
- C.7.1.b *(T.A. - CCL)* Schedule assignment will be based on classification, qualifications, and/or client care needs. When qualifications are not significantly different, state seniority shall be the determining factor in schedule preference. However, in such cases, once an employee selects a schedule based on employee's seniority, the employee may not change schedules again for one year unless approved by the 24 hour facility or as a result of changing positions through other provisions of this Labor Contract.
- C.9.1 *(T.A. - CCL)* Each 24 hour facility will post by December 15 a form on which employees shall designate preferred vacation time. (Holidays occurring in conjunction with vacation time will also be included.) Said form will remain posted until February

15. This will cover the period from April 1 through March 31 of the following year. The facility will post results March 15 in designated areas accessible to employees. Once the schedule has been posted, employee's vacation period will not be changed unless said change is necessary to prevent an adverse impact on delivery of services to clients. In such cases the employee will be permitted to select an alternate vacation period which will likewise not adversely affect the delivery of services to clients.

C.9.1.a (T.A. - CCL) Alternate Vacation Posting Process Schedule. Facilities will post by December 15 for the period of April 1 through September 30. (Holidays occurring in conjunction with vacation time will also be included.) Said form will remain posted until February 15.—Each facility will post results March 15 in designated areas accessible to employees.

A second posting will occur on June 15 and shall remain posted until August 15. (Holidays occurring in conjunction with vacation time will also be included.) This will cover the vacation period of October 1 through March 31. Each facility will post results September 15 in designated areas accessible to employees.

Once the schedule has been posted, the employee's vacation period will not be changed unless said change is necessary to prevent an adverse impact on delivery of services of clients. In such cases, the employee will be permitted to select an alternate vacation period which will likewise not adversely affect the delivery of services to clients.

C.9.2 (T.A.) In evaluating and granting requests for vacation leave under the posting process, classification, seniority, and work unit as defined by the operational needs of the facility will be the criteria used for granting vacation leave. Vacation requests, of three (3) work days or more, shall take priority over vacation requests of less than three (3) work days, regardless of seniority. ~~When granting vacation requested during the scheduling period, employees will not have their vacation time altered, without consultation with the employee, if they have requested five (5) or more days. When an employee requests vacation leave of two or more consecutive days, the Agency will either approve the entire request or deny the request. Some of the requested dates shall not be approved and other dates denied.~~

~~C.9.9 (T.A.) The vacation posting request of the most senior employee in his/her classification on his/her shift shall be denied only in the event of an emergency declared by the Agency Head or the Governor, due to a natural disaster or outbreak of significant contagious disease.~~

~~C.9.10 (T.A.) For the purpose of vacation posting requests and scheduling, State Holidays shall be treated as any other work days.~~

~~C.9.11 (T.A.) Perceived Agency Staffing needs which might be anticipated more than 30 calendar days after the date of an employee's vacation posting request shall not be a factor in the approval of such request.~~

C.11.10.1 (T.A.) The principle and intent of C.11.10 is to provide everyone the opportunity to volunteer for overtime and avoid extended shifts as much as possible. It was discovered through early implementation of this program that paragraph C.11.10 required those working the prior shift to be considered first resulting in a double shift. It is agreed that awarding an overtime shift should not be limited to the preceding shift.

but expanded to off-duty employees as well. This does not prevent preceding shift employees from being included for in the process.

C.11.16 (T.A.) **Mandatory Overtime – Earning Byes** Each employee shall have 1 bye per quarter to use at his or her discretion during each State fiscal year this Contract is in effect, for a total of 4 byes per State fiscal year. When an employee exercises a bye, they are not required to work a mandatory overtime assignment, and their name will be moved to the bottom of the overtime roster. Unused byes may be carried over (accumulated) from quarter to quarter within the same State fiscal year.

C.11.16.1 (T.A.) **Earning Additional Byes** Each employee has the opportunity to “earn” 1 additional bye each quarter during the State fiscal year for working a total of 40 hours or more of voluntary overtime during the quarter. The additional bye will be made available to the employee for use during the following quarter from when it was earned. Employees may carry over up to 2 accumulated, unused byes at the end of a State fiscal year into the next State fiscal year. In the event that all eligible employees on the overtime roster have requested to use a bye for the overtime assignment, the eligible employee whose name is closest to the top of the overtime roster will be held for the mandatory overtime assignment.

~~C.13 (AGENCY COUNTER PROPOSAL) EMPLOYEE ACCESS TO FEDERAL TAXPAYER INFORMATION~~

~~C.13.1 C.3.6 (T.A.) (Place this Section at C.3.6 instead of C.13.1)~~

**EMPLOYEE ACCESS TO FEDERAL TAXPAYER INFORMATION.** In accordance with the Internal Revenue Service (IRS) Publication 1075, prior to the Nebraska Department of Health and Human Services (Department) granting any employee access to federal taxpayer information (FTI), the Department must initiate a suitability background investigation. ~~All Department employees may have access for FTI.~~ The investigation must be favorably adjudicated by the Department as a condition of hire or continued employment. A reinvestigation will be initiated within 10 years of the previous background investigation. The investigation must include:

- Federal Bureau of Investigation fingerprint check
- Local law enforcement agency check
- Eligibility to work in the United States

*The State and NAPE/AFSCME, Local 61 have reached tentative agreement on the above sections of the 2017-2019 State and NAPE/AFSCME Labor Contract.*

Mike Marvin  
Mike Marvin, Co-Chief Spokesman  
NAPE/AFSCME

12-27-16  
Date

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Lisa Taylor Jones, HR Adm.  
Dept. of Health and Human Services  
JOHNNY SAUL Deputy Director HR

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Date

William J. Wood  
William J. Wood, Chief Negotiator  
State of Nebraska

12-27-16  
Date