

LEGISLATIVE BILL 890

Approved By the Governor March 23, 1974

Introduced by Whitney, 44

AN ACT to amend section 81-1328, Revised Statutes Supplement, 1973, relating to the state employees; to redefine terms; to provide that an employee who has retired or voluntarily terminated in lieu of retirement shall, if he returns to employment, be considered a new employee for the purpose of vacation leave entitlement; and to repeal the original section.

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

Section 1. That section 81-1328, Revised Statutes Supplement, 1973, be amended to read as follows:

81-1328. State employees shall, during each year of continuous employment, be entitled to ninety-six working hours of vacation leave with full pay. State employees who complete five years of continuous employment by the state shall be entitled to one hundred twenty hours of vacation leave during their sixth year of employment and shall thereafter be entitled to eight additional hours of vacation leave with full pay for each additional year of continuous state employment up to a maximum of two hundred hours of vacation leave a year. Vacation leave shall be earned in accordance with the following schedule:

During 1st year of continuous employment	96 hours per year
During 2nd year of continuous employment	96 hours per year
During 3rd year of continuous employment	96 hours per year
During 4th year of continuous employment	96 hours per year
During 5th year of continuous employment	96 hours per year
During 6th year of continuous employment	120 hours per year
During 7th year of continuous employment	128 hours per year
During 8th year of continuous employment	136 hours per year
During 9th year of continuous employment	144 hours per year
During 10th year of continuous employment	152 hours per year

During 11th year of continuous employment	160 hours per year
During 12th year of continuous employment	168 hours per year
During 13th year of continuous employment	176 hours per year
During 14th year of continuous employment	184 hours per year
During 15th year of continuous employment	192 hours per year
During 16th year of continuous employment	200 hours per year
After 16th year of continuous employment	200 hours per year

Employees who are regularly employed less than forty hours a week shall be entitled to vacation leave proportionate to their regular work week. Any employee who has been employed by the Legislature or Legislative Council shall, for vacation leave entitlement purposes, be credited with one continuous year of employment for each two hundred sixty working days such employee was employed by the Legislature or Legislative Council.

As used in this section, ~~the words state employee shall mean the head of a department or agency except when that head is a board or commission and all other state employees state employee shall mean any person or officer employed by the state including the head of any department or agency, except when such a head is a board or commission, and who works a full-time or part-time schedule on an on-going basis.~~

For the purposes of this section, an employee who has terminated his employment with the state for any reason other than disciplinary and who returns to state employment within one year from the date of termination shall have his service for vacation leave entitlement computed by combining prior continuous service with current continuous service disregarding the period of absence, except that an employee who has retired or voluntarily terminated in lieu of retirement shall, if he returns to state employment, be considered a new employee for the purpose of vacation leave entitlement.

The vacation leave account of each employee shall be balanced as of December 31 each year. Each employee shall be entitled to have accumulated as of December 31 of each calendar year the number of hours of vacation leave which he earned during that calendar year. Hours of vacation leave accumulated in excess of that number shall be lost. Any employee shall be entitled to use any vacation time as soon as it has accrued. Any vacation

time not used within one year following the calendar year during which the time accrued shall be lost. In special and meritorious cases, where to limit the annual leave to the period therein specified would work a peculiar hardship, such leave may be extended in the discretion of the Governor, or in situations involving employees of the Legislature, in the discretion of the Executive Board of the Legislative Council.

Each employee, upon retirement, dismissal, or voluntary separation from state employment, shall be paid for unused accumulated vacation leave. Upon the death of an employee, his beneficiary shall be paid for his unused accumulated vacation leave.

A permanent employee who is transferred from one agency to another shall have his accrued vacation leave transferred to the receiving agency.

The Director of Personnel shall promulgate such rules and regulations as are necessary to administer this section.

Sec. 2. That original section 81-1328, Revised Statutes Supplement, 1973, is repealed.