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NEBRASKA DEPARTMENT OF TRANSPORTATION

HUMAN  
RESOURCES  
POLICIES &  
PROCEDURES

NEBRASKA

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DEPARTMENT OF TRANSPORTATION



**Human Resources Policies and Procedures  
NEBRASKA DEPARTMENT OF TRANSPORTATION**



<i>Title:</i>	<i>Revision Date</i>
<b>Overview/Table Of Contents</b>	September 2020
<i>Approvals</i>	
Rachelle Van Cleave, HR Director	

## **I. Overview**

The Human Resources Policies and Procedures Manual is intended as a guide to assist Managers and Supervisors. The Agency retains the right to change policies and procedures to meet the needs of the Agency or to conform to the Nebraska Classified System Personnel Rules and Regulations and the NAPE/AFSCME State of Nebraska Labor Contract.

The policies and procedures are to be used in conjunction with the Nebraska Classified System Personnel Rules and Regulations and the NAPE/AFSCME State of Nebraska Labor Contract. In the event that the provisions of this manual are in conflict with the Rules or the Labor Contract, the provisions of the Rules/Labor Contract, or state and federal statutes shall apply.

If you have any questions, please contact the Human Resources Division at (402) 479-4574.

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<i>Title:</i>		<i>Policy No.</i>
<b>Recruitment and Selection</b>		<b>1.1</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
March 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for selection and hiring of qualified individuals who best fit the needs and requirements for all full-time and part-time job vacancies.

**II. Definition**

N/A

**III. Related Forms**

- A. *NDOT Form 52*: Selection Memo
- B. *NDOT Form 71*: OneSource Applicant Disclosure and Authorization
- C. *NDOT Form 130*: Information by Driver Applicant
- D. *NDOT Form 201*: Background and Reference Check Release
- E. *NDOT Form 287*: Inquiry to Past Employers
- F. *NDOT Form 331*: Family Member Disclosure
- G. *NDOT Form 383*: Job Requisition

**IV. Policy/Procedure**

Divisions/Districts will have the responsibility to request a vacant position be filled as outlined in this policy.

A. Job Requisition

- The Hiring Supervisor, upon receiving permission to fill a vacant position, shall complete a Job Requisition Form (NDOT Form 383) and forward it to the Human Resources' Recruitment Office.

B. Job Announcements

Information from the Job Requisition Form is used to develop a job posting/announcement. The posting shall include:

- Essential duties and description of the position (i.e., location, salary, position number)
- Minimum requirements (established by State Personnel), preferred requirements and/or knowledge, skills and abilities.
- Licenses, certificates, work hours, report to work requirements

All job announcements shall be posted on the DAS – State Personnel website at [www.statejobs.nebraska.gov](http://www.statejobs.nebraska.gov). Jobs will be posted as they are received. Employees are encouraged to set up an account by following the instructions provided within the website. Postings will run for at least six (6) consecutive work days. Positions may be posted for internal to agency only, internal to state employees or internal/external to all applicants. All applicants must meet the minimum requirements of the position to be considered for the position. Applications are reviewed by State Personnel prior to being released to the agency.

- Those eligible to apply for internal job announcements are:
  - i. Permanent full-time and part-time employees of the Agency.
  - ii. Laid-off employees of the Agency are eligible to apply as provided by the NAPE/AFSCME State of Nebraska Labor Contract or Nebraska Classified System Personnel Rules and Regulations.
- Extensions of the closing date for both internal/external positions may be requested. If an extension is needed to gather more applications and the closing date has expired, the supervisor has three (3) working days to consider reposting the position and set a new closing date. All applicants that previously applied will continue to be considered.

C. State's Re-Employment Program

- The DAS – State Personnel Recruitment Office will monitor all vacancies posted on Nebraska State Jobs Career Center to determine if any laid-off employee enrolled in the Re-Employment Program possesses the minimum qualifications for any listed vacancy at the same or lower pay line than employee's prior position. DAS – State Personnel Recruitment will notify the Agency Recruiter and the laid-off employee will be given priority consideration over all other applicants and offered the job. This employee will then be placed on a six (6) month original probation. No further interviews will be held and the job will be closed.

D. Veteran's Preference

- DAS – State Personnel and Human Resources' Recruiters will determine eligibility and award appropriate Veterans' Preference based on written documentation provided by the applicant at time of application (Nebraska State Statute 48-225 – 48-227). Veterans' Preference is provided to applicants upon initial appointment to State service only.

E. Screening and Selection Devices

- Before applications can be sent to the Hiring Supervisor, screening and selection devices must be developed and approved by Human Resources Recruitment.
- Applications can be screened by the Hiring Supervisor and/or the Recruiter. Applicants are ranked according to their score and a cutoff point is identified for interviews.

F. Interview Questions and Exercises

- Hiring supervisors will select interview questions, scoring criteria, exercises and other tools for interview purposes. All tools used must be approved by Human Resources Recruitment prior to use.

G. Interview Panels

- The Hiring Supervisor shall select his/her panel and forward the names to the Human Resources' Recruiting Officer who shall ensure they meet the following suggested guidelines:
  - i. At least two (2) individuals and when possible at least one (1) neutral member preferably from another Division/District or function of the Division/District. Panels shall consist of more than two when preferred.
  - ii. No interview member shall serve on a panel if they are related to any of the applicants being interviewed.
  - iii. When possible, panels should represent the diversity of the Agency and include a minority or female.

- iv. When possible, panel members shall be at the same level or higher than the position being interviewed for.
- v. Phone and/or web-based interviews should be considered and encouraged if internal applicants cannot appear due to demographic, scheduling or workload demands.

H. Interview

- Each panel member shall take notes during the interview to ensure they can justify the score they assign. Scoring may be done individually or as a group at the discretion of the panel.
- All panel members shall ensure confidentiality of the interviews.
- The Hiring Supervisor is responsible to ensure that applicants complete and sign all required forms.

I. Job Offers/Notification

- All hiring packets, documentation and required forms shall be forwarded through the Hiring Supervisor's respective Division Head/District Engineer for approval and then sent to Human Resources' Recruitment Office for review.
- Once Human Resources Recruitment has completed all the pre-hire requirements (veterans preference, reference/background check, salary approval, etc), the Recruiter will notify the hiring supervisor and an offer of employment may be extended.

J. Final Notification to Applicants

- Once a job offer has been accepted, Human Resources Recruitment office will notify all applicants by email notification that the position has been filled.

**V. Responsibilities of Employee**

Employees who choose to apply for positions within the State of Nebraska will complete the online application at <http://statejobs.nebraska.gov>

**VI. Responsibilities of Supervisor**

- A. Supervisors should work with the Human Resources Recruitment team to complete necessary forms in a timely fashion.
- B. Screening devices, interview questions, and other interview documentation should be approved by the Human Resources Recruitment team prior to use.



<i>Title:</i>		<i>Policy No.</i>
<b>Hiring Temporary Employees</b>		<b>1.2</b>
<i>Effective/ Revision Date</i>	<i>Approvals:</i>	
July 2015/January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for hiring temporary employees/work study employees.

**II. Definition**

**Summer Operations** –typically from February 1 – November 30. In most cases, positions are filled with the classifications of Highway Maintenance Worker or Highway Construction Technician I. Applicants applying for a highway maintenance position which require a CDL must be drug tested.

**Winter Operations** –typically from October 1 – March 31. Those applicants who have a CDL must be drug tested.

**Work Study** – students who are working toward a degree to gain experience in the particular field they have chosen, while continuing to attend classes at an accredited school. Applicants must be at least a <sup>3</sup>/<sub>4</sub> time student in good standing, majoring in a related field. Employment can be for up to 4 yrs.

**Other Temporary Employees** – May be needed throughout the year depending on workload demands or in situations where permanent employees are absent or unable to meet the needs of the Division/District. Student work study programs are included.

**III. Policy/Procedure**

Per Nebraska Classified System Personnel Rules and Regulations, Chapter 5, Temporary Employment, temporary employees may be full-time or part-time.

Temporary employees & Work Study employees may only be employed for a maximum of 2080 hours and must take a 30-day break in service upon reaching 2080 hours.

Authorization must be received prior to advertising and hiring temporary workers.

**IV. Responsibilities of Employee**

Employees who choose to apply for positions within the State of Nebraska will complete the online application at <http://statejobs.nebraska.gov>

**V. Responsibilities of Supervisor**

- A. Supervisors should work with the Human Resources Recruitment team to complete necessary forms in a timely fashion.
- B. Screening devices, interview questions, and other interview documentation should be approved by the Human Resources Recruitment team prior to use.

<i>Title:</i>		<i>Policy No.</i>
<b>Nepotism and Family Member Supervision</b>		<b>1.3</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the hiring and supervision of family members.

**II. Definition**

- A. Nepotism means the act of hiring, promoting, or advancing a family member in state government or recommending the hiring, promotion, or advancement of a family member in state government, including initial appointment and transfer to other positions in state government.
- B. Family member means an individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption, of an official or employee of state government, including the Nebraska Department of Transportation.
- C. Supervisor means an individual having permanent or temporary authority in the chain of command, in the interest of the state, to hire, transfer, suspend, lay off, recall, promote, discharge, evaluate, direct, assign duties or resources, reward, discipline, adjust grievances, or effectively to recommend any such action, if the exercise of such authority is not merely of a routine or clerical nature but requires the use of independent judgment.

**III. Related Forms**

*NDOT Form 331*: Family Member Disclosure

**IV. Policy/Procedure**

Nebraska Department of Transportation employees shall have an ongoing obligation to disclose the names of any family members who work for or are hired by NDOT, or who move into their chain of command at NDOT within seven days of becoming aware of the situation. This notification will be made by completing the Family Member Disclosure Form (*NDOT Form 331*) and submitting it to Human Resources.

Supervision by family members shall not be allowed absent a written showing of good cause and an exception granted by the Director.

For situations in existence at the time this policy is implemented, a written showing of good cause must be submitted by the affected employees, through and with the input of their DE/DH, to Human Resources within seven days of the effective date of this policy. The Director will then issue a determination indicating whether an exception will be granted to allow family member supervision to continue. If an exception is not granted by the Director, the agency will consider various options for remedying the problem consistent with the law, the interests of the agency and the interests of the employees involved.

In addition to the other penalties authorized under the Nebraska Political Accountability and Disclosure Act, any person violating this section may be subject to disciplinary action.

Questions regarding this policy should be directed to Human Resources.

**V. Responsibilities of Employee**

- A. Employees are responsible to complete NDOT Form 331 when becoming aware of a family member employed or hired by NDOT, or who move into their chain of command at NDOT within seven days.

**VI. Responsibilities of the Supervisor**

- A. Supervision of family members shall not be allowed without a written showing of good cause by the affected employees prior to position/status change and determination by the Director regarding whether an exception will be granted. In all situations where an exception is granted, the family member supervisor shall have no authority, recommendation, or input into the following decisions pertaining to their family member: to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, responsibility to direct them or to adjust their grievances, or effectively to recommend any such action, if the exercise of such authority is not merely of a routine or clerical nature but requires the use of independent judgment.
- B. In the event an exception is granted, a copy of the same shall be filed with the Nebraska Accountability and Disclosure Commission and shall be considered a public record.

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<i>Title:</i>		<i>Policy No.</i>
<b>Neutral Reference</b>		<b>1.4</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for employment references for current and former employees.

**II. Definition**

Neutral reference means position held, dates of employment and current/last wage.

**III. Related Forms**

N/A

**IV. Policy/Procedure**

It is the policy of the Agency to provide a neutral employment reference for current and former employees applying for positions outside of state government.

Documented employment information from a current or former employee’s personnel file shall be shared with other State Agency Human Resource Staff or Hiring Supervisors when the current or former employee has applied for a position in another department/Division/Agency.

If the employee/former employee provides a written authorization to release additional information, only documented information in the official personnel file can be released. All requests for references and/or verification of employment shall be directed to Human Resources. Only a representative from Human Resources is authorized to provide information on behalf of the employee/former employee.

If an employee is listed as a *personal* reference, the employee may provide a response keeping in mind the information given is based on *personal* knowledge of the individual and is **not** based on the employee’s official capacity with the Agency.

**Note:** Also see Chapter 12 of Nebraska Classified System Personnel Rules and Regulations.

**V. Responsibilities of Employee**

Employees are responsible to meet the expectations set out in this policy.

**VI. Responsibilities of the Supervisor**

Supervisors are responsible to meet the expectations set out in this policy.

Supervisors should contact Human Resources for guidance as necessary

<i>Title:</i>		<i>Policy No.</i>
<b>Work Schedules &amp; Attendance</b>		<b>2.1</b>
<i>Effective/Revision Date</i>		<i>Approvals:</i>
July 2015/September 2020		Rachelle Van Cleave, HR Director

**I. Overview**

The Nebraska Department of Transportation (NDOT) is committed to assisting teammates in maintaining a healthy work/life balance by offering a number of work schedules and alternative work arrangements. Flexible schedules and alternative work arrangements provide employees with increased flexibility while allowing NDOT to maintain a progressive and productive work environment. NDOT teammate work schedules and alternative work arrangements will be considered on a case-by-case basis in situations where creative work schedules have been shown to accomplish both work and personal goals, provide coverage for District/Division operations, and to serve our customers while carrying out the Department's mission.

**II. Definition**

Work schedules and alternative work arrangements are work arrangements that include flexible work schedules, compressed workweeks and remote working.

**III. Policy/Procedure**

A. The following are examples of possible work arrangements available to teammates:

- Flextime, in which an employee works eight hours per workday, but there is flexibility in a teammate's set scheduled starting and ending times.
- Compressed workweeks, in which a teammate works 10 hours per workday, reducing the workweek to four days a week.
- Compressed workweeks, in which a teammate works nine-hour workdays Monday through Thursday and four hours each Friday.
- Remote work allowing teammates to work at home or other off-site locations. See Policy Remote Work 3.10.

B. District or Division Leadership is responsible for identifying the work arrangements that are suitable for their division or district. This may include determining if the entire workgroup or an entire shift converts to one or more of the above alternative scheduling options. The Supervisor, in consultation with their District or Division Leadership, will approve or deny the work arrangement request based on staffing needs, the teammate's job duties, and performance record. The Supervisor must assess the impact and the outcome in terms of production, quality, absenteeism, and if one or a combination of the above arrangements is in the best interests of the Department. Flexible work arrangements may not be appropriate for all employees or positions.

C. Achieving business objectives and meeting customer needs is a primary factor that will be considered in determining whether or not teammates and the duties teammates perform are eligible for a flexible

schedule or an alternative work arrangement. The teammate's Supervisor, in consultation with District and Division leadership, will determine if business goals can be met through a flexible schedule or an alternative work arrangement.

- D. The schedule and work arrangement may be modified or terminated for any reason at any point by the teammate's Supervisor. The teammate will be given a two-week notice of the schedule change by their Supervisor. A teammate wishing to change or cancel their alternative work arrangement will need prior approval from their Supervisor before making any changes to their schedule.

**IV. Attendance**

- A. Implicit in the employment partnership is the fact that workloads and business activities are planned with the assumption that all teammates will act in accordance with their approved work schedule while performing their functions.
- B. Regular and reliable attendance is an essential function of each teammate at NDOT. Teammates are expected to report for work as scheduled, on time, and prepared to start working. Unplanned absences do occur from time to time. However, unplanned absences may become problematic, for example when they affect NDOT's ability to meet business needs or when an apparent pattern of the use of unplanned absences becomes disruptive to the work unit.
- C. Certain types of leave, such as Family and Medical Leave (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA) should not be considered when reviewing a teammate's attendance record.

**V. Miscellaneous**

- A. Work schedules, including alternative work arrangements, shall comply with federal and state law, the current NAPE/AFSCME Labor Contract, and State Personnel Rules and Regulations.
- B. The teammate's work schedule shall be recorded through the Kronos timekeeping system.

**VI. Responsibilities of Employee**

- A. The teammate is responsible for following their approved work schedule while ensuring regular and reliable attendance.
- B. Non-exempt teammates need to accurately record their time worked every day by clocking in and out in the timekeeping system.
- C. Teammates shall obtain approval from their Supervisor prior to beginning, canceling or changing their work schedule.

**VII. Responsibilities of the Supervisor**

- A. Supervisors will review and discuss work arrangement options with their teammate; if there are no flexible or alternative work arrangements available to the teammate, the Supervisor shall discuss the circumstances with the teammate.
- B. Supervisors are responsible for entering their teammate's work schedule into the Kronos timekeeping system.

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<i>Title:</i>		<i>Policy No.</i>
<b>Emergency Weather</b> <i>(previously Disruption of Normal Working Conditions)</i>		<b>2.2</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
July 2009/ April 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for emergency situations when weather conditions may prevent an employee from reaching, or remaining, at the worksite.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

- A. Agencies of the State of Nebraska have a statutory responsibility (81-113) to be open for the transaction of business from at least 8:00 a.m. to 5:00 p.m., Monday through Friday.
- B. An integral part of the Agency’s mission is to provide and maintain a safe statewide transportation system for the movement of people and goods. Employees subject to being called 24 hours a day to respond to emergency situations shall make every reasonable effort to report for duty at their assigned worksite.
- C. During periods of inclement weather, employees may determine if they are unable to report to work.
- D. Flexing of work schedules to make up hours, or working from an alternate location for emergency situations may be used if within the same 40-hour week (defined as any Monday through Sunday) and if pre-approved by the Supervisor.
- E. Use of sick leave during an emergency weather situation is to be used as stipulated under the sick leave sections of the NAPE/AFSCME State of Nebraska Labor Contract and Nebraska Classified System Personnel Rules and Regulations.

**V. Responsibilities of the Employee**

- A. In the event an employee chooses not to report to work, they must contact their Supervisor or Designee for approval to use accrued vacation leave, accrued compensatory time, or if leave balances are insufficient to cover absences, time will be without pay.

**VI. Responsibilities of the Supervisor**

- A. Supervisors should be reasonable in approving/denying requests, taking into consideration factors such as weather conditions and safety.

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<i>Title:</i>		<i>Policy No.</i>
<b>Facility Unavailability/Ready To Work Status</b>		<b>2.3</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
March 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for situations in which working conditions in a building are intolerable due to a cooling/heating system malfunction, in a situation where there is no power in a building, or other similar circumstances.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

- A. Agencies of the State of Nebraska have a statutory responsibility (81-113) to be open for the transaction of business from at least 8:00 a.m. to 5:00 p.m., Monday through Friday.
- B. During times of emergency when an event or situation would prevent the employee from working at the normal worksite (such as building shutdown, maintenance, etc), employees may either be directed to an alternate worksite or may be placed on a “Ready To Work” status. All situations requiring a “Ready To Work” status must be requested by the Nebraska Department of Transportation Director and approved by DAS-State Personnel prior to authorization of such paid status.
- C. Ready To Work status shall be defined as a status in which employees are paid, and must return to the designated worksite within an appropriate amount of time when requested to do so.
- D. During such times of emergency, the Division Head/District Engineer may designate an alternative worksite as a temporary work location. As soon as possible, the Division Head/District Engineer shall inform the Human Resources’ Administrator of this alternative worksite. The Division Head/District Engineer shall determine when the workplace is once again safe and/or the emergency situation has been resolved.
- E. Notice will be sent from Human Resources to the appropriate Division Heads or designees that a building will be closed and employees are to go to the alternate worksite or home in a “Ready To Work” status (as determined by the Director/Deputies).
- F. Flexing of work schedules to make up hours or working from an alternate location for emergency situations may be used if within the same 40-hour week (defined as any Monday through Sunday) and if pre-approved by the Supervisor.
- G. If an employee does not wish to work at an alternate worksite or be in a “Ready To Work” status or cannot be reached to return to work once the work site is available, they will need to use accumulated vacation leave or compensatory time.
- H. All work procedures, rules, contract and regulations continue to apply.



**V. Responsibilities of Employee**

- A. Employees shall provide contact information to their Division Head or designee before leaving and must be available to return to work when notified.

**VI. Responsibilities of the Supervisor**

- A. The Division Head or designee will notify their employees when they are to return to work.

<i>Title:</i>		<i>Policy No.</i>
<b>Equal Employment Opportunity</b>		<b>3.1</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017/June 2018	Rachelle Van Cleave, HR Director	

**I. Overview**

The Agency is firmly committed to Equal Employment Opportunity, and endorses actions that insure compliance with the letter, intent, and spirit of this policy.

**II. Definition**

Equal Employment shall be defined as ensuring every citizen is given fair and equal opportunity for employment and advancement.

**III. Related Forms**

NDOT Form 305: Employment Discrimination Complaint

**IV. Policy/Procedure**

The Agency firmly supports the concept of Equal Employment Opportunity (EEO). Equal Employment Opportunity for all persons, regardless of race, color, sex (including pregnancy), national origin, marital status, disability, genetic information, religion, age, or military status or service requirements, is a fundamental Agency policy. Equal Employment Opportunity is a moral, social, legal and economic necessity for the Agency. Any form of discrimination is strictly prohibited.

An Equal Employment Opportunity Program requires taking positive steps to identify and eliminate barriers to employment. NDOT’s goal is to achieve a workforce that is relatively the same as Nebraska’s working population.

Veterans and disabled veterans will be provided services and preferences as outlined in veteran’s preference statutes.

Agency managerial and supervisory staff will work actively to provide and achieve equal opportunity within their respective Division/District and program operations.

To implement these policies, the Agency will strive to:

- A. Recruit, hire, train, and promote employees in all job classifications and at all levels without regard to race, color, sex (including pregnancy), national origin, marital status, disability, genetic information, religion, age, or military status or service requirements.
- B. Insure that all personnel actions, including but not limited to, compensation, benefits, transfers, promotions, layoffs, terminations, reinstatements, tuition assistance, selection for education or training classes, treatment during employment or any other conditions of employment, are administered in a non-discriminatory manner.
- C. Base hiring and employment decisions on merit with due regard for Equal Employment Opportunity.
- D. Communicate the Agency’s EEO policies to employees and prospective employees.

- E. Identify and eliminate practices, policies, and procedures which result in disparate impact or unjust treatment.
- F. Maintain procedures for employees and applicants to file complaints and grievances about unjust treatment.
- G. Continue to work to create a workplace environment free from any form of harassment, based in whole or in part, on race, color, sex (including pregnancy), national origin, marital status, disability, genetic information, religion, age, or military status or service requirements (including veterans' preference protections afforded by law).
- H. Inflammatory comments, jokes, printed material and/or innuendo, unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature are expressly forbidden in the workplace and/or when representing the Agency.
- I. Provide reasonable accommodation to the known or self-identified physical or mental limitations of qualified employees and applicants consistent with State and Federal Statutes. For information about requesting and/or providing accommodations, see Human Resources Policy 3.16 (ADA – Disability Accommodation Requests.)

**V. Responsibilities of Employee**

- A. All new employees shall review the Equal Employment Opportunity and Workplace Harassment policies through the on-line learning system; and the policies shall be placed on all bulletin boards used to communicate agency information to employees.
- B. Any individual who believes that he/she has been the subject of employee discrimination may file a complaint (NDOT Form 305) with their supervisor, any member of their respective chain of command, or the Human Resources Division, P.O. Box 94759, Lincoln, Nebraska 68509-4759, or by calling 402-479-4574.

**VI. Responsibilities of Supervisor**

Supervisors who become aware of any possible violations of Equal Employment opportunities should contact Human Resources.

- VII.** The State of Nebraska Policy is attached. To the extent there are differences between the two policies, employees are required to follow the NDOT policy.

**STATE OF NEBRASKA**  
**EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The State of Nebraska firmly supports the policy of equal employment opportunity. All policies and procedures for the State shall be administered in a manner that prohibits discrimination against any individual or group based on race, color, religion, sex, age, national origin, disability, marital status, or genetics.

The State of Nebraska has formally endorsed this policy through the passage of the Nebraska Fair Employment Practices Act and equal employment opportunity. Through these actions, it is the intent of the State to maximize the effective use of human resources and, in so doing, insure that the State government workforce is representative of the composition of the State labor force. In this regard, all employees and applicants for employment shall be given equal access to employment and advancement opportunities. Also, those charged with administrative and decision making responsibilities shall take deliberate steps and employ results-oriented procedures to identify and eliminate artificial barriers to employment and advancement which serve to discriminate against protected groups.

To implement these policies, the State of Nebraska, through its administrative entities, will strive to:

- 1) Recruit, hire, train and promote in all job classifications and at all levels without regard to race, color, religion, age, sex, marital status, national origin, disability, or genetics.
- 2) Insure that all personnel actions (including but not limited to compensation, benefits, promotion, transfers, layoff, termination, reinstatement, tuition assistance, selection for education or training, treatment during employment or any other conditions of employment) are administered in an open and non-discriminatory manner.
- 3) Base hiring and employment decisions on merit in order to further equal employment opportunity in State government.
- 4) Communicate the State equal opportunity policy to employees and prospective employees.
- 5) Identify and eliminate practices, policies and procedures which result in disparate impact or unfair treatment.
- 6) Create a workplace environment absent from any form of work place harassment based, in whole or in part, on race, color, religion, sex, age, national origin, disability, marital status, or genetics.

All code agencies shall make and demonstrate good faith efforts to follow and promote the principle of equal employment opportunity.

Pete Ricketts,  
Governor

Revised April 2017

<i>Title:</i>		<i>Policy No.</i>
<b>Workplace Harassment</b>		<b>3.2</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017/June 2018	Rachelle Van Cleave, HR Director	

**I. Overview**

It is the policy of the Agency that everyone is to be treated fairly and equally, with dignity and respect. Any form of workplace harassment on the basis of race, color, sex (including pregnancy), national origin, marital status, disability, genetic information, religion, age, or military status or service requirements is prohibited. Harassing, or retaliating against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit is also prohibited.

**II. Definition**

- A. Workplace harassment shall be defined as sexual harassment or any inflammatory comments, jokes, printed or electronic material and/or innuendo when:
  - a. such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment; or
  - b. such conduct interferes unreasonably with a person’s work or employment opportunities.
  
- B. Sexual harassment shall be defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, on or off duty, when:
  - a. submission to such conduct is made either explicitly or implicitly a term of an individual’s employment or for receipt of Agency services; or
  - b. submission to or rejection of such conduct by an individual is used as the basis for employment or Agency decisions affecting an employee or recipient of the Agency’s services; or
  - c. such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or the receipt of services by a recipient of the Agency’s services, or of creating an intimidating, hostile or offensive environment.
  - d. Sexual harassment does not include personal compliments welcomed by the recipient, social interaction, or relationships freely entered into by the parties involved.
  
- C. An offensive work environment is defined as an environment that a reasonable person would find hostile or abusive. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The individual must perceive the environment to be hostile or abusive in order for the conduct to have altered the conditions of the individual’s employment.

**III. Related Forms**

NDOT Form 305: Employment Discrimination Complaint

**IV. Policy/Procedure**

It shall be considered a violation of the policy for any employee to engage in workplace harassment, and for any supervisory personnel to knowingly permit workplace harassment of any employee or recipient of the Agency's services.

It shall be the policy of the Agency to eliminate all forms of workplace harassment. The Agency shall take prompt action to investigate all instances of alleged workplace harassment. In the event that any allegation of workplace harassment is substantiated, the Agency shall take prompt corrective action including, where appropriate, disciplinary action imposed pursuant to the Classified System Personnel Rules and Regulations, applicable labor contract, or other policies, rules, or regulations that may apply.

**V. Responsibilities of Employee**

- A. Any individual who believes that he/she has been the subject of workplace or sexual harassment may file a complaint (NDOT Form 305) with their supervisor, any member of their respective chain of command or the Human Resources Division, P.O. Box 94759, Lincoln, Nebraska 68509-4759, or by calling 402-479-4574.
- B. Any employee who witnesses or suspects workplace or sexual harassment is or has occurred is responsible to inform their supervisor, any member of their respective chain of command or the Human Resources Division.
- C. All employees shall review the Workplace Harassment Policy through NDOT's on-line learning system

**VI. Responsibilities of the Supervisor**

Supervisors who become aware of any possible workplace or sexual harassment have the responsibility to immediately contact the Human Resources Division, P.O. Box 94759, Lincoln, Nebraska 68509-4759, or by calling 402-479-4574.

- VII.** The State of Nebraska Policy is attached. To the extent there are differences between the two policies, employees are required to follow the NDOT policy.

**STATE OF NEBRASKA  
WORKPLACE HARASSMENT POLICY**

It is hereby declared to be the policy of the government of the State of Nebraska that everyone be treated fairly and equally with dignity and respect. Any form of workplace harassment on the basis of race, color, religion, age, sex, disability or national origin is discriminatory and in violation of this policy. It shall be considered a violation of this Policy for any employee to engage in workplace harassment or for any supervisory personnel to knowingly permit workplace harassment of any employee or recipient of the agency's services. For the purpose of this Policy, the term "agency" shall mean each department, agency, office, board, commission and committee of the State of Nebraska.

For the purpose of this Policy, "workplace harassment" shall be defined as sexual harassment or any inflammatory comments, jokes, printed material and/or innuendo, based in whole or in part, on race, color, sex, religion, age, disability or national origin, when:

- (1) a reasonable person could conclude such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
- (2) such conduct interferes unreasonably with a person's work or employment opportunities.

For the purpose of this Policy, "sexual harassment" shall be defined as any unwelcome sexual advances, requests for sexual favors, and either verbal or physical conduct of a sexual nature, when:

- (1) submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment or a condition to receipt of services by a recipient of the agency's services; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment or agency decisions affecting an employee or a recipient of the agency's services; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or the receipt of services by a recipient of the agency's services, or of creating an intimidating, hostile or offensive environment.

It is the policy of the government of the State of Nebraska that all agencies are obligated to take immediate and appropriate action to investigate all instances of alleged workplace harassment reported to the agency. If an employee reports sexual harassment to the Department of Administrative Services in accordance with State law, the Department will ensure an investigation is conducted and report the findings to the Agency Director or Board Chair as appropriate. In the event that any allegation of workplace harassment is substantiated, the agency involved shall take prompt corrective action including, disciplinary action, where appropriate.

It is further declared to be the policy of the government of the State of Nebraska that all affected agencies shall have an internal agency policy pertaining to workplace harassment. Agencies are directed to consult with DAS-State Personnel prior to the implementation of any internal agency workplace harassment policies.

Any individual who believes that he or she has been the subject of workplace harassment is encouraged to report the alleged incident immediately to the appropriate persons as specified in the agency workplace harassment policy or to the Department of Administrative Services in accordance with State law.

Pete Ricketts  
Governor

<i>Title:</i>		<i>Policy No.</i>
<b>Workplace Violence</b>		<b>3.3</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

It is the policy of the Nebraska Department of Transportation to promote a safe environment for its employees. The Agency is committed to working with our employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, bullying and other disruptive behavior.

**II. Definition**

Workplace Violence can include, but is not limited to, oral or written statements, gestures, expressions or any other behavior that communicates a direct or indirect threat of physical harm or damage to state or personal property.

**III. Related Forms**

N/A

**IV. Policy/Procedure**

Violence, threats, harassment, intimidation, bullying and other disruptive behavior will not be tolerated. All reports of such incidents will be taken seriously and will be dealt with appropriately. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, up to and including termination and/or criminal charges being filed.

Severe threats or assaults that may require immediate attention shall be reported to police by calling 911. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior

**V. Responsibilities of Employee**

A. Anyone who observes or experiences such behavior by any state employee or individual on the premises should report it immediately to a Supervisor or Manager.

**VI. Responsibilities of the Supervisor**

A. Supervisors and Managers who receive reports of possible workplace violence shall contact Human Resources.



<i>Title:</i>		<i>Policy No.</i>
<b>Performance Evaluation</b>		<b>3.4</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the completion of annual performance evaluations for all staff within NDOT.

**II. Definition**

Performance evaluations are tools used to measure and discuss objective, measurable job performance. Personal opinions and personal characteristics should not be included or commented on.

**III. Related Forms**

Electronic Format

**IV. Policy/Procedure**

NDOT Supervisors shall regularly evaluate employee performance and provide feedback on performance to the employee. Performance evaluations may be prepared for all employees as indicated below:

- a. Upon completion of the original probationary period.
- b. At least on an annual basis with date to be determined by the agency.
- c. On occasions when the supervisor desires to record performance worthy of recognition, either favorable or unfavorable. Reasons for submission of this type of special report shall be explained in the report.

The employee should be provided with feedback on performance on a regular basis throughout the report period to address issues rather than wait until the end of the period. If an employee chooses not to sign the plan/evaluation form, the Supervisor should so note and indicate the date the performance plan/evaluation interview was conducted. Employees have the right to add their written comments and shall have access to their completed and signed performance evaluation at the conclusion of the process.

The performance plan/evaluation is a review and assessment of performance. Therefore, nothing in the review should be a surprise to the employee being evaluated. A single incident of a performance deficiency especially at the beginning or end of the plan/evaluation period should not be allowed to outweigh an otherwise satisfactory performance.

Performance evaluations are maintained in the Employee Development Center.

**V. Responsibilities of Employee**

- A. Complete self-review
- B. Take an active role in the development of goals.

**VI. Responsibilities of the Supervisor**

- A. It is the responsibility of each Supervisor to accurately assess and complete a performance plan/evaluation for each employee.
- B. A Supervisor may initiate a performance plan/evaluation at any time when in their judgment it will be helpful. When reasonably practical, a Supervisor may also conduct a performance plan/evaluation when requested by an employee. For assistance with the evaluation in the Employee Development Center (*EDC*), contact Human Resources.
- C. Supervisors should give credit for good work as well as note areas needing improvement. Where there is a need for improvement, it is important to cite specific incidents where the employee's performance has not been satisfactory and to clarify what is expected. In the event an employee has need of improvement, the Supervisor should provide specific expectations. At the Supervisor's discretion, a formal improvement plan may be included with the employee evaluation. Any improvement plan should be reviewed by Human Resources prior to providing to the employee.
- D. Performance evaluations should be discussed with the employee, and employees have the right to add his/her comments. The signing of the performance evaluation by the employee does not signify the employee's agreement with the content, but only that he/she has seen the performance evaluation, that it has been discussed with the employee and that the employee has been given an opportunity to comment. The evaluator shall sign and date the performance evaluation. If the employee refuses to sign, the supervisor and witness shall document the employee's refusal on the employee's performance evaluation form. The employee may attach written comments regarding the evaluation if he/she desires.

<i>Title:</i>		<i>Policy No.</i>
<b>Drug and Alcohol Free Workplace</b>		<b>3.5</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017/ March 2023	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the establishment and support of a drug and alcohol free workplace.

**II. Definition**

- A. Controlled substance means any drug listed in 21 U.S.C. 812, Nebraska Reissue Revised Statute (2007 Reissue) §28-401 et. seq. and other state or federal statutes or regulations. Such drugs include, but are not limited to: Heroin, Marijuana, Cocaine, PCP and Crack. They also include “prescription drugs” which have not been prescribed by a licensed physician.
- B. Workplace means all property including, but not limited to, the offices, facilities and surrounding areas, parking lots, storage areas, owned or leased vehicles and equipment wherever located, whether owned or leased and whether or not they are in the control of the State.

**III. Related Forms**

- A. NDOT Form 21: Reasonable Suspicion and/or Alcohol Test Documentation
- B. NDOT Form 217: Observed Behavior Reasonable Suspicion Record

**IV. Policy/Procedure**

The State of Nebraska is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive workforce. To this end, the State unequivocally endorses the philosophy that the workplace should be free from the detrimental effects of illicit drugs. To ensure worker safety and workplace integrity, the State of Nebraska prohibits the manufacture, possession, distribution or use of controlled substances in the workplace by its employees or those who engage or seek to engage in business with the State.

NDOT employees are prohibited from unlawful manufacture, distribution, dispensation, possession or use of alcohol and/or controlled substances in the workplace. The possession or use of alcohol during non- working hours for those Aeronautics employees who reside on state airfields is exempt from this policy. Any employee found violating this policy and/or is convicted of violating any criminal drug statute while on state property will be subject to discipline up to and including termination. Employees may be required to successfully complete an approved drug/alcohol abuse program sponsored by a private or governmental institution.

There will be no differentiation between someone who illegally uses drugs and someone who sells or distributes drugs. Any employee who gives, or in any way transfers, a controlled substance to another person or sells or manufactures a controlled substance while on the job, while representing NDOT in an official capacity, or while on state property will be subject to the consequences listed above.

**A. Disciplinary Action**

Any employee who tests positive, becomes unqualified, refuses to submit to a reasonable drug/alcohol or engages in prohibited conduct as set forth herein will be subject to disciplinary action and termination.

- i. Alcohol
  - (a) Employees with a CDI and/or operating a vehicle for state business having a blood alcohol level of .02 percent or greater shall be immediately relieved from duty pending disciplinary action.
  - (b) Employees having a blood alcohol level of .04 percent or greater, shall be treated as a positive test.
- ii. Drugs
  - (a) Any employee having a confirmed positive test will be immediately relieved from duty pending possible disciplinary action up to and including termination.
- iii. Positive Test Results
  - (a) Any employee having a confirmed positive test shall be terminate.
- iv. Rehire of Drug & Alcohol related terminations.
  - (a) Terminated employees will not be eligible for reemployment for any reason within NDOT that is categorized as a "safety critical position" as defined by the FMCSA until:
    - (i) 12 months have passed since termination
    - (ii) Provided proof of a successful completion of DOT-approved substance abuse program (SAP)
    - (iii) Received a negative result on a Return-to-Duty DOT drug test.
  - a) Terminated employees will not be eligible for reemployment for any non-safety critical position for 30 calendar days.
  - b) Any employee, having previously been terminated for a positive result, rehired into a non safety-critical position may not be considered for any internal transfer or hire into any safety-critical position as defined by the FMCSA until they have met all requirements outlined in Section 3.5 IV iv(a)(iii)

## B. Reasonable Cause Testing

- i. NDOT employees may be subject to drug and alcohol testing when there is reasonable cause or suspicion to believe the employee is using or under the influence of a controlled substance or alcohol while on duty or on the workplace.
- ii. Reasonable cause or suspicion exists when the actions or appearance of an employee are out of the ordinary and unusual to the normal behavior patterns of the employee. It is based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his/her duties due to what appears to be drug or alcohol impairment. The conduct relied upon to form reasonable cause or suspicion must be based on specific and articulable observations, including but not limited to, observable signs of intoxication (such as bloodshot or watery eyes, slurred speech, appearance, unsteady body movement or breath odors); a work related accident or near accident which indicates employee fault; decrease in the quality or quantity of employee productivity, judgment, reasoning, concentration, marked changes in behavior, deviations from safe working practices, erratic conduct; or credible information received from a reliable person with firsthand knowledge are examples of reasonable belief situations. The behavior should be witnessed by two (2) Supervisors trained to detect drug and alcohol abuse. In specific cases where two (2) Supervisors are not readily available, one (1) Supervisor may witness the behavior and document it. The employee's suspicious behavior shall be documented on **NDOT Form 21** and **NDOT Form 217** and sent to Human Resources.

- iii. In cases where NDOT Management believes that reasonable cause or suspicion exists that an employee is under the influence of an intoxicating substance while on duty or on work premises, Management shall direct the employee to undergo drug/alcohol testing.
- iv. If an employee is referred for testing, all efforts will be made to transport the employee with one (1) member of Management to the nearest testing facility. The employee will be required to provide a breath or urine sample. The sample will be tested qualitatively for at least the following substances:
  - THC
  - Cocaine
  - PCP
  - Opiates
  - Methamphetamine/amphetamine
  - Alcohol
- v. An employee that is required to submit a sample for testing after determination of reasonable cause or suspicion shall be informed verbally that he/she is being placed on unpaid investigatory suspension, pending the outcome of an investigation.
- vi. After the testing is complete, the employee shall not be returned to work or allowed to drive home. Management will assist the employee in arranging for transportation home after the testing.
- vii. An employee who refuses to submit a sample under this policy will be placed immediately on unpaid investigatory suspension and will be subject to disciplinary action. Refusal by an employee to be tested, or confirmation by the lab of a specimen which has been altered shall be treated as a positive test. Employees suspected of being under the influence of drugs/alcohol and refuse to be escorted to be tested shall be given a directive not to drive. Local law enforcement shall be notified if an employee suspected of being under the influence disregards a directive not to drive and leaves the premises by operating a motor vehicle.
- viii. If the investigation determines a negative test for alcohol/drugs, the employee will be reinstated back to work and all leave without pay during the investigatory suspension will be paid back to the employee and all records of the investigation in the employee's personnel file will be purged.

**V. Responsibilities of Employee**

- A. All newly hired temporary and permanent employees will acknowledge receipt for this policy through the Employee Development Center.
- B. Not report for duty or remain on duty when using any drug, except when the use is pursuant to the instructions of a physician who has advised the employee that the drug does not adversely affect the employee's ability to safely operate a vehicle or equipment.
- C. Employees will be required to report within five (5) days any criminal drug statute arrest(s) or conviction to his/her immediate Supervisor. The Supervisor will immediately report such conviction to Human Resources.

**VI. Responsibilities of the Supervisor**

Supervisors shall enforce the provisions of this policy within their areas of responsibility and, when appropriate, ensure that employees are encouraged to use the Employee Assistance Program (EAP) and attend training to recognize behaviors which indicate drug and alcohol abuse.

**VII. Responsibilities of Human Resources**

- A. Provide the appropriate training to staff upon hire, and when necessary to meet the requirements of policy 3.5 and 3.6.
- B. Documentation will be maintained showing employee acknowledgement of this policy.

<i>Title:</i>		<i>Policy No.</i>
<b>Drug and Alcohol Testing</b>		<b>3.6</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017/March 2023	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the Agency’s compliance with the OMNIBUS Transportation Testing Act of 1991 and relevant U.S. Department of Transportation (*DOT*) regulations. All safety sensitive positions (*those requiring a CDL*) are subject to this policy.

**II. Definition**

**III. Related Forms**

- A. *NDOT Form 21: Reasonable Suspicion Drug and/or Alcohol Test Documentation*
- B. *NDOT Form 134: Referral or Authorization for Services*
- C. *NDOT Form 208: Post-Accident Information Worksheet*
- D. *NDOT Form 215: Post-Accident Alcohol and Drug Test Documentation*
- E. *NDOT Form 217: Observed Behavior Reasonable Suspicion Record*
- F. *NDOT Form 218: Employee Authorization for Release of Post-Accident Hospital Records*
- G. *NDOT Form 228: Employee Authorization for Release of Test Results Performed by Law Enforcement Agency*

**IV. Policy/Procedure**

The policy of the Agency is to comply with the OMNIBUS Transportation Testing Act of 1991 and relevant U.S. Department of Transportation (*DOT*) regulations; to provide an efficient and safe work environment; ensure a drug and alcohol free transportation environment; and reduce accidents, injuries, and fatalities.

**A. Testing Categories (NDOT Form 134)**

1. Pre-Employment

All applicants applying for positions requiring a CDL will be subject to drug testing and consent to the Federal Motor Carrier Services Administration FMCSA Clearinghouse query, as required by regulations, after being given a conditional offer of employment. This includes temporary, part-time, and full-time. Applicants who fail a drug test (*test positive for illegal drugs*) after being given a conditional offer of employment will be informed that the conditional offer of employment is withdrawn. These applicants (*as well as applicants who refuse to be tested or fail to report for a test or have tested positive with a previous employer or refuse to consent to the FMCSA Clearinghouse query*) will be informed, in writing, that they will not be considered again for employment for a 12-month period if tested positive and until they have provided proof of the successful completion of a rehabilitation program. They will also be given information for referral to a local rehabilitation facility. If the applicants described in this paragraph again selected to receive a conditional offer of employment, they will again be scheduled for and must pass a test (*test negative*) and consent to the FMCSA Clearinghouse query.

- a. Employees promoted, demoted, or transferred from a position not covered by this policy to a position covered by this policy on a temporary or permanent basis shall be required to pass a drug test and consent to the FMCSA Clearinghouse query.
- b. Pre-employment drug tests will be paid for by the Agency.

2. Random (*NDOT Form 134 – sent to Division/District*)
  - a. Each calendar year 50% of the average number of drivers will be tested for drugs and 10% for alcohol.
  - b. Alcohol and drug selections will be scientifically or computer-generated from those drivers subject to testing. By its very nature, individuals may be selected in consecutive periods or more than once in a calendar year. Alternatively, some drivers may not be selected in a calendar year.
  - c. Human Resources shall provide a list of employees for random testing for Divisions/Districts.
  
3. Reasonable Suspicion (*NDOT Forms 134, 21, 217*)
  - a. Any employee who displays physical, behavioral, or performance indicators of probable drug or alcohol use should be considered for a drug or alcohol test. The behavior should be witnessed by two (2) Supervisors trained to detect drug and alcohol abuse. In specific cases where two (2) Supervisors are not readily available, one (1) Supervisor may witness the behavior and document it.
  - b. The employee's suspicious behavior shall be documented and sent to Human Resources.
  - c. Testing should be performed as soon as possible. If not conducted within two hours of determination, the Supervisor shall prepare and maintain a file stating why. If not performed within eight (8) hours, the Supervisor should cease attempts and record why. All documentation should be forwarded to Human Resources.
  - d. Employees covered by this policy who sustain an on-the-job injury may be tested for the presence of drugs and alcohol unless the injury is of such a nature that will not permit testing, testing would interfere with treatment, or the injury does not require treatment.
  
4. Post-Accident (*NDOT Forms 134, 208, 215, 218, 228*)
  - a. As soon as practicable following an accident involving a motor vehicle, the driver shall be tested for drugs and alcohol when:
    - i. The accident involved a fatality; or
    - ii. A citation is issued to the NDOT employee under state or local law for a moving violation arising from the accident and any party involved requires immediate treatment for an injury away from the accident scene (*i.e., taken away in an ambulance*), or
    - iii. A citation is issued to the NDOT employee under state or local law for a moving violation and any vehicle involved in the accident incurs “disabling damage” (*i.e., if a vehicle has to be towed away.*)
  - b. If an alcohol test required by this section is not administered within two (2) hours following the accident, the Supervisor shall prepare a record stating the reasons the test was not promptly administered. If an alcohol test required by this section is not administered within eight (8) hours following the accident, the Supervisor shall cease attempts to administer an alcohol test and shall prepare the same record and forward to Human Resources.
  - c. If a drug test required by this section is not administered within 32 hours following the accident, the Supervisor shall cease attempts to administer a drug test, and prepare a record stating the reasons that the test was not promptly administered. Documentation should be forwarded to Human Resources.
  - d. If a law enforcement officer does not issue a citation within the specified timeframes (*Section 2 and/or 3 above*), you should not attempt to conduct post-accident testing and should proceed with documenting the reason why the test was not performed.



- e. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the Agency to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
5. Post-Fatality
 

In the event an employee covered by this policy dies as a result of on-the-job injuries, urine and blood samples shall be taken for testing to determine the presence of drugs and/or alcohol, if practicable to do so. The appropriate local authority, coroner, or medical examiner shall be advised of the requirement for this testing.
  6. Return-To-Duty (*NDOT Form 134*)
    - a. Human Resources shall ensure that before an employee returns to duty after engaging in prohibited conduct regarding alcohol misuse, the employee shall undergo a return-to-duty alcohol test indicating a breath alcohol concentrate of less than .02 percent.
    - b. Human Resources shall ensure that before an employee returns to duty after engaging in prohibited conduct regarding drug use, the employee shall undergo a return-to-duty drug test with a result indicating a certified negative result.
    - c. In the event a return-to-duty test is required because of a .04 percent alcohol or positive drug test, the employee must also be evaluated by a substance abuse professional (*SAP*) and participate in any programs prescribed.
  7. Follow-up (*NDOT Form 134*)
    - a. Following a determination that an employee is in need of assistance in resolving problems associated with alcohol and/or drug misuse, the Agency shall, if applicable, ensure that the employee is subject to unannounced follow-up drug and/or alcohol testing, as directed by the *SAP*.
    - b. Such employees, if applicable, shall be subject to a minimum of six (6) follow-up drug and/or alcohol tests in the first 12 months. Follow-up testing may continue for a period of up to 60 months.
    - c. Alcohol follow-up testing shall be performed only when the driver is performing safety-sensitive functions, or immediately prior to performing or immediately after performing safety-sensitive functions.
  8. Test Following 24-Hour Suspension
 

When applicable, before an employee can return to work following being sent home for 24 hours or until his/her next scheduled on duty time, whichever is longer, after a test indicated a .02 percent to .0399 percent alcohol content, the employee, if applicable, will be tested and must have an alcohol concentration measuring less than .02 percent and will be subject to disciplinary action.

#### **B. Failure to Submit to Testing**

Upon failure to cooperate with the collection process (i.e., refusal to provide adequate urine or breath without a valid medical explanation, clearly obstructing the testing process, such as adulterating a specimen, or outright refusal to participate) the collection site shall inform the Agency representative and document the non-cooperation on the Federal Drug Testing Custody and Control Form for urine specimens or the Alcohol Testing Form for breath alcohol testing. Such action will be treated as a positive drug test as outlined in this policy.

**C. Failure to Consent to FMCSA Clearinghouse Query**

Any driver who does not consent to the FMCSA Clearinghouse Query will be removed from safety sensitive duties.

**D. Disciplinary Action**

Any driver who tests positive, becomes unqualified, refuses to submit to the FMCSA Clearinghouse query or engages in prohibited conduct as set forth herein will be subject to disciplinary action and termination.

1. Alcohol

- a. Employees with a CDL and/or operating a vehicle for state business having a blood alcohol level of .02 percent or greater shall be immediately relieved from duty pending disciplinary action.
- b. Employees having a blood alcohol level of .04 percent or greater, shall be treated as a positive test.

2. Drugs

- a. Any employee having a confirmed positive test will be immediately relieved from duty, pending disciplinary action.

3. Positive Test Results

- a) Any employee having a confirmed positive test result will be terminated

4. Rehire of Drug & Alcohol Related Terminations

- a) Terminated employees will not be eligible for reemployment for any position within NDOT that is categorized as a "Safety Critical Position" as defined by the FMCSA until:
  - i. 12 months have passed since termination
  - ii. Provide proof of successful completion of a DOT-approved Substance Abuse Program (SAP)
  - iii. Received a Negative result on a Return-to-Duty DOT drug test.
- b) Terminated employees will not be eligible for reemployment for any non-safety critical position for 30 calendar days.
- c) Any employee, having previously been terminated for Positive Result, rehired into a non-safety-critical-position may not be considered for any internal transfer or hire into any safety-critical-position as defined by the FMCSA until they have met all requirements outlined in Section 3.6 D 4.a.i – 4.a.iii

**E. Employee Assistance Program (EAP)**

1. The Agency shall provide all employees with access to the EAP and publicize their toll free numbers.
2. Employees failing a drug and/or alcohol test shall be given the opportunity to seek assistance through the EAP. The cost of the assistance program is the responsibility of the employee either through the state's health care coverage or as a personal expense.

**F. Alcohol Testing**

Testing of an individual's breath for the presence of alcohol, using breath-testing devices shall only be performed by individuals trained to conduct such tests.

**G. Drug Testing**

Drug tests for pre-employment, post-accident, reasonable suspicion, random, return-to-duty, and follow-up testing shall check for marijuana (*THC metabolite*), cocaine, opiates (*including heroin*), phencyclidine (*PCP*), and amphetamines. Split-sample urine specimens will also test for these drugs.

**H. Laboratory**

Any laboratory performing the specimen analysis for drugs shall be certified by the U.S. Department of Health and Human Services and shall meet the requirements set forth in 49 CFR 40. All positive tests shall be forwarded to the medical review officer for final review. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of DOT regulations or this policy. It is the responsibility of the medical review officer to review, interpret, and verify a test as positive or declare the test as negative.

**I. Records of Tests**

Human Resources shall maintain test results reported by the medical review officer in a separate confidential file. Positive tests will be maintained for five (5) years and negative tests for one (1) year. Test records will be compiled and reported in accordance with Federal Highway Administration requirements.

**J. Medical Review Officer (*MRO*)**

A Medical Review Officer shall review each report received from the laboratory to verify test results. The MRO shall meet the qualifications established in 49 CFR 40.

## 1. Re-Analysis Authorized

Should any questions arise as to the accuracy or validity of a positive test result, only the MRO is authorized to order a re-analysis of the original sample and such re-tests are authorized only at laboratories certified by the U.S. Department of Health and Human Services.

## 2. Result Consistent with Legal Drug Use

If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO shall report the test result as negative.

## 3. Result Scientifically Insufficient

The MRO, based on a review of inspection reports, quality control data, multiple samples, and other pertinent results, may determine that the result is scientifically insufficient for further action and declare the test specimen negative. In this situation, the MRO may request a re-analysis of the original sample before making this decision. The MRO may request that the same laboratory perform a re-analysis or that a portion of the original specimen be sent for re-analysis to an alternate certified laboratory.

**V. Responsibilities of Employee**

- A. Not report for duty or remain on duty when using any drug, except when the use is pursuant to the instructions of a physician who has advised the employee that the drug does not adversely affect the employee's ability to safely operate a vehicle or equipment.
- B. Not report for duty, remain on duty, or perform safety-sensitive functions if the employee tests positive for drugs.
- C. Not report for duty, remain on duty or perform safety-sensitive functions while having a breath alcohol concentration of 0.02 percent or greater.
- D. Not be on duty or operate a state vehicle or equipment while the employee has alcohol in their possession unless the alcohol is being transported as part of a shipment.
- E. Not use alcohol while on duty.
- F. Not use alcohol within four (4) hours prior to reporting for duty.
- G. Not use alcohol for eight (8) hours following an accident or until he/she undergoes a post-accident alcohol test, whichever comes first.

- H. Not refuse to submit to a drug or alcohol test required by pre-employment, post-accident, random, reasonable suspicion, or follow-up testing requirements.
- I. Immediately notify his/her Supervisor of any citation and/or conviction involving drugs or alcohol, but in no case more than five (5) calendar days after the citation and/or conviction.
- J. Sign the authorization for the annual query in the FMCSA Clearinghouse.
- K. Register and Report positive drug and alcohol tests in the FMCSA Clearinghouse.
- L. Be responsible for the cost of a Return-To-Duty test, follow-up test, and test following a 24-hour suspension for alcohol.
- M. Upon receiving a positive drug test, the employee shall have the right to have the split-sample tested at a laboratory meeting the requirements listed in this policy. This confirmation test will be at the employee's expense.

**VI. Responsibilities of the Supervisor**

- A. Supervisors shall enforce the provisions of this policy within their areas of responsibility and, when appropriate, ensure that employees are encouraged to use the Employee Assistance Program (*EAP*) and attend training to recognize behaviors which indicate drug and alcohol abuse.

**VII. Responsibilities of Human Resources**

- A. Implement the appropriate contract provisions and secure the services of a company qualified to administer the Agency Drug and Alcohol Testing Program.
- B. Provide guidance for implementation of this policy and for ongoing drug and alcohol testing as prescribed by this policy.
- C. Provide educational material concerning the effects of alcohol and drug use on an individual's health, work, and personal life. The information shall cover signs and symptoms of drug and alcohol problems, available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to the EAP, and/or referral to management.
- D. Maintain a record keeping system meeting the requirements of the Agency while protecting the privacy of the employee.
- E. Promote a drug-free and alcohol-free work environment through the recruitment process by informing applicants of the NDOT policy on drug and alcohol use and abuse.
- F. Make appropriate referrals to EAP.
- G. **Request Pre-employment consent for the FMCSA Clearinghouse query.**
- H. **Run annual and pre-employment queries as required thru the FMCSA Clearinghouse.**

<i>Title:</i>		<i>Policy No.</i>
<b>Firearms/Explosives</b>		<b>3.7</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
June 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the possession of firearms or explosives on NDOT owned or leased property.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

Possession of firearms or explosives on Department of Transportation owned or leased property is prohibited, excluding Aeronautics employees who reside on state airfields during non-working hours.

Department of Transportation property includes:

- Department of Transportation owned and leased yards, buildings and parking areas.
- Department of Transportation owned and leased vehicles and equipment.
- Any area utilized while carrying out the business of the Department of Transportation.

This policy is not intended to supersede Neb. Rev. Stat. 69-2441 (3), which permits a concealed handgun permit holder to have a firearm in his or her vehicle in a parking area open to the public, when said firearm is securely locked in a glove box, trunk, compartment, or storage box.

Exempt from this policy is the possession of firearms or explosives during employees' non-working hours for legal activities in public areas including, but not limited to: highways, rest areas, and public hunting areas.

Employees of the Department of Transportation violating the firearms policy are subject to disciplinary action up to and including termination.

**V. Responsibilities of Employee**

Employees are responsible to meet the expectations set out in this policy.

**VI. Responsibilities of the Supervisor**

Supervisors are responsible to meet the expectations set out in this policy.

Supervisors who recognize violations of this policy should take the appropriate steps to correct the situation and contact Human Resources for guidance as necessary.

<i>Title:</i>		<i>Policy No.</i>
<b>Relocation Moving Expense Reimbursement</b>		<b>3.8</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
February 2022	Rachelle Van Cleave, HR Director	

**I. Overview**

To reduce the financial burden associated with the move of a new hire or a teammate who must relocate at NDOT’s request. It is the intention of NDOT to defray certain costs incurred by the teammates as a result of relocation. The relocation policy is intended to provide management with the flexibility to attract and retain high-quality teammates while ensuring the reasonableness and fairness of relocation assistance.

Definition – remove

Related forms

Expense Reimbursement Form 689

**II. Policy/Procedures**

- A. Teammates who are relocated to another geographical location for the benefit of the Agency will, with the prior written approval of Human Resources, be reimbursed for authorized moving expenses. This policy does not apply to temporary teammates.
- B. To be eligible for reimbursement, the expenses must be incurred within one (1) year from the date the teammates officially transferred to the new geographical location.
- C. **New teammates** maybe reimbursed up to \$5,000 for approved moving expenses.
- D. **Transferring** teammates maybe reimbursed up to \$10,000 for approved moving expenses.
- E. The new job location must be 50 miles farther from the teammates’ s old residence than the old residence was from the old job location. If deemed necessary, Human Resources may make a request to Administrative Services for a waiver of this requirement. Teammates relocating to another geographical area at their own request or for their personal benefit will not be reimbursed for expenses incurred and miles traveled.
- F. Expenses qualifying for reimbursement
  - 1. A list of miscellaneous supplies needed for the move, such as purchase of boxes or packing supplies, etc. is to be provided and approved by Human Resources prior to purchase to receive reimbursement.
  - 2. Transportation of Household and Personal Goods
    - a) Costs of a commercial mover (including packing and transit insurance.)
      - Two firm bids from commercial carriers will be submitted to Human Resources from the teammates. Human Resources will consult with the teammates and notify the selected mover and advise them to bill the Agency for the move.
      - Charges incurred for obtaining bids are reimbursable under (1) or (2) above

- b) Costs for a self-move.
  - c) Costs for temporary storage facilities for up to thirty (30) days.
3. Pre-move House Hunting Trips

Pre-approved transportation costs (mileage, lodging, and meal expenses) will be reimbursed for the employee and spouse for a maximum of two (2) house-hunting trips.

4. Temporary Lodging

Pre-approved temporary lodging (excluding meals) will be paid in the new job location for up to 30 consecutive calendar days or until permanent lodging is established, whichever is earlier.

5. Miscellaneous Expenses of Principle Residence Sale/Purchase. No reimbursement shall be made for home improvements, points, loan fees, interest, taxes, liens, etc.

#### **G. Taxes**

All reimbursed or NDOT paid moving expenses are reported as taxable.

#### **H. Repayment Provision**

In the event the Teammate elects to resign due to circumstances within his/her control or is terminated for cause within 12 months of the date of hire or reassignment, the teammate will repay NDOT a prorated amount based the length of time the teammate worked in the new location.

**No moving expenses may be reimbursed or paid without preapproval from Human Resources. Specific questions should be directed to Human Resources.**

<i>Title:</i>		<i>Policy No.</i>
<b>Remote Work</b>		<b>3.9</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
July 2015/September 2020	Rachelle Van Cleave, HR Director	

**I. Overview**

The Nebraska Department of Transportation is committed to assisting teammates in maintaining a healthy work/life balance by offering a number of flexible work schedule options. This type of scheduling arrangement provides teammates and NDOT a more efficient way of performing certain job duties. Remote Work arrangements also improve recruitment and retention of teammates who are unable to commute to the worksite due to conflicting work/family circumstances or as a result of a physical disability. In addition, this arrangement provides teammates with the flexibility to take care of family needs and reduce commuting time and expense. Working remotely benefits the community by reducing traffic and parking congestion, air pollution and energy consumption, and wear and tear on the transportation infrastructure.

**II. Definition**

Remote work is a term that describes a flexible work arrangement that allows a teammate to work at home or other off-site locations. Remote work may include either all or part of the teammate's work schedule.

**III. Related Forms**

NDOT Form 240: *Teammate Request Form – Remote Work*

**IV. Policy/Procedure**

- A. The Nebraska Department of Transportation may approve a teammate's request to work remotely for one or more days a week regularly. This work arrangement may be adjusted, suspended, or terminated for any reason at any time and the decision is not grievable.
- B. A teammate may be eligible for remote work, pending approval from their supervisor and DE/DH. Generally, the teammates should have at least six months of continuous documented satisfactory service in their current position before the teammate is eligible to request a remote arrangement. Achieving business objectives and meeting customer needs is a primary factor that will be considered in determining whether or not a teammate and the duties the teammates perform are eligible. Characteristics of successful remote workers include satisfactory performance, recognition as a self-starter, substantial on-the-job experience, demonstrated ability to work independently, good communication and organizational skills. The teammate's supervisor, in consultation with the DE/DH, will determine if business goals can be met through a remote work schedule.
- C. Job responsibilities and expectations are the same as if the teammate is operating on site. A teammate is expected to accomplish the work that ordinarily would be accomplished at the office. Specific goals and plans of accomplishment, which can be monitored on a regular basis, must be agreed upon by the teammate and supervisor. Remote work may not be suitable for all positions within the Agency due to the nature of the work to be done.
- D. Remote Work schedules may be arranged on a flexible basis whereby a teammate may work partially off-site and partially at the office. The teammate's schedule should specify the number of work hours and at which site. See Policy 2.1 for further details regarding work schedules and attendance. The teammate needs to request and receive approval prior to working any overtime.



- E. Time spent commuting to the office for work purposes will be considered a part of the teammate's normal commute and not work time. Mileage for normal commuting travel is not eligible for reimbursement. If a teammate working remotely is required to attend business meetings or to train away from NDOT or their off-site location, reasonable attempts shall be made to leave from the Department and utilize NDOT fleet vehicles.

**V. Equipment Needs**

- A. The Department may allow teammates to take their workstation to the remote worksite. Each teammate will be provided with one system (computer, monitors, mouse, etc.) by the Department and additional equipment may be purchased when warranted by BTSD. The Department may provide guidance for system setup to ensure the workstation is connected to the necessary department systems.
- B. The teammates are responsible for the security of the system and the security of access to the Department's resources.
- C. State-owned workstations are subject to scheduled system updates. When working remotely, the teammates will ensure the workstation is connected to the state network, so updates occur in a timely manner.
- D. The Department or the Office of the CIO will not provide on-site support of state-owned equipment at the employee's remote location. If there is an equipment failure, it is the responsibility of the teammate to as soon as possible return the equipment for service.
- E. The teammate will be responsible for providing a high-speed internet connection, utility, and additional related expenses at their own cost. The teammate is responsible for determining an appropriate method to be accessible to receive and address work calls coming into work/desk phones timely.
- F. The Department will make information available on how to set up a personal computer for connection using a Virtual Private Network (VPN), enabling access to the necessary department systems. The Department makes no guarantee of compatibility or performance of personal computers when accessing the Department's systems.

**VI. Miscellaneous**

- A. All applicable laws, contracts, rules and regulations, policies and procedures are in effect just as if the teammate is in the workplace.
- B. A teammate who experiences a workplace injury or disease during designated work hours while working remotely will need to follow the worker's compensation policy (Policy 6.1) and if requested, make the site of the incident available for a full and complete investigation into the worker's compensation claim.
- C. A teammate who works from their residence remains solely liable for injuries to members of their family or any other third party or any damages to real or personal property that occur on the teammate's premises.
- D. Workplace items, such as small office supplies of pens, paper, sticky-notes, may be reasonably provided for use by NDOT at the teammate's remote worksite. The Department will provide the teammate with one on-premise workspace and office supplies such as desks, chairs, lights, telephones, filing cabinets and the like will generally not be provided for the remote location. When Remote work is terminated, all equipment must be returned to the Department.

- E. Requests by a teammate to work remotely on an ad hoc basis for a short duration may be approved by the supervisor and not become part of the teammate's regular work schedule. See Policy 2.2 for further details regarding weather-related situations.
- F. Requests for remote work as the result of a health condition should be referred to Human Resources for review and appropriate action. For further information, see HR Policy 3.14 - Disability Accommodation.

**VII. Responsibilities of Employee**

- A. To request a remote work agreement, the teammate needs to submit NDOT Form 240 to their supervisor for consideration.
- B. The teammate needs to ensure work is saved in a method that is backed up to ensure recovery of work is possible.
- C. If the teammate should experience an emergency (e.g. power or internet outage), they need to notify their supervisor. The teammate may be required to complete their workday at an alternate worksite or use vacation or compensatory time if an alternative worksite is not available as directed by their supervisor.

**VIII. Responsibilities of the Supervisor**

- A. Ensure completed NDOT Form 240 is submitted to Human Resources.
- B. The supervisor is encouraged to meet with the teammate to discuss and determine the appropriateness of the teammate's request per the remote work policy and, if applicable, the acceptable terms for the teammate to work from an alternate worksite.
- C. When the request to work remotely is denied, the supervisor and the teammate should discuss reasons for the decision, and when possible, discuss action to be taken to allow the teammate to work remotely.

<i>Title:</i>		<i>Policy No.</i>
<b>Resignation and Exit Interview</b>		<b>3.10</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
July 2023	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the resignation of employment at NDOT.

**II. Definition**

N/A

**III. Related Forms**

*NDOT Form 69:* Employment Return Checklist

*NDOT Form 373:* Resignation Form

*NDOT Form 376:* Notification of Termination of Temporary Employees

**IV. Policy/Procedure**

It is important to document any separation to ensure the consistency and accuracy of the circumstances of the separation in the event an issue arises subsequent to the separation (*for example Unemployment Insurance benefits or complaints.*)

To resign in good standing, employees must give written notice to the Agency at least ten (10) workdays before separation unless the Agency agrees to a shorter period. Employees providing less than ten (10) days written notice prior to separation may be considered as having separated, not in good standing.

**V. Responsibilities of Employee**

All employees voluntarily terminating their employment may complete the Exit Interview.

**VI. Responsibilities of the Supervisor**

- A. Upon notification that an employee is resigning, the employee's Supervisor shall request that the employee complete a Resignation Form (*NDOT Form 373/NDOT Form 373a.*) The Resignation Form shall be forwarded to Human Resources within one (1) day.
- B. Upon termination of a temporary employee, DR376 shall be completed and forwarded to Human Resources.
- C. The supervisor should go through the Employment Return Checklist (*NDOT Form 69*) on the last day of work with the employee.

<i>Title:</i>		<i>Policy No.</i>
<b>Organizational Chart</b>		<b>3.11</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
July 2023	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the creation and maintenance of Agency Organizational Charts.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

Division Heads/District Engineers are responsible for maintaining a workable organizational structure within their respective Division/District and for promptly submitting proposed organizational chart modifications to Human Resources. Human Resources will review the proposed changes with respect to position classification.

Human Resources shall monitor staffing levels of the Divisions/Districts to ensure conformity with the approved staffing levels and prepare organization charts for publishing and distribution.

**V. Responsibilities of Employee**

N/A

**VI. Responsibilities of the Supervisor**

N/A

<i>Title:</i>		<i>Policy No.</i>
<b>Ethics and Code of Conduct</b>		<b>3.12</b>
<i>Effective/Revision Date</i>		<i>Approvals:</i>
July 2023		Rachelle Van Cleave, HR Director

**I. Overview**

This policy establishes basic parameters for the expected behavior and code of conduct for all employees within NDOT.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

Employees of the Nebraska Department of Transportation (NDOT) are expected to maintain and exercise the high moral and ethical standards in carrying out job responsibilities and to perform the job in a professional manner. Employees are expected to be honest, trustworthy and respectful. Furthermore, employees are expected to be familiar with and comply with the State of Nebraska Classified System Personnel Rules or the NAPE/AFSCME State of Nebraska Labor Contracts, whichever is applicable to employment..

Employees of NDOT shall:

- a. Ensure personal appearances and workplaces portray professional standards.
- b. Ensure personal relationships do not influence professional decisions and avoid even the appearance of impropriety, bias or conflict of interest.
- c. Immediately report to supervisors any situation where a conflict of interest could be perceived.
- d. Immediately report to supervisors any information they become aware of which could negatively impact NDOT, or any NDOT contract, project or service.
- e. Agree that all work products developed on work time and/or with state equipment/resources belonging to NDOT.

**V. Responsibilities of Employee**

Questions regarding employee obligations under NDOT Ethics and Code of Conduct may be addressed with the immediate supervisor and/or Human Resources.

**VI. Responsibilities of Supervisor**

Supervisors should maintain expectations of staff consistent with the agency’s Ethics and Code of Conduct Policy.

<i>Title:</i>		<i>Policy No.</i>
<b>Disability Accommodation</b>		<b>3.13</b>
<i>Effective/Revision Date</i>		<i>Approvals:</i>
July 2023		Rachelle Van Cleave, HR Director

**I. Overview**

This policy establishes basic parameters for reasonable accommodations as outlined in the Americans with Disabilities Act (ADA).

**II. Definition**

Reasonable accommodation is a modification or adjustment:

- During the selection process which enables the person to participate.
- To the work environment or the manner or circumstances under which the essential functions of the position are customarily performed; or
- That provides the employee with a disability the same benefits and privileges of employment equal to those of similarly situated employees without disabilities.

**III. Related Forms**

*NDOT Form 55:* Employee Accommodation Request Form

*NDOT Form 305:* Employment Discrimination Complaint

**IV. Policy/Procedure**

The Nebraska Department of Transportation strives to provide reasonable accommodations for individuals with disabilities in order for them to perform the essential functions of their position.

Accommodations that create an undue hardship for the Department or pose a direct threat to the health or safety of the employee or others, will not be provided.

**Confidentiality:**

The ADA and other laws require medical and disability information to be kept confidential. However, the law allows the agency to share information regarding an employee's medical condition with individuals who are considered to have a legitimate need to know the information. The law does not prohibit an employee from voluntarily discussing their condition or medical information with others.

**Applicants:**

External applicants who require a reasonable accommodation to participate in the application and/or hiring process should contact State Personnel at (402) 471-2075. Internal applicants who require an accommodation should contact the Human Resources Division at (402) 479-4574.

Supervisors and managers who are informed by an applicant that they need a reasonable accommodation should contact the Human Resources Division immediately.

**Reasonable Accommodation Process**

- A. An employee makes a request for a reasonable accommodation to their supervisor, manager, or the Human Resources Division. Supervisors and managers receiving requests for accommodation shall contact Human Resources immediately.
- B. Human Resources will confer with the division/district to identify the essential functions of the position and related information, as needed.
- C. Human Resources will confer with the employee to find out what their physical or mental abilities and limitations are as they relate to performing the job's essential

functions. Medical information may be requested from the employee's doctor or other appropriate source.

- D. Human Resources will make an individualized determination, based on objective medical or other evidence, of whether a person's disability poses a direct threat to the health or safety of themselves or others, and if so, whether the threat can be removed by reasonable accommodation.
- E. Human Resources and the employee will identify potential reasonable accommodations. Human Resources will confer with the district/division about potential reasonable accommodations, and may consult with other experts on accommodation.
- F. If more than one reasonable accommodation would be effective, the individual's preference is considered, but Human Resources, in conjunction with the district/division, will make the final choice. A reasonable accommodation that is less expensive or easier to provide may be chosen.
- G. Reasonable accommodations will be evaluated, on a case-by-case basis, to determine if they would impose an undue hardship on the organization. If a particular accommodation would impose an undue hardship, it does not need to be provided, but the organization must consider whether an alternative is available that would not pose an undue hardship.
- H. If a reasonable accommodation is available that does not create an undue hardship and allows the employee to perform the essential functions of their position, it will be provided.
- I. Human Resources will notify the employee, in writing, if the requested or an alternate accommodation will be provided, or if the request is denied; and the reason(s) for providing an alternate accommodation or denying a request.

#### **V. Responsibilities of Employee**

Employees may request an accommodation at any time, verbally or in writing. Employees are encouraged to complete and submit an Employee Accommodation Request Form (*NDOT Form 55*) to the Human Resources Division. Each request will be examined on its own merits, and determinations will be made on a case-by-case basis, without unnecessary delay, in accordance with the Americans with Disabilities Act (*ADA*.)

Individuals requiring assistance in completing a written request (*NDOT Form 55*) should contact the Human Resources Division.

Contact Human Resources if you have questions about or would like further information about the ADA or accommodating disabilities.

Any individual who believes that he/she has been the subject of discrimination may file a complaint (*NDOT Form 305*) with their supervisor, any member of their respective chain of command or the Human Resources Division.

#### **VI. Responsibilities of the Supervisor**

Supervisors and managers who receive a request for accommodation should contact the Human Resources Division immediately. All medical and disability information is strictly confidential including accommodation requests and accommodations provided. Supervisors and managers may not disclose to coworkers that an employee is receiving a reasonable accommodation.

Contact Human Resources if you have questions about or would like further information about the ADA or accommodating disabilities.

**VII. Responsibilities of Human Resources**

The Human Resources Division is responsible for processing all requests for reasonable accommodation on behalf of the agency. Individuals making a verbal request may be asked to complete a written request. Verbal requests that are not subsequently put in writing will be documented by Human Resources and reviewed as described in Section 4 of this policy.



<i>Title:</i>		<i>Policy No.</i>
<b>Vacation Carryover</b>		<b>3.14</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
July 2023	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the carryover or cash payment of accrued vacation time in the event reasonable vacation leave requests are denied.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

Under the NAPE/AFSCME Labor Contract and State of Nebraska Rules and Regulations, employees’ accumulated vacation time in excess of thirty-five days (280 hours) shall be forfeited as of end of business on December 31 of each calendar year. In special or meritorious cases, when it would cause hardship for an employee to take earned vacation leave before December 31, hours carried over shall be used within the next six months. In no case shall approved carryover vacation hours continue from year to year.

It is the responsibility of Division Heads/District Engineers to provide reasonable opportunity for employees to use, rather than forfeit, accumulated vacation leave.

In determining whether an employee’s request to use vacation is reasonable, the agency shall consider the following:

- amount of vacation leave requested,
- number of days remaining prior to forfeiture during which the employee may take vacation leave,
- amount of notice given to the employing agency prior to the requested vacation leave,
- any effects on public safety and
- other relevant factors.

Employees are encouraged to schedule vacation in writing as far in advance as possible. It may not be possible to grant extensive amounts of vacation in December and employees should appropriately plan to use leave earlier in the year. To ensure that staffing and operational needs are met at all times, NDOT reserves the right to grant vacation requests at its discretion.

Communication between the employee requesting leave and the approving supervisor is essential. The Nape/AFSCME Labor Contract states that “all vacation leave requests made electronically or in writing will be approved or denied electronically or in writing within seven (7) calendar days of receipt of the request, or within 18 work days of the closing date of their annual vacation scheduling”. Employees and supervisors should discuss likely vacation requests in a reasonable timeframe. Requests made several months ahead of time may not be able to be approved because of changing work demands, and limitations of timekeeping systems.

LB 830, which applies to Rules and Discretionary employees, and the NAPE/AFSCME Labor Contract which is effective July 1, 2017, states if an employee makes a reasonable written request to use vacation leave before the leave must be forfeited and the agency denies the request, the employing agency shall pay the employee the cash equivalent of the amount of forfeited vacation leave that was requested and denied. Such cash payment shall be made within thirty (30) days after the requested and denied vacation leave is forfeited.

Cash payments shall be considered compensation for purposes of a State employee's retirement benefit in a defined contribution or cash balance benefit plan administered by the Public Employees Retirement Board but shall not be considered compensation for purposes of a State employee's retirement benefit in any other defined benefit plan administered by the Public Employees Retirement Board.

**V. Responsibilities of Employee**

It is the responsibility of the employee to request/schedule vacation in writing as far in advance as possible. Approval is required prior to the use of this time.

**VI. Responsibilities of the Supervisor**

Supervisors should assess the amount of coverage required and grant vacation requests based on coverage or other business needs, especially during holidays, and provide a reasonable opportunity for an employee to use rather than forfeit accumulated vacation leave. To ensure the staffing and operational needs are met at all times, the agency reserves the right to grant vacation requests at its discretion.

If the supervisor is unable to grant the employee's vacation requests, the reason for the denial should be documented and a response should be provided to the employee in writing. Acceptable reasons to deny vacation requests may include:

- The request was made without appropriate notification
- The request was made without sufficient number of hours accrued
- Granting the request would create a staffing or operational shortfall, or create a public safety risk.

**VII. Responsibilities of Human Resources**

When an agency proposes to make a cash payment to an employee for forfeited vacation leave, or proposes to allow an employee to carry over excess vacation leave that is subject to being forfeited, Human Resources will first submit the request to the Department of Administrative Services, Employee Relations Administrator, for approval. The request should provide justification as to why an employee should be allowed to carry over excess leave or, in the case of denied requests, it should detail why the employee's denied request was determined to be unreasonable.

<i>Title:</i>		<i>Policy No.</i>
<b>Reduction in Force/Layoff Classified System Personnel Rules &amp; Regulations, NAPE/AFSCME Labor Contract</b>		<b>3.15</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
April 2010/April 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes Nebraska Department of Transportation guidelines and criteria for the implementation of a layoff plan in accordance with the State of Nebraska and NAPE/AFSCME Labor Contract and the State of Nebraska Classified System Personnel Rules and Regulations, in effect at the time.

**II. General Provisions**

The Department of Transportation Director has the final authority to determine when a reduction in force is necessary, what form it will take and what classes and positions will be affected. The need and scope, as well as any other elements, will be defined in specific plans published prior to any furlough or layoff. Voluntary reductions in work hours are not considered layoffs. All reductions in force are to be coordinated through the Human Resources Administrator of the Department of Transportation prior to notification of employees and implementation.

**III. Definitions**

- A. Adjusted Service Date – Date from which an employee’s vacation and sick leave entitlement is computed. This is the date of hire minus the number of calendar days of unauthorized leave of longer than one day, suspensions without pay, leaves of absences exceeding 14 calendar days (except military leaves) and/or any breaks in services.
- B. Bumping - The process, during a layoff, of allowing employees to replace other employees in lieu of separation.
- C. Furlough - the placement of an employee in a temporary non-duty, non-pay status because of lack of funds. An intermittent furlough is a furlough action in which the non-duty, non-pay status occurs discontinuously over a period of time (e.g. one work day per month for a six month period) rather than consecutively
- D. Layoff - the involuntary employee separation, transfer or the reduction of hours caused by a mandated elimination of an entire position or a portion of it, due to economic reasons, elimination or shortage of funds, reduction in work load, or reorganization of the agency.
- E. Pay line – (for the purposes of this policy) the difference in percentages between pay for the various classes.
- F. Reduction in Force – the elimination of positions/employees due to lack of funds or business reorganization.

**IV. Furlough**

- A. Rules-covered employees

- a. In cases of involuntary furloughs, the agency will consider performance, seniority, and funding sources in deciding who will be furloughed.
  - b. The Department of Transportation Director will determine when a furlough would be beneficial and shall develop a plan following the Nebraska State Government Furlough Guide. Furlough plans will be submitted to the State Personnel Director for review. The Department of Administrative Services Director shall approve all furloughs.
- B. Contract-covered employees
- a. In cases of involuntary furlough, employees will be furloughed starting with the least senior employees within the classification of the affected program area and work unit.
  - b. The Governor shall approve all furloughs.
- C. An employee may be placed on furlough for a period of consecutive days/weeks or discontinuously over a period of time (e.g., one work day per month for a six-month period).
- D. Furloughs shall not adversely affect an employee's health insurance premium contributions and service anniversary date, nor shall leave earnings be prorated as a result of the furlough.

## V. **Layoffs**

If a layoff is deemed necessary, the agency will develop a layoff plan which complies with this reduction in force policy. The State Personnel Director shall review the Department of Transportation layoff plan prior to the initiation of any layoff. Layoff plans shall provide detail on what basis retention privileges are to be determined. Such plans shall not go into effect, or the notice delivered, during the period of December 15 through January 3.

The Department of Transportation Director shall decide on what basis retention privileges will be determined.

- The basis for retention for rules-covered employees shall be (1) performance evaluation results for the three years previous, then (2) length of service. For any period in which a performance evaluation was not completed, service shall be considered "satisfactory" or "meets expectations" (see section VI for calculation of Employee Retention Points).
- The basis for retention for contract-covered employees shall be by length of service only.

Length of service shall mean adjusted state service date. Part-time service shall be considered on a prorated basis, excluding employment in a temporary status. If more than one employee has the same adjusted state service date, then the tie shall be broken by lot.

The agency plan will not lay off permanent employees in the affected class(es) and affected geographical area, until all temporary employees within that classification, funding source and within 25 miles of the worksite have been released.

### A. **Notice**

Employees to be laid off shall be given as much notice as possible. Written notice will be provided to each employee to be laid off by certified mail or in person at least 15 workdays prior to the date of the layoff action. This period may be shortened by the agency director when emergency funding situations exist. Written documentation concerning the shortened notice shall be attached to the layoff plan.

A listing of affected employees by their adjusted service date and the bumping rights of those affected, will be part of the general announcement. The layoff notice will include information regarding the

State's Re-employment program and Employee Assistance Program.

**B. Vacant Positions**

- Contract-covered employees shall, if qualified, in order of seniority, transfer to vacant positions in the same classification within 25 miles. If more than one vacancy exists in the same classification, the employee may choose which vacancy they want to fill.
- Rules-covered employees may choose to, if qualified, in order of seniority, transfer to a vacant position in the same classification within 25 miles.
- Employees may apply for vacant positions of a greater pay line, however there is no guarantee of hire.

**C. Bumping**

- a. The Department of Transportation Director has the discretion to establish bumping privileges. Bumping privileges (or rights) will be specifically defined in the agency layoff plan and may be limited to:
  - i. Positions assigned within each of the Department's 8 Districts or
  - ii. Positions assigned within each of the Department's Division or
  - iii. Positions agency-wide.
- b. The Department of Transportation Director will deny bumping options to any employee for a specific position if that individual does not possess specific job-related knowledge, skill, ability or physical requirements, meet a legally or federally mandated requirement, or other job related factor. The layoff plan will list positions where circumstances like this clearly exist.
- c. Bumping will not occur between the Nebraska Department of Transportation and any other agency for rules-covered employees or unless specified in the Labor Contract.
- d. Employees hired or voluntarily accepting promotion in the G (management) class code on or after July 1, 1998, shall not have bumping rights.
- e. Bumping into a position may occur only if that position's incumbent has the most recent adjusted service date of all incumbents of that class. Election to bump will not be approved if the result would cause the layoff of any permanent employee with an earlier service anniversary date.
- f. Bumping to a higher pay line is not allowed. Bumping rights shall not take place between agencies.
- g. Classified System Rules covered employees shall not bump into positions covered by the NAPE/AFSCME Labor Contract. Employees covered by the Classified System Rules may fill vacant positions covered by the Contract, only after the vacant positions are offered to Labor Contract covered employees subject to layoff and not taken by the Labor Contract covered members.
- h. Rules-covered employees: Employees occupying positions designated for layoff may, except in situations where unique job related factors are involved, bump employees **with lesser retention privileges**, as determined by the agency layoff plan, out of:
  - i. Positions of the same class
  - ii. Positions within the same class series of a lower pay line
  - iii. Classes the employee previously occupied of an equal or lower pay line and held within the previous 48 months

- i. Contract-covered employees: Employees occupying positions designated for layoff may, except in situations where unique job related factors are involved, bump employees **with the least seniority**, as determined by the agency layoff plan, out of:
  - i. Positions of the same class
  - ii. Positions within the same class series of a lower pay line
  - iii. Classes the employee previously occupied of an equal or lower pay line and held within the previous 24 months
- j. Employees occupying positions designated for layoff shall be given 7 workdays to respond to bumping options. Employees who wish to exercise their bumping options must provide written notice to the agency. E-mails will not be considered as written notice. This notice must include the employee's signature, and also identify the bumping option to be exercised and must be postmarked or hand delivered by the deadline.

**D. Salaries of Employees Exercising Bumping Rights**

Employees requesting voluntary transfer (lateral or down) or as a result of bumping in lieu of layoff shall have their salary reduced, as provided for in NAPE/AFSCME Labor Contract and/or Personnel Rules and Regulations.

**E. Layoff of Employees Eligible for Retirement**

Employees eligible for retirement who are laid off shall have the option to defer the payment of one-quarter of their sick leave account for up to twelve months. Should the laid off employee return to state employment within 12 months (rules-covered employees), or 24 months (contract-covered employees), the employee's sick leave balance and service date shall be reinstated (minus the time in a non-pay status). Should the laid off employee not obtain further state employment at the end of the twelve-month period, the agency from which they left shall pay them one-quarter of their sick leave account.

**F. Reimbursement of Moving Expenses**

Reimbursement of moving expenses will not be made for employees relocated due to a layoff or bumping.

**G. Reinstatement**

- a. Employees or former employees are eligible for reinstatement to their previous class for 24 months after layoff or bumping. Employees desiring to be reinstated shall, following notification of the availability of a position, notify the agency head in writing of the acceptance or refusal of the position within seven (7) calendar days.
- b. It is the responsibility of the employee or former employee to inform the Agency of any change in address. Failure to receive notification of a position's availability because of an address change shall not justify an extension to the seven (7) calendar day reply period.
- c. Rules-covered employees:
  - Agency heads may return reinstated employees at, or up to, their former salary, if reemployed within 2 years. Reinstated employees may receive, at the agency head's discretion, any legislative increases granted during the period of absence.
  - Employees or former employees refusing a position of their previous classification and location or not acting to notify the Agency Director and/or his/her designee of acceptance or refusal, forfeit any reinstatement rights.
- d. Contract-covered employees:

- Employees or former employees reinstated within 24 months to a position of their previous classification (held at the time of layoff) shall return at the same distance into the salary range the employee was at when he/she left State employment.
  - Employees or former employees who decline to be recalled twice to any permanent position in their previous classification and location or not acting to notify the Agency Head and/or his/her Designee of acceptance or refusal shall be removed from the recall list and shall no longer have recall rights.
- e. Employees reinstated (within 24 months) after being laid off shall not be required to serve an original probationary period.
- f. Former employees who were laid off, or employees who transferred to another position in lieu of a layoff, shall be reinstated in the reverse order from which they were laid off or transferred.
- g. The service date for reinstated employees shall be adjusted by the number of days in a non-paid status.
- h. Qualified employees shall be given the opportunity to be reinstated to an available position in a lower class within the same series. Employees declining reinstatement to a position in a lower class within the same series shall be given the opportunity to be reinstated to a position of their previous class, if positions become available within the twenty-four month period.

**VI. Employee Retention Points**

- For Rules-covered employees, Employee Retention Points will be determined by a combination of length of service (adjusted service date) and scores from the previous three years of performance evaluations (quality of performance). For rules-covered employees employee retention points shall be awarded for (1) performance evaluation results for the three years previous, then (2) length of service.
- For contract-covered employees, retention will be based solely on seniority, retention points will not be used.
- For any period in which a performance evaluation was not completed, service shall be considered “satisfactory” or “meets expectations”. Employees with a service date of less than 12 months, will not receive a Quality of Service score.

A. Length of Service (Adjusted Service Date):

Service	Pts
1 year	0.5 pts
1 month (14+workdays/mo.)	0.042 pts

B. Quality of Service/Performance Evaluation Scores:

**1-5 scale:**

<b>1=Does Not Meet</b>		<b>4 = Exceeds Expectations</b>	
1.0 – 1.4	0 pts	3.5 – 3.9	12 pts
1.5 – 1.9	0 pts	4.0 – 4.4	15 pts
<b>2 = Somewhat Meets</b>		<b>5 = Greatly Exceeds Expectations</b>	
2.0 – 2.4	3 pts	4.5 – 5.0	18 pts
<b>3 = Meets Expectations</b>			
2.5 – 2.9	6 pts	No evaluation = 9 pts	
3.0 – 3.4	9 pts		



**Reduction in Force/Layoff Process****RULES**

- **Step 1: Develop Layoff Policy and Plan**
  - Director submits layoff plan to Director of Personnel, DAS – Personnel Services for approval.
  - Agency will evaluate positions with appropriate criteria from reviewed Layoff Plan
  
- **Step 2: Written Notice to Employees**
  - Layoff notice must be in writing providing as much notice as possible but at least 15 workdays, and include:
    - Reason for layoff
    - Effective date of layoff
    - Seniority list of bargaining unit members affected
    - Vacancy Listing
    - Bumping Rights
  - Cannot give notice or lay off any individual December 15th through January 3<sup>rd</sup>.
  
- **Step 3: Bumping**
  - Employees may choose to (if qualified, in order of seniority) transfer to a vacant position in the same classification within 25 miles.
  - Employees allowed 7 calendar days to respond to bumping options.
  - A written layoff notice, including bumping rights, must be provided to employees who have been bumped
  - Employees who are bumped can bump in turn.
  
- **Step 4: Reinstatement**
  - Employees are eligible for reinstatement to previous class or lower class in same series for 24 months after layoff or bumping.
  - After being notified of a position being available, employee shall notify the Director in writing of the acceptance or refusal of position within 7 calendar days

**CONTRACT**

- **Step 1: Layoff necessary.**
  - Determine classifications/positions involved.
  - Layoff plan completed.
  - Schedule meeting with Union
    - held 3 days prior to layoff notices being sent to employees
    - Layoff plan must be given to the Union at least 5 days prior to the meeting.
    - Alternatives shall be put in writing and presented to the union at that time
  
- **Step 2: Written notice to Employees**
  - Employees must be provided written notice of layoff, at least 15 work days in advance of the layoff date, with some exceptions.
  - Written notice must include employee bumping rights
    - Reason for layoff
    - Effective date of layoff
    - Seniority list of bargaining unit members affected
    - Vacancy Listing
    - Bumping Rights
  
- **Step 3: Bumping**
  - Employees shall transfer to a vacant position (if available and eligible for position), or exercise their bumping rights if no available vacant positions within 25 miles of work location.
  - Employees allowed 7 calendar days to respond to bumping options.
  - A written layoff notice, including bumping rights, must be provided to employees who have been bumped
  - Employees who are bumped can bump in turn.
  
- **Step 4: Reinstatement**
  - Employees shall be reinstated in reverse order of layoff. The agency must maintain a list of laid off employees eligible for reinstatement/recall.
  - Employees may be reinstated to previous class or lower class in same series for up to 24 months from the time of layoff.
  - Employees desiring to be reinstated, shall notify Agency in writing the acceptance or refusal of the position within 7 calendar days.

<i>Title:</i>		<i>Policy No.</i>
<b>Take Home Vehicles Policy</b>		<b>3.16</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
July 2023	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for taking home state vehicles.

**II. Related Forms**

A. n/a

**III. Policy/Procedure**

Highway Maintenance Supervisors, Highway Maintenance Superintendents, District Electronic Technicians, District Electronic Technicians/Senior and District Electronic Technician Leaders are allowed to take their State vehicles home year round for the purpose of coordinating winter operations and for responding to emergency safety issues.

Commuting must be reported in the payroll system when the State vehicle is taken home.

Personal use of State vehicles is strictly prohibited and violation will result in disciplinary action, up to and including termination.

*This pilot program will be evaluated at the end of the period for effectiveness and efficiencies to determine permanent implementation.*

**IV. Responsibilities of Employee**

Proper reporting of commuting travel within the payroll system when using a state vehicle.

**V. Responsibilities of the Supervisor**

Proper oversight of the use of state vehicles of staff.

<i>Title:</i>		<i>Policy No.</i>
<b>Voluntary Emergency Responders Protection Act</b>		<b>3.17</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
May 1, 2019	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for work relating to volunteer emergency responders.

**II. Definition**

Volunteer emergency responder means:

- A. An individual who has been approved by a governing body in Nebraska to serve any volunteer fire department or volunteer first-aid, rescue, ambulance, or emergency squad, or volunteer fire company, association, or organization serving any city, village, or rural or suburban fire protection district by providing fire protection or emergency response services for the purpose of protecting life, health, or property;
- B. An individual who is in good standing as a volunteer member of the Nebraska Wing of the Civil Air Patrol, the civilian auxiliary of the United States Air Force; or
- C. An individual who is a member of a state emergency response team pursuant to the Emergency Management Act.

**III. Policy/Procedure**

The Agency may subtract from an employee’s earned wages any time the employee, acting as a volunteer emergency responder, is away from the worksite because of an emergency response call.

Employees may use accumulated vacation time or compensatory time in the event of absence due to volunteer emergency response. Flexing of work schedules to make up hours for responding to an emergency as a volunteer first responder may be used if within the same 40 hour work week (defined as Monday through Sunday) and if pre-approved by the Supervisor.

The Agency may request an employee who is absent from, or reports late to work because of responding to an emergency provide a written statement signed by the individual in charge of the volunteer department within seven (7) days of the request.

**IV. Responsibilities of Employee**

- A. Prior to seeking protection pursuant to the Volunteer Emergency Responders Job Protection Act, an employee acting as a volunteer emergency responder shall provide his or her employer with a written statement signed by the individual in charge of the department or another individual authorized to act for such individual notifying such employer that the employee serves as a volunteer emergency responder. An employee who is or who has served as a volunteer emergency responder shall notify his or her employer when such employee's status as a volunteer emergency responder changes, including termination of such status.

- A. An employee acting as a volunteer emergency responder shall make a reasonable effort to notify his or her employer that he or she may be absent from or report late to his or her place of employment in order to respond to an emergency. Employees shall promptly report to work at the conclusion of the emergency situation. Should reporting be delayed, employees shall contact their Supervisor as soon as reasonably possible.
- B. Employees shall notify the Agency when their emergency responder status changes, including termination of emergency responder status.

**II. Responsibilities of the Supervisor**

- A. Supervisors should retain the necessary documentation demonstrating the employee serves as a volunteer emergency responder.
- B. Supervisors should allow employees to flex his/her work schedule or use Vacation or Compensatory Leave when possible to adjust for the missed work hours due to a related emergency.

<i>Title:</i>		<i>Policy No.</i>
<b>Smoking in the Workplace</b>		<b>3.18</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
July 2023	Rachelle Van Cleave, HR Director	

**I. Overview**

This smoke-free policy applies to all employees as well as visitors, contractors and temporary staff

**II. Definition**

Smoking products and devices includes, but is not limited to, cigarettes, cigars, electronic cigarettes, and pipes.

**III. Policy/Procedure**

- A. Use of smoking products and devices is prohibited in any State owned, leased or occupied building, as well as in vehicles and equipment with enclosed cabs owned or leased by the State.
- B. Smoking is prohibited indoors at any time.
- C. This policy applies seven days a week and twenty-four hours a day.
- D. The decision to provide designated smoking areas outside the building will be at the discretion of the agency.

<i>Title:</i>		<i>Policy No.</i>
<b>Tuition Reimbursement</b>		<b>4.1</b>
<i>Effective / Revision Date</i>	<i>Approvals:</i>	
July 2024	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the request and approval of Tuition Reimbursement to the employees of NDOT.

**II. Definition**

N/A

**III. Related Forms**

*NDOT Form 689:* Expense Reimbursement Form

*NDOT Form 384:* [Application for Tuition Reimbursement Form](#)

**IV. Policy / Procedure**

Tuition reimbursement is designated to assist permanent employees (part time or full time) in an active working status in pursuit of a technical, associate, undergraduate degree, graduate degree, and to those want to improve their skills or knowledge in order to achieve their higher goals and benefit the Agency. Full-time permanent employees will receive up to 100% tuition reimbursement, and PT employees will be reimbursed on a pro-rated basis determined by the number of hours regularly scheduled per week. Final approval for tuition reimbursement will be made by a Human Resources Representative after reviewing the submitted forms or other requested documents for conformance to the policy.

Tuition reimbursement may be granted for successful completion of courses at an accredited university, college, technical school, business school or community college. Successful completion shall mean a grade of “C” or better for courses where a grade is awarded, or “pass” for pass/fail courses.

Tuition reimbursement rates will be determined by the following criteria:

- Tuition for in-state institutions may be reimbursed at a rate of up to 100% for classes towards an undergraduate/graduate degree after submitting required documentation of course completion and a final grade report.
- Out-of-state tuition may be reimbursed at up to 100% of the rate charged by the University of Nebraska-Lincoln for equivalent in-state undergraduate/graduate degree after submitting required documentation of course completion and a final grade report.
- Tuition for on-line institutions or programs may be reimbursed at up to 100% of the rate charged by the University of Nebraska-Lincoln for equivalent online undergraduate/ graduate study after submitting required documentation of course completion and a final grade report.

Financial assistance may be approved for tuition only. Reimbursement will NOT be provided for the following:

- (1) Books, travel, meals, supplies or other miscellaneous expenses.
- (2) Lab fees, activity fees, online fees, or miscellaneous fees.
- (3) Fees associated with testing, licensing, or certification.
- (4) Exam preparation classes for the purpose of certification or licensing

Employees who are eligible for tuition reimbursement through other sources, such as scholarships, the National Guard or PELL grants, must use those benefits first. If the cost is more than the amount reimbursed by other sources, the Agency may reimburse up to 100% of the remaining tuition cost. In no case will the employee be reimbursed for more than the actual tuition cost.

All permanent full-time and part-time employees in an active working status are eligible to request tuition reimbursement.

Any employee, whose tuition assistance (all or part) has been paid, who leaves employment within one (1) year of reimbursement, may be asked to reimburse the state on a pro-rated basis.

Courses taken during non-working hours are preferred. For an employee to attend a course during working hours, their work schedule must be arranged with the Supervisor/ Manager and Division Head/District Engineer. The work schedule must be approved by the Division Head/District Engineer and should be attached to the Application for Tuition Reimbursement Form (NDOT Form 384) when forwarded for approval. If schedule adjustment results in an employee working less than full-time, the reimbursement amount may be reduced to represent the new FTE designation. Time spent attending classes or working on course requirements is not considered worktime. If an employee wishes to use accrued vacation leave or compensatory time to attend classes or work on course requirements, they may do so with their supervisor's permission.

#### **V. Responsibilities of Employee**

To request tuition reimbursement, an employee must complete and submit the Tuition Reimbursement Request Form (NDOT Form 384) prior to the start of the course or at the time of hire. The Tuition Reimbursement Request Form should be submitted to the employee's immediate Supervisor and Division Head/District Engineer for authorization. Completed forms should then be forwarded to Workforce Development where it will be reviewed by the NDOT Human Resources Administrator for final approval. Failure to obtain written pre-approval may result in denial of the request.

After completion of the approved course(s), the employee shall furnish the following to Human Resources within 45 days of course completion:

- The final grade report with a grade of C or better or pass for pass/fail courses. An itemized receipt/invoice from the educational institution the employee attended which distinguishes the specific amount of tuition paid from any charges for fees, books or materials, along with a completed Expense Reimbursement Form (NDOT Form 689). A canceled check or bank or credit card statement is NOT an acceptable substitute for an itemized receipt.
- Proof of tuition cost per credit hour.
- The original approved Tuition Reimbursement Request Form (NDOT Form 384), with the final post-course signatures included.

These documents shall be furnished to Human Resources through upload into OnBase, directing approval to the following individual:

Sanela Dizdarevic, [sanela.dizdarevic@nebraska.gov](mailto:sanela.dizdarevic@nebraska.gov)

#### **VI. Responsibilities of the Supervisor**

Supervisors should ensure employees are informed about the Tuition Reimbursement Benefit, assist in completing the NDOT Form 384, and answer questions as needed.

Approved tuition reimbursement forms will be forwarded to Workforce Development and reviewed by the Human Resources Representative for a final approval decision **PRIOR TO THE START OF THE CLASS.**

<i>Title:</i>		<i>Policy No.</i>
<b>Workforce Development</b>		<b>4.2</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for training and development of agency employees.

**II. Definition**

N/A

**III. Related Forms**

*NDOT Form 238*: Request for Training

**IV. Policy/Procedure**

A. The Nebraska Department of Transportation offers training to employees in order to support the achievement of our business objectives, build employee knowledge, skills and capabilities, and to contribute to improved employee performance. Employee training and development is critical for developing skills in areas that meet the Agency’s current and future needs, as well as enhancing employee’s career development.

B. Internal, external, and on-the-job training opportunities are provided to all employees.

C. Human Resources Workforce Development will identify, plan and be responsible for the coordination of all training activities and the maintenance of training records for the Agency. Division Heads/District Engineers are responsible for identifying training needs and coordinating with Human Resources to meet those needs.

D. Training may be:

- Required/Mandatory: required by Federal, State or Agency policy, as well as by Division Head/District Engineer.
- Recommended (*job-related*): at the request or assignment of the Supervisor or Division Head/District Engineer, most likely job-related courses.
- Requested by Employee: job-related courses.
- Optional (*personal development*): requested by the employee wishing to increase personal development.

E. Training includes programs that can reasonably be expected to lead to:

- Improved work performance.
- The ability to assure increasing responsibilities within the Agency or
- Meet the goals of the Division, District or Agency.

F. All employee requests for training should be approved in advance by the Supervisor or other designated individual.



G. Some positions or training courses may involve testing and/or certification. Tests and certification requirements are normally noted in the course descriptions. Costs for certification may be paid by the Division/District, or the employee.

H. Costs

- Costs associated with each course are identified next to the course title in EDC.
- Agency Sponsored Courses:
- NDOT Human Resources provides numerous online courses to employees at no charge to the employee or division/district.
- Employees may complete any of these course as time allows with supervisor approval.

I. District/Division Costs

- Employees may request to complete courses for job-related reasons. The decision to grant/deny the request will be determined at the District/Division level and costs will be covered at the expense of the District/Division.

J. Employee Costs:

- Employees may select to complete online courses for personal development on their own time, outside of NDOT. For this purpose, employees will be required to use a personal credit card to pay for the cost of the course prior to taking the online course. At time of approval, the Supervisor will be prompted to select payment by the employee at 100%. This payment prompt will take place prior to be given access to complete the course.

**V. Responsibilities of Employee**

A. Employees should communicate with their Supervisor any interest in further development of skills and/or attendance of training courses.

**VI. Responsibilities of the Supervisor**

A. Supervisors should make reasonable efforts to approve training requests when possible.

B. Supervisors should meet with employees on a regular basis to discuss development opportunities available to the employee.

<i>Title:</i>		<i>Policy No.</i>
<b>Discipline</b>		<b>5.1</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
October 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the fair and appropriate steps involved in the discipline process.

**II. Definition**

N/A

**III. Related Forms**

NDOT Form 45: Disciplinary Form

**IV. Policy/Procedure**

A. The disciplinary process is in place to provide all employees the opportunity to correct their behavior to meet the expectations of the Supervisor.

1. Employees covered by the NAPE/AFSCME Labor Contract may be disciplined for offenses outlined in the NAPE/AFSCME State of Nebraska Labor Contract.
2. Employees covered by the Nebraska Classified System Personnel Rules and Regulations may be disciplined for offenses outlined in the Nebraska Classified System Personnel Rules and Regulations.
3. All employees may be disciplined for violating Agency work rules and policies including those contained in this manual, federal or state laws and rules and regulations in addition to reasons listed in the NAPE/AFSCME State of Nebraska Labor Contract or Nebraska Classified System Personnel Rules and Regulations, whichever is applicable.

B. Human Resources serves as a resource that shall be consulted before proceeding with the disciplinary process including pre-disciplinary notices. Human Resources serves in an advisory capacity to management to ensure procedures are followed; appropriate action is taken, and if needed, provide alternative solutions to issues.

C. When the disciplinary process is to be utilized, signed copies of all pre-disciplinary notices and disciplinary actions must be sent to Human Resources to be placed in the employee personnel file.

D. When determining the level of discipline to be administered, the decision will be made based on the severity of the offense, previous disciplinary history and past practice for similar offenses.

**V. Responsibilities of Employee**

A. Employees are expected to maintain work behavior and performance consistent with NDOT policies, NAPE/AFSCME State of Nebraska Labor Contract and the Nebraska Classified System Personnel Rules and Regulations.

**VI. Responsibilities of the Supervisor**

A. Supervisors should maintain expectations of staff consistent with the agency's Ethics and Code of Conduct Policy.

<b>NAPE/AFSCME Discipline Process</b>	<b>RULES AND REGULATIONS Discipline Process</b>
<ul style="list-style-type: none"> <li>• Violation of Work rule, order or policy occurs.</li>   <li>• Pre-disciplinary notice provided to employee at least 24 hours in advance.</li>   <li>• Conduct pre-disciplinary meeting with employee to gather information relevant to circumstances/ situation prior to making decision. Supervisors sign pre-disciplinary notice at this time. A copy is sent to HR.</li>   <li>• Decision if discipline appropriate and what level is appropriate with past practice and the actions of the employee.</li>   <li>• Discipline Letter is given to employee with the level of discipline clearly stated. Supervisor(s) sign disciplinary letter and a copy is sent to HR. Employee <u>DOES NOT</u> have to sign memo.</li> </ul>	<ul style="list-style-type: none"> <li>• Violation of work rule, order or policy occurs.</li>   <li>• Pre-disciplinary notice provided to employee at least 24 hours in advance.</li>   <li>• Conduct pre-disciplinary meeting with employee to gather information relevant to circumstances/ situation prior to making decision. Supervisor sign pre-disciplinary notice at this time. A copy is sent to HR.</li>   <li>• Decision if discipline appropriate and what level is appropriate with past practice and the actions of the employee.</li>   <li>• Disciplinary letter is given to employee with the level of discipline clearly stated. Supervisor(s) sign disciplinary letter and a copy is sent to HR. Employee <u>DOES NOT</u> have to sign memo.</li> </ul>

<i>Title:</i>		<i>Policy No.</i>
<b>Grievance Process</b>		<b>5.2</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
July 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for filing a grievance, as outlined in the NAPE/AFSCME Contract and State of Nebraska Rules and Regulations.

**II. Definition**

Workdays – only business days are used. All holidays and weekends are skipped.

Decision Maker – if the Supervisor is not the decision maker, they should indicate on the form and pass on to the decision maker (e.g. Section Head, Superintendent, Division Head, and District Engineer)

**III. Related Forms**

Forms can be found at:

[http://das.nebraska.gov/emprel/Employee\\_Relations\\_Grievance\\_Processing.html](http://das.nebraska.gov/emprel/Employee_Relations_Grievance_Processing.html)

**IV. Policy/Procedure**

The grievance process was developed as a means for employees to formally present their complaints to management. Grievances are filed after informal attempts at complaint resolutions are unsuccessful.

All employees except temporary, discretionary non-classified, and those employees covered by the Nebraska Classified System Personnel Rules and Regulations who are on original probation have grievance rights.

Grievable issues are decisions which are believed to be the result of an injury, injustice, or wrong involving the alleged misinterpretation and/or misapplication of rules, regulations, or the labor contract. All disciplinary actions are grievable. Verbal counseling is not discipline and is not grievable.

The following areas, when accomplished in compliance with established law, rule or policy, are examples of non-grievable issues (*this list is not all inclusive*):

- Performance Evaluations
- Agency appointments including promotions to rules-covered positions
- Involuntary transfers not requiring the employee to relocate, with no
- Salary reduction
- Leave of absence decisions
- Payment of moving expenditures
- Merit increase allocations
- Position Reclassification, with no salary reduction.

Matters which address harassment or discrimination may be pursued through the Human Resources Division.

**V. Responsibilities of Employee**

- A. Employees covered by the NAPE/AFSCME Labor Contract must follow the grievance procedure outlined in Article 4.
- B. Employees covered by the Nebraska Classified System Rules & Regulations must follow grievance procedure outlined in Chapter 15.

**VI. Responsibilities of the Supervisor**

- A. Supervisors should forward questions or concerns to the Human Resources Division

<p align="center"><b>NAPE/AFSCME Grievance Process</b></p>	<p align="center"><b>RULES AND REGULATIONS Grievance Process</b></p>
<p>Employee has 15 work days from the date they know (or should have known) of action to file a grievance.</p>	<p>Employee has 15 work days from the date they know (or should have known) of action to file a grievance.</p>
<p><b>Step 1 - Agency Head or Designee shall confer with the grievant either in person or by telephone. Has 15 days to hear and respond to grievance.</b></p>	<p><b>Step 1 – Decision maker has 5 work days to hear and respond to grievance</b></p>
<p>Employee has 15 workdays from receipt of Step 1 decision to appeal to DAS – Employee Relations.</p>	<p>Employee has 10 work days from receipt of Step 1 decision to appeal to Agency Head.</p>
<p>Step 2 – Signing of the waiver on the grievance form indicates grievant chooses arbitration. If not signed, DAS and employee will mutually agree on a hearing officer.</p>	<p><b>Step 2 – Heard by Agency Head or designee. Has 15 workdays to hear and respond to grievance.</b></p> <p>Employee has 5 work days from receipt of Step 2 decision to appeal to DAS – Employee Relations.</p>
<p><b>MANDATORY MINI-HEARING – Heard by DAS – Employee Relations. Decisions to be issued in 20 work days from date of hearing.</b></p>	<p><b>Step 3 – No Mini-Hearing. Step 3 heard by Personnel Board or Hearing Officer.</b></p>
<p>Employee or Agency has 7 work days to appeal decision to DAS – Employee Relations.</p>	<ul style="list-style-type: none"> <li>• Decision by Board or Officer is final and not grievable.</li> <li>• Decision can be appealed within 30 calendar days to District Court.</li> </ul>
<p><b>Arbitration/Hearing Officer:</b> Grievant and Agency must agree to individual hearing the case and split the cost. Decision must be issued within 60 calendar days from hearing or a penalty is assessed.</p> <ul style="list-style-type: none"> <li>• Arbitration is final and binding and cannot be appealed</li> <li>• Hearing Officer decision can be appealed within 30 calendar days to District Court.</li> </ul>	

**Human Resources Policies and Procedures  
NEBRASKA DEPARTMENT OF TRANSPORTATION**



<i>Title:</i>		<i>Policy No.</i>
<b>Worker's Compensation</b> <i>(previously Accident and/ or Injury Reporting)</i>		<b>6.1</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for receiving medical treatment and completing the necessary documentation relating to work-related injuries or illnesses.

**II. Definition**

N/A

**III. Related Forms**

- A. *NDOT Form 82: Supervisor's Accident/Report Loss Form (Electronic format only)*
- B. *NDOT Form 114: Workers' Compensation Claim Information and Repayment Acknowledgment*
- C. *NDOT Form 367: First Report of Alleged Occupational Injury or Illness*
- D. *NDOT Form 369: Workers' Compensation Incident Report*

Once forms are provided to Human Resources via fax or email and have been provided/routed through the chain of command as necessary, the document can be shredded.

**IV. Policy/Procedure**

A. Processing of claims will be initiated when the First Report has been received by Human Resources from the Divisions/Districts and forwarded to the Worker's Compensation (WC) Third-Party Administrator (TPA).

B. Medical Treatment

When an employee goes to a doctor, hospital, pharmacy, etc. for a work-related injury or illness, the employee should tell the individual(s) providing the service that the bill should be sent to the WC TPA. Employees should notify their Supervisor prior to seeking medical services from a doctor, hospital, pharmacy, for a work-related injury. Upon notification, the Supervisor should provide the employee with the WC TPA's mailing address to give to the medical provider (*wallet cards are available to give to the employee.*) The WC TPA determines if the expenses are covered under WC or if they are the individual employee's responsibility and notifies the employee, the medical provider and NDOT Human Resources.

C. Workers' Compensation

Employees' health insurance is not usually required for workers' compensation cases. When being treated, the WC TPA will be given as the party responsible for payment. However, employees should also follow their health insurance carrier's procedures should workers' compensation be denied.

**V. Responsibilities of Employee**

Employees are responsible to meet the expectations set out in this policy.

**VI. Responsibilities of the Supervisor**

Supervisors are responsible to meet the expectations set out in this policy.

Supervisors should contact Human Resources for guidance as necessary.

**Human Resources Policies and Procedures  
NEBRASKA DEPARTMENT OF TRANSPORTATION**



<i>Title:</i>		<i>Policy No.</i>
<b>Employee Safety Committees</b>		<b>6.2</b>
<i>Effective/ Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the establishment and oversight of Safety Committees within the Agency.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

The Agency shall have a Central Complex Safety Committee, a Safety Committee in each District, an Agency Safety Committee and a representative on the Statewide Safety Committee.

The safety committees will assist the Agency by making recommendations regarding methods of addressing safety and health dangers at each work site. Recommendations to the Agency shall be advisory only and not deal with issues subject to collective bargaining. In addition to making recommendations, the committees shall assist the Agency’s Employee Safety Program in other ways as requested by Human Resources.

Human Resources shall manage and provide oversight of all NDOT Safety Committees.

**A. Central Complex Safety Committee**

- i. There will be three (3) bargaining unit employees, from different divisions, selected by the union to represent labor, and three (3) employees, from different divisions, selected by Division Heads and/or the Human Resources Division to represent management, on the Central Complex Safety Committee.
- ii. One of the employees representing management will be from Human Resources.
- iii. Human Resources will resolve any membership conflicts.

**B. District Safety Committees**

- i. There shall be three (3) bargaining unit employees, from different facilities, selected by the union to represent labor and three (3) employees, from different facilities, selected by the District Engineer to represent management on each of the District Safety Committees.
- ii. Human Resources will resolve any membership conflicts.



C. Agency Safety Committee

- i. The Agency Safety Committee will consist of one (1) Safety Committee member from each District, one (1) from Central Complex and one (1) from Human Resources. Positions shall be of an even mix of management and bargaining unit employees.
- ii. Human Resources will determine the rotation schedule for bargaining unit/management designation.

D. Statewide Safety Committee

- i. The statewide safety committee is limited to assisting the employer by making recommendations regarding methods of addressing safety and health hazards at each worksite. Recommendations shall be advisory only and not deal with issues subject to collective bargaining Nebraska Administrative Code Title 230, Chapter 6, 002.
- ii. NDOT shall have a representative on the Statewide Safety Committee.

E. Injury Prevention Program

- i. The Agency's Employee Safety Manual and the Human Resources Policies and Procedures Manual will serve as the Injury Prevention Program as required by the Department of Labor.

<i>Title:</i>		<i>Policy No.</i>
<b>Employee Safety Meetings</b>		<b>6.3</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for conducting and attending Employee Safety Meetings.

**II. Definition**

N/A

**III. Related Forms**

*NDOT Form 326:* Safety Meeting Report

**IV. Policy/Procedure**

A. Supervisors are responsible for conducting safety meetings to discuss safe work practices and procedures, hazard identification, accident prevention methods, safety promotion, items noted in safety inspections, recent vehicle or injury accidents, emergency related procedures including first-aid and CPR, and to communicate on-the-spot safety topics.

B. Safety Meetings

- a. Safety meetings may be held in a crew room, shop, laboratory, or on a work site like a construction project, and should be of such a duration to adequately discuss safety topics and previous accidents.
- b. Safety meetings should follow generally accepted rules of structure and order. However, meeting order and structure should not be allowed to overwhelm the meeting and inhibit free and frank discussion.
- c. On-the-spot safety meetings should be held immediately, whenever practical, to rectify a dangerous situation. Appropriate staff at the local headquarters should be advised of the situation the same day or no later than the morning of the next workday.

C. Divisions/Districts and Human Resources will review each Safety Meeting Report, and follow-up with the Supervisor or meeting leader as necessary.

D. Human Resources will maintain a record of where and when safety meetings were held.

**V. Responsibilities of Employee**

A. Employees who are required to attend *regularly scheduled monthly safety meetings* include, but are not limited to:

- a. Bridge inspection crews.
- b. Agency construction, and maintenance employees. (*Clerical positions are excluded.*)
- c. Laboratory and field employees.
- d. Semi-trailer operators, warehouse, engineer equipment repair, electronic shop, auto equipment repair shop, grounds maintenance, and facility maintenance employees.
- e. Survey crews and land surveyors.
- f. Traffic counters.
- g. Additional classifications as determined necessary.

**VI. Responsibilities of the Supervisor**

- A. Supervisors are responsible for planning, scheduling, and conducting safety meetings and, when requested or practical, will be assisted by the Human Resources.
- B. Supervisors are responsible for conducting “on-the-spot safety meetings” whenever one or a group of their subordinates are found to be working in an unsafe manner.
- B. An employee who is absent from a safety meeting shall be updated on the missed safety meeting(s) by the Supervisor at the first opportunity.

<i>Title:</i>		<i>Policy No.</i>
<b>Personal Protective Equipment</b>		<b>6.4</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for use of personal protective equipment.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

A. It is the policy of the Agency to provide personal protective equipment to employees when the equipment is needed to protect the employee from injury.

B. For further information regarding personal protective equipment, refer to the NDOT Safety Manual.

**V. Responsibilities of Employee**

A. It is the employee’s responsibility to wear all personal protective equipment (*PPE*) that is needed or required by the NDOT Safety Manual.

B. The employee is responsible for maintaining PPE in proper working order and to immediately report any defects to the Supervisor.

**VI. Responsibilities of the Supervisor**

A. It is the Supervisor’s responsibility to ensure that all personal protective equipment (*PPE*) is issued and worn when needed or when required by the NDOT Safety Manual.

<i>Title:</i>		<i>Policy No.</i>
<b>Vehicle Safety</b>		<b>6.5</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for safety while driving, including the required use of seat belts/occupant restraints.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

- A. Human Resources is responsible for the coordination of a Safe Driver Training Program to reduce accidents and ensure conformity with state and federal laws, rules, and regulations.
- B. Division Heads/District Engineers are responsible for compliance of this policy and will ensure that their employees are properly licensed for the operation of Agency vehicles as required by their jobs. The Division/District will notify Human Resources when an employee gets a Commercial Driver’s License (CDL) for the first time and when an employee changes from a Class A or B CDL to a Class O license. If an employee wants to drop their CDL, it must be approved in writing by the Division/District Head.
- C. Employees are responsible for the safe operation of vehicles and equipment and maintaining a valid operator’s license. The Employee Safety Manual provides additional information on Vehicle Safety Policies.
- D. Applicants who are required to have a valid operator’s license may not have more than 8 points assessed against them.
- E. Specific vehicle and licensure requirements are outlined in the Employee Safety Manual.
- F. Occupant Restraints
  - a. Occupant restraints (*seat and shoulder belts*) will be used by all occupants of Agency motor vehicles (*licensed to operate on public roads*) and Agency equipment (*like loaders and tractors*) when such restraints are available.
  - b. Exceptions:
    - i. If a Supervisor determines that the immediate job using equipment (*like loaders and tractors*) cannot be accomplished while the employee is wearing an occupant restraint, the use of the restraint may not be required.
    - ii. Motorgrader operators when actually engaged in blade work are not required to use an occupant restraint.
    - iii. When a medical waiver from a physician is submitted to Human Resources, and such waiver is approved, the use of restraints is not required. The medical waiver must be

carried with the individual whenever driving an Agency vehicle. [See Nebraska Reissue Revised Statute (2007 Reissue) §60-6,270.]

- If a seat belt extension is necessary, the Supervisor will attempt to acquire an appropriate device.

**V. Responsibilities of Employee**

- A. Employees are responsible to meet the expectations set out in this policy.

**VI. Responsibilities of the Supervisor**

- A. Supervisors are responsible to meet the expectations set out in this policy.

- B. Supervisors who recognize violations of this policy should take the appropriate steps to correct the situation and contact Human Resources for guidance as necessary.

<i>Title:</i>		<i>Policy No.</i>
<b>Usage of Mobile Devices While Driving</b>		<b>6.6</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
July 1, 2017/September 2020	Rachelle Van Cleave, HR Director	

**Teammates may not use a mobile phone to talk or type while driving unless it's an emergency.**

**I. Overview**

Roadway safety is a primary concern for us at NDOT. Fatalities on Nebraska roadways have been rising steadily for nearly a decade and studies suggest the use of mobile devices while driving may be a contributing factor. Hands-free technology, while better than the alternative, still has the potential to affect driver attention to the road. NDOT is one of the primary voices on transportation safety, and every teammate should be a leader when it comes to practicing and promoting safe driving on our roadways.

**II. Policy/Procedure**

NDOT recognizes that the use of mobile phones, text messaging, electronic mail, and other electronic devices have many meaningful benefits for NDOT and its teammates. In the spirit of our commitment to our safety mission, appropriate use of these resources includes:

- Unless it is an emergency, if you must make or take a call while traveling, find a safe location to pull over.
- If you must use your phone in an emergency, use hands-free technology to dial/answer.
- Avoid reading messages or typing on your phone while driving, including texts, emails, internet searching etc. If you must read a message or type, find a safe location to pull over and put the vehicle in park.
- Plan your workday to avoid using your phone when driving.
- Program GPS, music, streaming audio, etc. before you depart. Do not use earbuds, earphones or Bluetooth headsets.
- Use mobile phone features that support safe and attentive driving, including voice mail and “Do Not Disturb.”
- Encourage safe phone usage with your teammates and avoid calling your teammates when you know they’re driving.

- Usage of the Department provided technology installed in vehicles to perform job duties is acceptable under this policy (radios, for example)
- If you must use your phone to record a video with your phone (to document traffic control, for example), do it safely. Examples include use a dash mount if possible, start/stop the recording with the vehicle in park, etc.
- All drivers remain responsible for following the Nebraska state laws prohibiting the use of mobile phones when operating such vehicles.
- Promote and encourage safe phone usage with NDOT partners and the public whenever you have an opportunity.



<i>Title:</i>	<i>Policy No.</i>
<b>Agency Identification/Facility Access</b>	<b>6.7</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>
April 2019	Rachelle Van Cleave, HR Director

**I. Overview**

This policy establishes basic parameters for the use of employee identification and building access.

**II. Policy/Procedure**

For the safety of all NDOT employees, and guests to the NDOT facilities, all individuals within the NDOT Central Complex facilities (1400, 1500, 1600 Highway 2 and 5001 S. 14<sup>th</sup> Street) will be issued a badge displaying authorized access into the facilities. Those without an identification will be asked to stop at the security desk and receive a temporary identification.

NDOT Districts may adopt similar requirements to ensure the security of staff and District facilities.

Upon hire, each employee will be issued an NDOT identification badge, which is to be worn in a visible manner at all times while within the NDOT Central Complex facilities.

Visiting district employees will be required to wear NDOT issued identification cards while in one of the Central Complex facilities.

Non-NDOT employees, as well as employees without proper identification, should be instructed to enter the facilities through the main doors to receive a temporary identification card from the security desk.

Employees not wearing NDOT identification in a visible manner will be asked to show their issued card and to wear in a visible location. An employee may not refuse to show or wear an identification card.

Any lost or stolen access card should be reported immediately to the immediate Supervisor and Human Resources. A temporary card may be issued until a new permanent card becomes available.

Employees of the Department of Transportation violating this policy are subject to disciplinary action up to and including termination.

**III. Responsibilities of Employee**

- A. Employees must wear an NDOT issued identification at all times while in the Central Complex facilities.
- B. Employees should not allow access (including holding doors, propping doors, etc) to other individuals unless they also have a visible badge.
- C. If you see someone waiting outside of a locked door and you are not comfortable with the situation, direct the individual to the proper entrance or report it to the security guard or after hours call NSP Capitol Security.

**IV. Responsibilities of the Supervisor**

- A. Ensure staff wear NDOT issued identification badge in a visible manner.

<i>Title:</i>		<i>Policy No.</i>
<b>Vendor Solicitation</b>		<b>7.1</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for Vendor Solicitation and appearances of endorsing, assisting or promoting those vendors.

**II. Definition**

Vendor - is a person, group of people, or organization (*whether profit or non-profit*) selling or promoting a product or service for personal use. These persons who are selling or promoting this product or service will not contact state employees during work hours.

**III. Related Forms**

N/A

**IV. Policy/Procedure**

The intent of the Vendor Solicitation Policy is to make sure the State of Nebraska is not endorsing or appearing to endorse or assist a vendor in selling or promoting their product or service. The following State policy has been adopted for employees of the Department of Transportation.

Vendors may not send by U.S. mail, interoffice mail, or deliver any materials to state employees at their work address. No information concerning a vendor (*such as advertisements*) will be displayed on any state bulletin board. However, employees may post individual notices of their sale or purchase of individual items that comply with the State’s requirements, including the State’s Work Place Harassment Policy on state bulletin boards with approval. Only “State sponsored” vendors that have been selected by the State to provide a product or service to employee will be allowed to use State time and State property to distribute information. This type of solicitation will be coordinated through the Administrative Services-State Personnel Division. The securing of payroll deduction through Administrative Services – Accounting Division does NOT mean a vendor is state-sponsored.

Vendors who are not State-sponsored are not allowed to sell, promote or distribute information concerning a product or service within State buildings. However, any vendor may make a written request to the Director of State Personnel – Administrative Services – State Personnel Division to distribute information within State buildings. This request must be approved, in writing, by the Director of State Personnel – Administrative Services – State Personnel Division prior to any distribution of material. Lists of employees' names and/or home addresses and telephone numbers are not public information and will not be released to any vendor, except as previously authorized by the Director of State Personnel – Administrative Services – State Personnel Division. Vendors may purchase a State telephone directory from the Office of the Chief Information Officer.

**V. Responsibilities of Employee**

- A. Employees are responsible to meet the expectations set out in this policy.

**VI. Responsibilities of the Supervisor**

- A. Supervisors are responsible to meet the expectations set out in this policy.
- B. Supervisors who recognize violations of this policy should take the appropriate steps to correct the situation and contact Human Resources for guidance as necessary.

<i>Title:</i>		<i>Policy No.</i>
<b>Political Activities</b>		<b>7.2</b>
<i>Effective/Revision Date</i>		<i>Approvals:</i>
January 2017		Rachelle Van Cleave, HR Director

**I. Overview**

This policy establishes basic parameters for an employee’s participation in political activities.

**II. Definition**

N/A

**III. Related Forms**

N/A

**IV. Policy/Procedure**

An employee may engage in any political activities except that:

- An employee will not participate in political activities while on state time or while performing official State duties.
- No employee will engage in political activity while wearing a uniform required by the State.
- No employee will use or authorize the use of state personnel, property, resources, or funds for campaign purposes, unless otherwise permitted by law.
- An employee whose position is partially or entirely funded with federal money and is covered by the federal Hatch Act is barred from being a candidate for a partisan office (*offices with candidates identified as being from specific political parties.*)

For employees covered by the aforementioned rules and covered by the Hatch Act, the federal agency responsible for administering the Hatch Act (<http://www.osc.gov/hatchact.htm>) should be consulted for specific restrictions on these employees.

If an employee wishes to take part in political activities during normally scheduled work hours, the employee must arrange for leave (*vacation, leave without pay, etc.*) to cover the period of absence. If an employee is elected to office and such office presents a conflict of interest with the employee's job or interferes with the employee's scheduled work hours, the Department of Transportation has authority to change the terms and conditions of employment, up to and including, termination of employment.

**V. Responsibilities of Employee**

A. Employees are responsible to meet the expectations set out in this policy.

**VI. Responsibilities of the Supervisor**

A. Supervisors are responsible to meet the expectations set out in this policy.

B. Supervisors who recognize violations of this policy should take the appropriate steps to correct the situation and contact Human Resources for guidance as necessary.

**Human Resources Policies and Procedures  
NEBRASKA DEPARTMENT OF TRANSPORTATION**



<i>Title:</i>		<i>Policy No.</i>
<b>Conflict of Interest</b>		<b>7.3</b>
<i>Effective/Revision Date</i>	<i>Approvals:</i>	
January 2017	Rachelle Van Cleave, HR Director	

**I. Overview**

This policy establishes basic parameters for the consistent application of conflict of interest within the agency.

**II. Definition**

Immediate family member includes:

- a) spouse of the employee;
- b) child residing in the employee’s household; and
- c) person that is claimed by the employee or spouse as a dependent for federal income tax purposes.

**III. Related Forms**

N/A

**IV. Policy/Procedure**

To ensure compliance with the Nebraska Accountability and Disclosure Act, employees of the Nebraska Department of Transportation shall not take any actions or make any decisions in the discharge of their duties if they have a potential or actual conflict of interest. A conflict of interest exists if the employee is required to take action or make a decision which could result in a financial benefit or detriment to the employee, a member of his or her immediate family, or a business or other organization with which he or she is associated.

If a Division Head or District Engineer has concerns about a potential or actual conflict of interest which has not been reported by an employee, he or she shall submit a written statement to Human Resources. That statement will be referred to the Nebraska Accountability and Disclosure Commission when appropriate.

In addition to the other penalties authorized under the Nebraska Political Accountability and Disclosure Act, any person violating this section may be subject to disciplinary action.

**V. Responsibilities of Employee**

If an employee has a potential or actual conflict of interest, he or she shall prepare a written statement describing the issue requiring action or decision and the nature of the conflict of interest. The employee shall provide this written statement to his or her immediate supervisor and to the Nebraska Accountability and Disclosure Commission.

**VI. Responsibilities of the Supervisor**

The immediate supervisor shall forward the written statement to the Division Head or District Engineer, who shall forward it, together with their comments, to Human Resources. If the Department determines that there is an actual conflict of interest, it will assign the issue to a different employee, or take other appropriate action. The Department and the employee will also take such action as the Accountability & Disclosure Commission may prescribe.