

Deferred Rules

March 7, 2017: Amended Rule

§ 4-801. Warrant or detainer provisions.

- (A) If a warrant or detainer is placed against a committed offender by a court, parole agency, or other authority of this or any other jurisdiction, the administrator shall inquire before such offender becomes eligible for parole whether the authority concerned intends to execute or withdraw the warrant or detainer when the offender is released.
- (B) If the authority notifies the administrator that it intends to execute the warrant or detainer when the offender is released, the administrator shall advise the authority concerned of the sentence under which the offender is held, the time of parole eligibility, any decision of the board relating to the offender, and the nature of the offender's adjustment during imprisonment and shall give reasonable notice to such authority of the offender's release date.
- (C) The Board may parole an offender who is eligible for release to a warrant or detainer. If an offender is paroled to such a warrant or detainer, the Board may provide, as a condition of release, that if the charge or charges on which the warrant or detainer is based are dismissed, or are satisfied after conviction and sentence, prior to the expiration of the offender's parole term, the authority to whose warrant or detainer the offender is released shall return the offender to serve the remainder of the parole term or such part as the Board may determine.
- (D) If a person paroled to a warrant or detainer is thereafter sentenced and placed on probation, or released on parole in another jurisdiction, prior to the expiration of the parole term less good time in this state, the Board may permit the person to serve the remainder of the parole term or such part as the Board may determine concurrently with the person's new probation or parole term. Such concurrent terms may be served in either of the two jurisdictions, and supervision shall be administered in accordance with the Interstate Compact for Adult Offender Supervision.
- (E) It is the policy of the Board that before paroling an otherwise parole-eligible offender to a United States Immigration and Customs Enforcement detainer, the offender must have a backup residence identified and verified at the time of the offender's parole hearing. Failure to have a backup residence identified and verified at the time of a parole hearing will **may** result in a denial of parole for the offender.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,125

History: Adopted September 22, 2016
Amendment Proposed March 7, 2017; Action taken: Deferred

March 7, 2017: Proposed Rule 3

§11 - ___ . Inclement Weather Policy

- (A) ~~Board Members. Members of the Nebraska Board of Parole who have excessive distance to travel may conduct Board of Parole business remotely if the winter weather conditions are such that travel to the Lincoln office would be unsafe. Members of the Board of Parole will make their own determination regarding when driving conditions are such that travel to the Lincoln office would be unsafe. If weather conditions prohibit Board Members' presence at a public hearing, the hearing may proceed if a quorum can be obtained by the participation of a third (or more) Board Member(s) via telephone or video conference provided that such Members participate remotely throughout the proceeding. The Board Members that are present in person shall note and confirm on the record the identity of the Board Member(s) participating remotely via telephone or video conference.~~

Parole Board Members and Employees of the Board of Parole. Agencies and departments of the State of Nebraska have a statutory responsibility to be open for the transaction of business from at least 8:00 a.m. to 5:00 p.m., Monday through Friday, except for state holidays.

- (A) Prior to the onset of inclement weather, agencies should determine how best to serve the public should a weather emergency arise. All employees should be made aware of the procedures developed for that agency.
- (B) The safety and welfare of our employees is of utmost concern, therefore each employee will determine for himself or herself his or her ability to drive to work safely, the condition of his or her vehicle, and the immediate road conditions.
- (C) If an employee chooses not to report to work, he or she should report their absence to their supervisor prior to the start of their work shift.
- (D) Employees choosing not to work during adverse weather conditions must use accrued vacation leave, earned compensatory time, or leave without pay.
- (E) If feasible, agencies **the Parole Board Chairperson or designee** may allow employees to make up missed work time within the **work week pay period**.

If an employee's normal work site is not open, for example in locations where employees work in buildings that are not owned or operated by the state, and an alternative work location is not an option, then the employee may be placed on a "ready to work" status. This means they are ready and available to be called back to a work location, at any time. Employees in a "ready to work" status will be compensated. Employees shall perform any state work possible during this status.

- (F) Supervisors are directed to be as reasonable as possible in the approval of the use of vacation, compensatory time, or leave without pay. Also, if possible or necessary, supervisors are encouraged to allow the employees to make up any lost work time due to weather related conditions **within the pay period**.
- (G) The **Parole Board Chairperson or designee** and the Parole Administrator may authorize employees to work from other locations.

April 5, 2017: Proposed Rule 5 (New)

§ 4 - 407. Request for Rehearing

- (A) Applicability.
Requests for Rehearing are limited to Parole Hearing and Review of Parole Hearing decisions. Offender Board Reviews are not subject to appeal.
- (B) Procedure.
1. An offender may request a rehearing by submitting a written request within seven (7) business days after the original hearing.
 2. ~~In order to be considered by the Board and toll the time for filing a petition in error with the District Court, the request for rehearing must state and support reasons that would support a motion for new trial under Neb. Rev. Stat. § 25-1142.~~
 3. The Board will deliver its decision on whether to grant or deny a rehearing in writing within 30 days after receipt of the offender's request.
 4. If the Board decides to grant a rehearing for the offender, the offender's case will be set for rehearing within 60 days.
- (C) Petition in Error.
There is currently no provision in the Nebraska Revised Statutes providing for an extension of time in which to file a petition in error sufficient to confer jurisdiction in the Nebraska State Courts if an offender desires to pursue such course of action.

History: Deferred April 5, 2017

April 5, 2017: Proposed Rule 7 (New)

§ 10 - 105. Information Related to Parole Decisions

Information on which parole and review of parole decisions are based shall be available for review by each offender upon written request, **except that which has been designated “confidential” by a Board Member or is deemed “confidential” by statute or Board of Parole rules.** Confidential information includes, but is not limited to, psychiatric evaluations, confidential juvenile records, informant names, plea bargains made by co-defendants, Executive Sessions of the Board, and presentence investigations.

History: Deferred April 5, 2017

April 5, 2017: Proposed Rule 9 (New)

§ 11 – ____ . Employment Applications and Interviews

- (A) All employees of the Board of Parole applying for positions with any other State agency or any employer outside the State Personnel System must use personal time for applications and interviews.
- (B) Lunch periods may be adjusted or vacation leave requested prior to submission of applications or scheduled interviews. This time will be assessed as unauthorized absence, without pay, if this procedure is not followed.
- (C) Vacation leave need not be used for interviews for positions within the agency by existing staff.

History: Deferred April 5, 2017