

April 5, 2017 Parole Board Business Meeting
Proposed Rules

Proposed Rule 1 (New)

§ 3 - 305. Board of Parole Strategic Planning

The Chairperson shall designate times through the year when the Board Members and Executive Staff shall engage in strategic planning, including, but not limited to, the discussion of short-term and long-term goals. The goals shall be completed and approved by the Board in time for inclusion in its annual report.

Proposed Rule 2 (New)

§ 3 - 501. Physical Property Inventory

(A) Inventory Coordinator

1. Neb. Rev. Stat. § 81-1118.01 requires all agencies, boards, and commissions to keep an inventory of physical property. Accurate inventory records are essential for the maximum control and utilization of state-owned equipment. It is essential that these records be updated for each equipment acquisition, disposal, or relocation.
2. The Chairperson will designate an inventory coordinator. This individual will be responsible for all additions, transfers, changes, and deletions of inventory items. All physical property inventories are maintained in the CICS computer program, Job 059, which is administered by the Department of Administrative Services-Central Data Processing.

(B) Property Tagging Requirements

1. \$1,500 or More: A \$1,500 purchase cost criteria will be used to determine if items are to be placed on the statewide inventory system. These items will be gold tagged numerically.
2. Less than \$1,500: All property items of purchase cost less than \$1,500 but more than \$100 will require a silver non-numbered tag.
3. A capital outlay report will give instructions on the appropriate tag to be used.

(C) Statewide Inventory Listing

1. A Statewide Inventory Listing Request must be filed with the Materiel Division Administrator by August 31st of each year. This listing is to be complete and accurate at the time of filing with DAS. A documented review of the Additions and Retirements Fixed Asset report will be completed annually.
2. A physical inventory will be performed by the inventory coordinator, and validated by the immediate supervisor, at least once each year.
3. A record of all updated transactions (additions, changes, transfers, deletions) will be available upon request of a History File Listing. This report should be requested by an individual other than the designated inventory coordinator periodically to insure accuracy.

(D) Statewide Inventory Manual

All inventory control transactions, including the surplus or transfer of equipment, will be completed in accordance with the Materiel Division's Statewide Inventory Manual.

Proposed Rule 3 (New)

§ 4 - 206. Offenders Scheduled for Execution.

- (A) Offenders sentenced to death for conviction of First Degree Murder who have an execution date set shall be afforded an interview with the Board of Parole prior to the execution date if an interview is requested by the Board of Pardons, the offender, or the offender's legal counsel.
- (B) The interview will be held at a separate time from scheduled Offender Board Reviews or Parole Hearings. Questions may be provided by the Board of Pardons, the offender's legal counsel, and the members of the Board of Parole. Questions may include, but are not limited to, the following:
 - 1. Societal and economic background of the offender;
 - 2. Educational attainments of the offender subsequent to incarceration;
 - 3. Psychological information and profile of the offender;
 - 4. The offender's behavior and conduct while incarcerated;
 - 5. The offender's rehabilitative efforts since incarceration;
 - 6. The offender's ability to contribute meaningfully to society;
 - 7. Individuals who have had an effect on the offender since incarceration and how these individuals have influenced the offender;
 - 8. The offender's attitude and feelings about the crime for which he or she has been sentenced.
- (C) The Board of Pardons and the offender's legal counsel will be notified of the interview and the offender's legal counsel may be present at the interview. The interview will be video recorded. The video recording will be made available to the Board of Pardons and the offender's legal counsel.
- (D) The offender may waive participation in the interview.
- (E) The Board of Parole may make a recommendation for commutation or may remain silent on the issue of commutation.

Proposed Rule 4 (New)

§ 4 - 207. Offender Board Review Schedule.

- (A) At the discretion of the Board, the Board may split into two (2) teams when the number of scheduled Offender Board Reviews exceeds 35 individuals at a single facility. The decision to split into teams for a single facility is based on the following factors: 1) Adequate number of Board members or designated individual(s) are present; 2) Availability of staff to assist in making an informal record of the reviews conducted; and 3) Availability of an additional room at the designated facility.
- (B) At the discretion of the Board, the Board may split into two (2) teams and conduct Offender Board Reviews at separate facilities on the same day. The decision to split into teams for separate facilities is based on the following factors: 1) Volume of Offender Board Reviews scheduled for a given month; 2) Availability of staff to assist in making an informal record of the reviews conducted; 3) Transportation needs; and 4) Availability of room(s) at the designated facilities.

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.

Proposed Rule 6 (New)

§ 7 - 104. Forfeiture and Restoration of Parole Good Time

Upon the filing of an alleged parole violation, good time earned while on parole pursuant to Neb. Rev. Stat. § 83-1,108 may be forfeited, withheld and restored by the Board after the parolee has been consulted regarding any charge of misconduct or breach of the conditions of parole.

Proposed Rule 7 (New)

§ 10 - 105. Information Related to Parole Decisions

Information on which 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.

Proposed Rule 8 (New)

§ 11 – ____ . Leave and Compensatory Time

- (A) Whenever possible, the staff should use vacation and sick leave for absences. That is the purpose of earned leave time afforded State employees.
- (B) If requested in advance and approved by an employee's immediate supervisor, short absences for any reason may be made up during the same pay period as the absence occurs. This can be accomplished by starting work earlier or working later. Supervisors will plan work days and affirm staff is available to ensure operation of the agency. The agency will utilize "flex time" for employees whenever possible.
- (C) Rest periods shall not be used to make up leave time as they are part of the regular eight-hour day.
- (D) Accumulated "compensatory time" earned while staff members are in session with the Board should be recorded and turned in to the supervisor. Arrangements can then be made for time off. When possible, this time must be used in the same work week as it is earned.
- (E) With regard to the Fair Labor Standards Acts, employees that are non-exempt will be eligible for time and a half when they are required to work over 40 hours per week.
- (F) Consistent with the Nebraska Personnel System Rules and Regulations and also the applicable labor contracts, agency heads may advance vacation and sick leave to employees in an amount not to exceed a total of 80 hours (pro-rata for part-time employees). The use of sick or vacation leave time in advance of it being earned by staff members shall be requested of and approved or denied by the Chair, or a Board Member designated by the Chair to act upon the request. The use of leave time in advance of it being earned by the Chair and other Board Members shall be considered for approval by the full Board in Executive Session. All employees shall reimburse the state for all used unearned vacation and sick leave upon separation or transfer from the agency.
- (G) A requested leave of absence by Board Members or staff will be considered by the Chair, or a Board Member designated by the Chair, on an individual basis. The Chair, or designated Chair, may grant employees an unpaid leave of absence, not to exceed one (1) year when such absence will not interfere with the best interests of the state. Under unusual circumstances, this time may be extended by the Chair, or designated Chair. Written request for leaves of absence will be considered for events such as temporary disability; maternity, paternity, or child adoption, and educational purposes. The Chair's decision on request for a leave of absence is final and nongrievable, except as provided under the Family and Medical Leave Act. The leave of absence, when granted, shall be in writing and detail the employment conditions that will be in effect at the end of the absence.

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.

Proposed Rule 10 (New)

§ 11 – ____ . Seat Belt Use Required

All Board Members and employees of this agency are required to use an approved seat belt while driving or riding in any motor vehicle while on State business. Use of seat belts and other safety restraints that the motor vehicle is equipped with is required by the operator and all passengers when operating and riding in State-owned vehicles, including the rear seats.

Proposed Rule 11 (New)

§ 11 – ____ . Service Contracts

- (A) No personnel of the Board of Parole shall attempt to influence, participate in, or assume any responsibility in the evaluation of any proposals or selection of contractors when participation would constitute a conflict of interest.
- (B) No information, technical or price competitive, shall be given to any bidder that would give a direct or indirect advantage or disadvantage to that bidder. All bidders shall receive the same information regarding material or services required.
- (C) All contracts executed by this agency will contain Equal Opportunity and Disadvantaged Business Enterprise statements to ensure compliance with State and Federal government requirements associated with Title VI and Title VII of the Civil Rights Act of 1964 and other appropriate Equal Opportunity procurement policies.
- (D) Any contract/vendor doing business with the Nebraska Board of Parole must file a written drug free work place policy with the State Purchasing Department.

Proposed Rule 12 (New)

§ 11 – ____ . Computer Software

Installation of outside software by staff members of this agency must be approved by their immediate supervisor prior to installing. Installation of outside software by a Board Member must be approved by the Chairperson prior to installing.

Proposed Rule 13 (New)

§ 11 – ____ . Drug-Free / Smoke-Free Workplace

- (A) The Nebraska Board of Parole affirms that it is unlawful to illegally manufacture, distribute, dispense, possess or use a controlled substance in the work place. Therefore, it is the policy of the Nebraska Board of Parole that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in this work place is prohibited. Any employees violating this policy will be subject to discipline up to and including termination and referral to a law enforcement agency.
- (B) All employees and each new hire will receive a copy of this policy along with a Drug Abuse Awareness Form which states that it is unlawful to manufacture, distribute, possess, or use a controlled substance in the work place. Each employee will sign and date this statement certifying that they understand and will abide by the Drug Free Work Place Policy, and that they have knowledge of disciplinary actions which may be imposed for violations of the Drug Free Work Place Policy. The signed and dated statement will be permanently maintained in the employee's personnel file.
- (C) All current employees and new hires will receive drug abuse awareness training which will include a definition of drug abuse; information on specific drugs and the effects of drug abuse; dangers of drug abuse in the work place; availability of counseling and treatment services; and disciplinary actions which may be imposed on employees for violations of this policy.
- (D) If an employee violates the drug free work place policy, disciplinary action may be imposed according to established rules and regulations of the State Department of Personnel or applicable labor agreements.
- (E) If an employee is convicted of violating any criminal drug statute while in the work place, they will be subject to discipline up to and including termination. Alternatively, the Board may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
- (F) Each employee is required to inform their immediate supervisor within five (5) days after they are convicted for violation of any federal or state criminal drug statute where such violation occurred in the work place. A conviction means a finding of guilty (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
- (G) Smoking is not permitted in any agency area, including State vehicles. There are no designated smoking areas in or near Board of Parole offices or campuses. "No Smoking" signs will be posted in agency offices.

Proposed Rule 14 (New)

§ 11 – ____ . Balancing of Vacation Leave

All employees' accumulated vacation time in excess of 280 hours (35 days) shall be forfeited as of December 31st of each calendar year. In special and meritorious cases, when it would cause hardship for an employee to take earned vacation leave before December 31st, excess carryover leave may be approved by the Board. In these cases, the Board shall assure hours carried over shall be used within the next six (6) months. In no case shall approved carryover vacation continue from year to year.

Proposed Rule 15 (New)

§ 11 – ____ . Review of and Approval of Timesheets

- (A) All timesheets submitted by Parole Board Members to payroll personnel shall be given to the Chairperson for initial review and approval of time worked and absences from work.
- (B) The Chairperson shall submit his/her timesheet to the Vice Chair for approval of time worked and absences from work.

Proposed Rule 16 (New)

§ 11 – ____ . Employee Tuition Assistance Program

- (A) Consistent with the Nebraska Classified System Personnel Rules Chapter 15, Section 002, employees of the Parole Board, other than temporary, may, with the approval of the Board by majority vote, receive reimbursement for up to 100% of tuition costs for the completion of a course of instruction of a related field through an accredited university, college, technical school or community college. Prior to the class starting date, employees must complete a "Request for Tuition Assistance" form, in the number of copies prescribed by the Chairperson of the Board of Parole, for final approval (including reimbursement rate) or disapproval by the Board. All copies of the "Request for Tuition Assistance" form shall be retained at the Board of Parole level.
1. Employees will be limited to twelve (12) credit hours per fiscal year or the equivalent number of quarterly hours.
 2. Employees enrolling in a course may do so either by correspondence or attendance at classes during working or non-working hours. Employees granted permission by the Board to attend classes during working hours shall arrange their work schedule so that they continue to work their normal number of hours per week. The Chairperson may approve the use of earned compensatory time, vacation time, or leave without pay to attend classes during working hours.
 3. Employees successfully completing the approved course or courses with a passing grade (C or above) shall be reimbursed for whatever rate is indicated on the form. The rate may be up to 100% of the tuition cost. Tuition cost shall be the cost per credit hour and shall not include fees or the cost of the books. Amount of tuition refund will be no more than the tuition hour cost at the University of Nebraska, Lincoln and Omaha campuses.
 4. Employees eligible for other educational reimbursements through other governmental programs shall use these programs first. If the cost on an approved course is more than the amount available from other sources, the state may reimburse the employee for up to 100% of the difference.
 5. Employees who receive tuition assistance may be asked by the Agency Head to reimburse the state if they leave employment of the state within one (1) year of the course completion date.
- (B) Employees shall be full-time personnel.

NEBRASKA BOARD OF PAROLE
REQUEST FOR TUITION ASSISTANCE

Name: _____ Soc. Sec.# _____

School/Institution: _____

Course Title and Number: _____

Type of Course: _____ Day of Week Class Meets: _____

Day Classes _____ Mon. Tues. Wed. Thurs. Fri. Sat. Sun.

Evening Classes _____ Hours of Class: _____

Correspondence _____

Date of Course: _____ Total Tuition: _____

I understand I will be eligible for reimbursement of up to 100% of the above tuition cost after submitting official evidence of course completion and passing grade. I further understand I am responsible for all other costs (matriculation, laboratory fees, textbooks, supplies, etc.). Provided I receive tuition assistance, I agree to remain in the service of the state for 12 months following completion of this course.

Date Signature

_____ Recommend Approval _____ Recommend Disapproval.

Participation in this study _____ will _____ will not adversely affect performance of work. Work schedule or requirements _____ will _____ will not permit regular attendance of _____ classes.

Date Employee Supervisor

_____ Approved _____ Disapproved

BOARD MEMBERS VOTING IN APPROVAL: Date: _____

xc: Employee
Board File

Proposed Rule 17 (New)

§ 11 – ____. Employee – Inmate/Parole Client Relationships

- (A) Employees shall conduct themselves in a professional manner when dealing with inmates and parolees.
- (B) No employee of the Board of Parole will give, accept, or exchange property, services, gifts, gratuities, or favors with an inmate or parolee or with the friends or relatives of an inmate or parolee outside the scope of the employee's official duties.
- (C) No employees will fraternize with an inmate or parolee, or with friends or relatives of an inmate or parolee. If an employee has reason to believe that he or she may have violated one of the provisions of this policy, the employee shall immediately notify his/her supervisor in writing. The Chair may permit exceptions to the prohibitions set out in this paragraph, after considering all relevant information.
- (D) Employees shall refrain from discussing, in the presence of the inmate population, matters relating to Parole Board business.
- (E) Employees shall not work for the parole, pardon, commutation of sentence or other appeal of any inmates/parolees, write letters on their behalf in an unofficial capacity, or interest themselves in same without prior approval of the Chair.

Proposed Rule 18 (New)

§ 11 – ____ . Dress Standards

It is important for Board of Parole members and staff to dress and groom themselves appropriately and in accordance with the following policy:

- (A) Male Employees:
Normal attire will be business suits (or sports coats) or dress shirt and slacks. Footwear should be considered appropriate for wear with suitable business attire. Athletic shoes or house slippers are not appropriate footwear, unless authorized by the employee's supervisor based upon certified medical reasons.
- (B) Female Employees:
Normal attire will be dresses, pant suits, slacks, blouses, etc. Denim material skirts and dresses are considered acceptable dress under these regulations. Athletic shoes or house slippers are not appropriate footwear, unless authorized by the employee's supervisor based upon certified medical reasons.
- (C) All Employees:
All employees shall wear and undergarments while at work. All employees shall keep their clothing clean, pressed, and well maintained at all times. All employees are expected to keep their hair clean and well groomed.
- (D) Blue denim jeans, t-shirts, and sweatshirts are not acceptable wear for the office. Colored denim jeans and capris are permissible when worn in the office, but unacceptable when accompanying the Parole/Pardons Board to public Hearings and Reviews.
- (E) WHEN ATTENDING HEARINGS AND REVIEWS, ALL EMPLOYEES SHALL ABIDE BY THE DEPARTMENT OF CORRECTIONS' ADMINISTRATIVE REGULATION 205.2 ADDRESSING VISITOR ATTIRE which prohibits wearing shorts; skirts/dresses/skorts/culottes less than knee length; halter or tube tops or other clothing revealing bare shoulders, midriff, or any part of the breast; tights/leggings, stirrup pants; and see-through clothing.

Proposed Rule 19 (New)

§ 11 – ____ . Volunteers and Interns

- (A) The Nebraska Board of Parole may utilize the volunteer services of persons, both retired and working, as well as those of other persons with time available. This decision is based upon the understanding that these persons have skills, experiences, training, time available, and other characteristics while matching our organizational needs.
- (B) Nebraska Board of Parole volunteers are to be afforded dignity and respect by all full-time paid staff and Parole Board Members. They shall be treated by all employees as equals and/or valuable members of the organization working together to improve the services provided.
- (C) In that volunteers are to be treated as employees, the Board of Parole expects that volunteers shall perform their duties in a manner which reflects positively on themselves and the Board of Parole and its staff. Volunteers shall be responsible for complying with the Nebraska Board of Parole Policies and Procedures.
- (D) Volunteers are expected to perform their duties in a professional manner and shall be briefed about the confidentiality of their assigned position. They shall not discuss their assignments which may pertain to confidential records with anyone outside the organization. Good judgment must be used at all times by volunteer employees on when to exercise the confidentiality of all conversation.
- (E) Prior to beginning service, all volunteers will be screened by the Board of Parole/staff. Screening will include a criminal record check, a motor vehicle record check, and personal reference checks. Upon completion of this process, a volunteer program coordinator will schedule an interview between the volunteer and at least two (2) members of the Board of Parole, and one staff member who will be the volunteer's supervisor.
- (F) Each volunteer shall receive orientation and shall receive on-the-job training from the appropriate member of staff to ensure that the volunteer will be a professional/efficient member of our team.
- (G) The time/length of service of a Nebraska Board of Parole volunteer employee shall be determined on an "as needed" basis. The schedule shall be discussed in detail with the selected volunteer and a mutual agreement shall be reached at the time that the volunteer begins his/her duties; however, volunteer services may be discontinued at the discretion of the Board.