

LB 51 Noncertified Conditional Officer Employment

The passage of LB 51 in the 107th legislative session will bring a number of changes to law enforcement agencies in the State of Nebraska. This document will provide an overview of changes to the **EMPLOYMENT** of law enforcement officers to include modifications to the hiring process of a noncertified officer; the requirement a psychological evaluation prior to hiring and the reduction of the one year conditional appointment to 16 weeks.

LB 51 impacts the process that an agency must adhere to when hiring an individual, who has not yet received certification as a law enforcement officer in Nebraska. §81-1414 (6) defines a person who has not been awarded a certificate or diploma as a Noncertified Conditional Officer (NCO). The Noncertified Conditional Officer must meet all of the admission requirements and shall immediately apply for admission into the next available Basic training class.

The Change in Status form must be submitted to the NLETC within seven (7) days of the hiring. The Noncertified Conditional Officer will be enrolled in the next available (scheduled) class.

There are several steps that must be met before the applicant can be hired and a change in status form submitted.

§81-1414 (10) (1) states, “Prior to hiring a person as a law enforcement officer, a law enforcement agency shall, if such person has not previously worked as a law enforcement officer in Nebraska, cause such person to undergo a psychological evaluation to determine fitness for duty. The cost of such evaluation shall be the responsibility of the agency.”

If the applicant has not previously worked as a law enforcement officer he/she must undergo a psychological evaluation before he/she can be employed as an officer.

According to federal employment laws, medical examinations (which includes a psychological evaluation) cannot be conducted until after a conditional offer of employment with the agency has been extended to the applicant. Before they can be hired, the applicant must undergo a psychological evaluation administered by a mental health practitioner who is licensed to conduct such evaluations.

§81-1414 (6) (b) states, “A noncertified conditional officer shall meet all requirements for admission to the training center and shall immediately apply for admission to the training center and enroll in the next available basic training class.”

The applicant must meet all the admission standards which include passing the TABE and the PRET before they can be hired. It is recommended that the application packet found at this link [Basic Packet link](#) be included as part of an agency’s hiring process. Incorporating the application packet in the hiring process, ensures that agency that the applicant has met all admission requirements and thus is eligible for hiring. A

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demonstration of how to administer The Physical Readiness Entrance Test (PRET) to their applicant is located ([LINK](#))

Special Note:

If an applicant does not meet all of the admissions requirements, that applicant cannot be employed as a law enforcement officer and does not have any authority to perform any law enforcement duties. The individual may be employed as a non-sworn civilian (without law enforcement authority) until such time that he/she is able to meet all admission standards.

The **model hiring process work flow** below is provided so an agency has an example of what the new legislation requires for the hiring of a NCO.

Because an applicant does not possess a certificate he/she is a noncertified conditional officer. How that NCO (including one who is appointed as a Reserve) is used by the agency prior to attending the academy will dictate what steps an agency must follow when hiring the candidate.

The hiring of all NCO's will follow Steps 1-4 and Step 7. NCO's who will be exercising law enforcement duties and will be under direct supervision of a Field Training Officer (FTO) will complete steps 1- 7.

1. Employment Application Stage:

This stage should include written testing (including the TABE), physical fitness testing, interviews, completion of the NLETC application packet, and conduct the background investigation. The NLETC application packet includes the medical examination and the psychological evaluation. These two items are not completed until step 2, the Conditional Offer Stage.

2. Conditional Offer Stage:

Once a background investigation has been completed, the agency extends a conditional offer of employment. The agency can now require the applicant to take the medical and psychological examinations. Upon successful completion of these evaluations an agency extends a final offer of employment.

3. Hiring Stage:

Within 7 days of hiring the individual, the agency administrator submits, to the NLETC, the Change in Status and other required employment forms such as background verification, employment verification, etc. Failure to do so may jeopardize the applicant's ability to gain admission to certification training and interact with the public in a law enforcement capacity.

4. Academy Application:

Within 21 days of the applicant beginning employment, a completed packet must be submitted to the NLETC for review.

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- a. If the NCO will be interacting with the public and carrying a firearm before they attend the academy, there are additional requirements that must be followed. These are known as Pre-academy Requirements.
- b. If the NCO does not work in a law enforcement capacity, steps 5 and 6 are not required. Skip to step 7 which is to send the applicant to the academy for training.
- c. If an applicant does not meet all of the admission requirements, the process stops and the applicant cannot work as a law enforcement officer.

5. Pre-academy Requirements

Once the application packet has been approved by the NLETC for the NCO, the next step is the pre-academy training requirements. These are listed in §81-1414 (6)(c)(i)-(vii). Which includes the completion of 80 hours of training: ([training link here](#)).

Upon completion of the training requirement, the agency administrator must validate the completion of the training to the PSAC and the director of the NLETC, §81-1414 (6)(d). This is accomplished by submitting the Verification of Training Form ([link](#)) to the NLETC Director who will provide it to the Police Standards Advisory Council (PSAC). The pre-academy training must be completed prior to interacting with the public and carrying a firearm.

6. Field Training Officer

§81-1414 (6) (e) states that a noncertified conditional officer shall not interact with the public unless such officer is under the direct supervision of a field training officer (FTO) approved by the law enforcement agency employing such noncertified conditional officer.

- a. Limitations of a NCO are outlined in In §81-1414 (6) (f) and state:

“a noncertified conditional officer shall not, without direct guidance and authorization from an approved field training officer: (i) Ride in a marked police cruiser; (ii) Make arrests; (iii) Interview suspects, victims, or witnesses; or (iv) carry out any other law enforcement function.”

7. Attend Academy

Length of Employment

§81-1414 (6) (g) “A noncertified conditional officer may be employed for a period not to exceed sixteen consecutive weeks. The council may extend such period as follows:

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(i) Upon application by a noncertified conditional officer, the council may grant an extension not to exceed two consecutive weeks for good cause shown; and (ii) The council shall grant an extension not to exceed sixteen consecutive weeks upon finding: (A) That the noncertified conditional officer immediately applied for admission to the training center upon appointment under this subsection; (B) That the training center denied the officer's enrollment in the next basic training class due to class size limitations or another reason that was not the fault of the officer; (C) That the officer is enrolled in the next available basic training class; and (D) That such extension would not be contrary to the requirements, limitations, or intent of this subsection.

Summary:

Audits of agencies will be conducted to ensure compliance with this statute. Failure to follow the requirements and restrictions of this subsection shall be considered a violation of the law and neglect of duty.