

## INCENTIVE PAYMENTS CERTIFICATION PROCESS

### Purpose

The purpose of this document is to provide a certification process for counties and municipalities that choose to apply to receive incentive payments for employing, contracting, or sharing with another agency (a) a superintendent licensed under the [Superintendents Act](#), or (b) a superintendent exempt from such licensure requirement (Nebraska Revised Statutes [§39-2504\(5\)](#) and [§39-2514\(4\)](#)).

### Agency and Responsibility

Developing a certification process is assigned to [The Nebraska Department of Transportation \(NDOT\)](#) by Nebraska Revised Statutes [§39-2505\(1\)](#) and [§39-2515\(1\)](#). The office of primary responsibility is [Local Assistance](#).

### Definitions

*Agency or Agencies:* County(ies) or incorporated municipality(ies).

*Superintendent:* A person who, in accordance with the [Superintendents Act](#) and Nebraska Revised Statute [§39-2302](#), is licensed (or exempted from licensure), is employed, contracted or shared (Nebraska Revised Statute [§39-2114](#)) with another local agency, is appointed by the governing body, and assists with the required duties (Nebraska Revised Statutes [§39-2502](#) and [§39-2512](#)).

*Interruption of Service:* A period of time without a superintendent in place resulting in a reduced incentive payment per Nebraska Revised Statutes [§39-2504\(1\)](#) and [§39-2514\(1\)](#). The period of time shall be more than one week between any two superintendents or, in the case of the death of a superintendent, three weeks. Time periods less than those are not an interruption of service and do not reduce the incentive payment.

### Process

1. Incentive payments are based on the calendar year. Annually, on or before October 31, NDOT sends to county and municipal clerks a year-end certification of superintendent form, a resolution form, and instructions to each county with a population of fewer than 60,000, as determined by the most recent federal census, and to each municipality. See the attached example letter and forms; the [NDOT](#) may revise these annually.
2. To be eligible for an incentive payment, agencies shall return the correctly completed certification of superintendent form and resolution on or before December 31 (physically at the [NDOT](#)), along with a copy of the governing body's meeting minutes documenting each appointment of superintendent (a separate form for each superintendent) for the year of certification (not for the coming year).

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3. Counties with a population of 60,000 or more, determined by the most recent federal census, automatically receive the full twelve-month Class A incentive payment amount per Nebraska Revised Statute [§39-2504\(4\)](#); they will not receive or submit any year-end certification forms.
4. [Local Assistance](#) reviews forms returned by December 31 for eligibility.
5. For an interruption in service the total incentive is calculated by multiplying one-twelfth of the applicable incentive level (Nebraska Revised Statutes [§39-2503](#) and [§39-2513](#)) by the number of full calendar months served by superintendent(s). If there is an interruption of service that spans across two months, neither of those months count as a full calendar month served by superintendent(s). Leeway may be granted under certain circumstances. A contract situation is an example, when a contractor does not communicate a personnel change in timely fashion to the agency. However, a delay due to action or inaction on the part of the agency has no leeway.
6. [Local Assistance](#) proposes an incentive payment amount for each eligible, compliant (with this process) political jurisdiction in accordance with Nebraska Revised Statutes Chapter 39 [Article 25](#). This is typically done on a spreadsheet, with any changes from the previous year's payment annotated. Referring to Nebraska Revised Statute [§39-2503](#), which pertains to counties, population is determined using the latest Federal census. Referring to Nebraska Revised Statute [§39-2513](#), which pertains to municipalities, population is determined by the [Tax Commissioner](#) annually in December of the calendar year for which the incentive payment is being figured.
7. Controller Division reviews incentive payment amounts and works with [Local Assistance](#) as needed to produce a final list of incentive payment amounts.
8. Controller Division enters incentive amounts into the payment system and notifies the [State Treasurer's office](#) the payments are ready for processing.
9. The [State Treasurer](#) distributes the annual incentive payments on or before February 15 in accordance with Nebraska Revised Statute [§39-2505\(2\)](#), [§39-2511](#), and [§39-2515\(2\)](#).
10. Distributions are subject to audit so records-keeping is important.

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