STATE OF NEBRASKA
Office of the Attorney General
2115 STATE CAPITOL BUILDING
LINCOLN, NEBRASKA 68509-8920
(402) 471-2682
TDD (402) 471-2682
FAX (402) 471-3297

DON STENBERG
ATTORNEY GENERAL

L. STEVEN GRASZ
SAM GRIMMINGER
DEPUTY ATTORNEYS GENERAL

#93054

NO.
STATE OF NEBRASKA
OFFICIAL
JUL 7 1993
DEPT. OF JUSTICE

DATE: July 6, 1993

SUBJECT: Salaries of appointive full-time veterans service officers of the county.

REQUESTED BY: Jonathan F. Sweet, Director
Nebraska Department of Veterans' Affairs

WRITTEN BY: Don Stenberg, Attorney General
Harold Mosher, Senior Assistant Attorney General

Attached to your inquiry is a resolution from the County Veterans' Service Officers' Association of Nebraska. That resolution requests you to obtain from the Nebraska Attorney General an opinion with respect to the appropriateness of setting salaries of veterans service officers. In your inquiry, you state the gap between salaries of elected county officers and appointive full-time veterans service officers is widening and request our opinion as to whether an appropriate remedy exists in state statutes or whether new legislation is needed. The same is hereinafter discussed.

Neb. Rev. Stat. § 23-1113 (1991) states that "[t]he salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices." It also states "[t]he salaries of all deputies in the offices of the elected officers and appointive full-time veterans service officers of the county shall be fixed by the county board at such times as necessity may require." In fixing the salaries of certain county officers, including full-time appointive full-time veterans service officers, Neb. Rev. Stat. § 23-1114.01 (1991) classifies counties as follows:

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Laurie Smith Camp
Elaine A. Chapman
Delores N. Coe-Barbee
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> Counties having a population of less than three thousand inhabitants, Class 1; three thousand and less than nine thousand inhabitants, Class 2; nine thousand and less than fourteen thousand inhabitants, Class 3; fourteen thousand and less than twenty thousand inhabitants, Class 4; twenty thousand and less than sixty thousand inhabitants, Class 5; sixty thousand and less than two hundred thousand inhabitants, Class 6; and counties of two hundred thousand inhabitants or more, Class 7.

In counties of Class 1, the minimum annual salary of an appointive full-time veterans service officer is five thousand five hundred dollars; in Class 2, the minimum annual salary is six thousand dollars; in Class 3, the minimum annual salary is six thousand five hundred dollars; in Class 4, the minimum annual salary is seventy-five hundred dollars; in Class 5, the minimum annual salary is eight thousand dollars and in Class 6 and 7 the annual salary is established by the county board. See, Neb. Rev. Stat. §§ 23-1114.02 to 23-1114.07 (1991). It is to be noted that except in counties of the 6th and 7th Class, the statutes merely set the minimum annual salary for appointive full-time veterans service officers and in all classes the maximum annual salary of full-time veterans service officers is left to the sound discretion of the county board.

Thus, legally, an appropriate statutory remedy exists whereby the annual salary of appointive full-time veterans service officers can be increased. However, whether increased salaries are to be awarded to appointive full-time veterans service officers is a policy question to be determined by each county board.

Respectfully submitted,

DON STENBERG
Attorney General

Harold I. Mosher
Senior Assistant Attorney General

Approved by:

Attorney General

20-229-3