

# PERSONNEL BOARD

## March 18, 2010

### MEETING

Meeting was held Thursday, March 18, 2010, City Council Chambers, County-City Building, Lincoln, Nebraska.

Members present: Ruth Jones, Sarah Jones, Maggie Stine, Pat Borer. Member absent: Ed Wimes. Personnel Department resource staff attending: Karen Eurich.

The meeting was opened at 1:30 p.m. by Chair Pat Borer.

Agenda Item 1 was the request to create the classification 0621 Labor Relations Administrator (M03). Mark Koller of the Personnel Department requested the item be pended for one more month.

Agenda Item 2 was the request to change the pay range of the classification 3143 Crime Analysis Manager from A10 to A13. John Cripe of the Personnel Department explained this class was previously approved by the Board to replace a Sergeant in the department so the sergeant would be able to be out on the street doing their duties. The position has not been filled since that time as there were only two qualified applicants when the position was posted. The Personnel Department did a study and determined the original pay range was not comparable. LCEA has agreed to this pay range change. Following discussion, it was moved by Maggie Stine and seconded by Ruth Jones to approve the pay range change as presented. Motion unanimously carried by roll call vote.

Agenda Item 3 was the request to revise the classification 3020 Fire Captain. John Cripe of the Personnel Department explained this request was a change to the desirables of the classification and driver's license requirement that the employee can have any valid driver's license and does not have to be a Nebraska issued driver's license. John Huff of the Fire Department also addressed questions from the Board members and indicated that this classification is a Day Captain class and has multiple employees in the classification. Following discussion, it was moved by Maggie Stine and seconded by Pat Borer to approve the revisions as presented. Motion unanimously carried by roll call vote.

Agenda Item 4 was the request to amend Section 2.76.380 of the Lincoln Municipal Code — Sick Leave with Pay. John Cripe explained to the Board this request will coincide with the recent M contract changes that have been approved by the Union and will cover those employees that are not covered by the contract. This change involves an increase in sick leave payout from 50% to 65% into the employee's PEHP account upon retirement, death, or reduction-in-force. Following discussion, it was moved by Ruth Jones and seconded by Pat Borer to approve the amendment as presented. Motion unanimously carried by roll call vote.

Agenda Item 5 was the request to amend Section 2.76.395 of the Lincoln Municipal Code — Vacation Leave with Pay. John Cripe of the Personnel Department explained this request was being made for the unrepresented employees in an "E" pay range to increase the number of hours each employee can carry over. Prior to the meeting starting, Karen Eurich distributed a revision to this amendment to the Board. Following discussion, it was moved by Maggie Stine and seconded by Sarah Jones to approve the amendment as presented. Motion unanimously carried by roll call vote.

Agenda Item 6 was miscellaneous discussion. Mark Koller of the Personnel Department invited the Board Members to tour the new Personnel Department location on third floor. Karen Eurich

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requested the Board make a motion and vote on the carryover request by Mark Koller for agenda item 1. It was then moved by Maggie Stine and seconded by Pat Borer to grant the carryover for another month. Motion unanimously carried by roll call vote. Karen Eurich also informed the Board there are currently three pending grievance hearings for the upcoming meetings and Personnel is trying to resolve them. Karen Eurich also informed the Board she will not be in attendance for the April meeting.

There being no further business, the meeting adjourned at 1:50 p.m.

The next scheduled meeting is tentatively set for Thursday, April 15, 2010.

Karen Eurich  
Personnel Operations Specialist

PC: Joan Ross, City Clerk  
Directors

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 2.76 of the Lincoln Municipal Code relating  
2 to the City's Personnel System by amending Section 2.76.380, Sick Leave with Pay, relating to  
3 employees in a pay range prefixed by M to provide that 65% of an employee's accumulated sick  
4 leave will be paid upon retirement, death, or reduction in force; amending Section 2.76.395,  
5 Vacation Leave with Pay, to increase the maximum number of vacation hours that an employee with  
6 a pay range prefixed by E may accumulate over and above their annual earning rate from 40 to 80  
7 hours; and repealing Sections 2.76.380 and 2.75.395 of the Lincoln Municipal Code as hitherto  
8 existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Section 2.76.380 of the Lincoln Municipal Code be amended to read  
11 as follows:

12 **2.76.380 Sick Leave with Pay.**

13 Subsections (a) through (h) shall apply to employees not represented by a bargaining unit.

14 (a) Amount. Sick leave shall be earned by each employee at the factored hourly equiva-  
15 lent of eight hours for each full month of service or twelve hours for each full month of service for  
16 an employee with a pay range prefixed by "M" who works a fifty-six hour work week. Earnings  
17 shall be computed only for those hours when an eligible employee is in a pay status, excluding  
18 overtime.

19 (b) When taken. Sick leave will be paid only when an employee is unable to perform  
20 work duties due to actual personal illness, noncompensable bodily injury, pregnancy, or disease,  
21 exposure to contagious disease under circumstances in which the health of other employees or the  
22 public would be endangered by attendance on duty, or to keep a medical or dental appointment and  
23 for no other reason. A sick leave pay account will be established and funds appropriated for that  
24 reason only. Sick leave with pay is intended to be paid on account of sickness rather than a  
25 continuation of salary.

26 Sick leave must be earned before it can be granted, and advancing sick leave is prohibited.  
27 An employee may utilize no more than his accrued balance of sick leave. When an employee finds

1 it necessary to be absent for any of the reasons specified herein, the employee shall cause the facts  
2 to be reported to his department head in accordance with departmental rules and regulations.

3 Sick leave shall be earned, but not be granted, during the probationary period occurring after  
4 original appointment. An employee must keep his department head informed of his condition. This  
5 shall be on a daily basis unless waived by the department head or designated representative. An em-  
6 ployee may be required by the Personnel Director to submit a medical certificate for any absence.  
7 Failure to fulfill these requirements may result in denial of sick leave. No refund of vacation time  
8 shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during  
9 any period of leave of absence without pay.

10 (c) Accumulated sick leave. The accumulation of unused sick leave is unlimited.

11 (d) Unused sick leave. Upon retirement, death or reduction in force, an employee with  
12 a pay range prefixed by "E" or "M", or the employee's beneficiary, shall be paid one-half shall have  
13 sixty-five percent (65%) of his accumulated sick leave balance paid into the employee's PEHP  
14 premium account. The rate of payment shall be based upon the employee's regular hourly rate of  
15 pay at the time the employee retires, is laid off, or at the time of the employee's death.

16 Upon retirement, death or reduction in force, an employee with a pay range prefixed  
17 by "A", "C", "E", "N" or "X", or the employee's beneficiary, shall be paid one-half of his  
18 accumulated sick leave in accordance with the applicable terms of the City of Lincoln Personnel  
19 Department policies. The rate of payment shall be based upon the employee's regular hourly rate  
20 of pay at the time the employee retires, is laid off, or at the time of the employee's death.

21 (e) An employee with a pay range prefixed by "A" or "C" may be granted time off for  
22 a maximum of eighty hours in each calendar year for illness in the employee's immediate family.  
23 Immediate family will also include any other family member, whether it be by blood, marriage, legal  
24 adoption, or foster children, residing in the household. Family sick leave may also be granted to an  
25 employee who has been appointed by a court of competent jurisdiction as legal guardian of any  
26 person, with proper documentation. Such time off will be deducted from the employee's  
27 accumulated sick leave. Upon written request from an employee in the above-referenced pay ranges,  
28 the Personnel Director may waive the eighty hour limit after reviewing the individual circumstances  
29 in support of the request.

30 (f) An employee with a pay range prefixed by "N" or "X" may be granted time off for  
31 a maximum of sixty hours in each calendar year for illness in the employee's immediate family. For  
32 purposes of this subsection (f), the term immediate family shall include the employee's mother,  
33 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law, daughter-in-  
34 law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent, grandchild, and the

1 grandparent of the employee's spouse, or any other relative residing in the household. Family sick  
2 leave may also be granted to an employee who has been appointed by a court of competent  
3 jurisdiction as legal guardian of any person, with proper documentation. Such time off will be  
4 deducted from the employee's accumulated sick leave. Upon written request from an employee in  
5 the above-referenced pay ranges, the Personnel Director may waive the sixty hour limit after  
6 reviewing the individual circumstances in support of the request.

7 (g) An employee with a pay range prefixed by "E" may be granted time off for a  
8 maximum of eighty hours in each calendar year for illness in the employee's immediate family. For  
9 purposes of this subsection (g), the term immediate family shall include the employee's mother,  
10 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law,  
11 daughter-in-law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent,  
12 grandchild, and the grandparent of the employee's spouse. Immediate family will also include any  
13 other family member, whether it be by blood, marriage, legal adoption, or foster children, residing  
14 in the household. Family sick leave may also be granted to an employee who has been appointed  
15 by a court of competent jurisdiction as legal guardian of any person, with proper documentation.  
16 Such time off will be deducted from the employee's accumulated sick leave. Upon written request  
17 from an employee in the above-referenced pay ranges, the Personnel Director may waive the eighty  
18 hour limit after reviewing the individual circumstances in support of the request.

19 (h) An employee with a pay range prefixed by "M" may be granted time off for a  
20 maximum of sixty hours in each calendar year for illness in the employee's immediate family. For  
21 purposes of this subsection (h), the term immediate family shall include the employee's mother,  
22 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law,  
23 daughter-in-law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent,  
24 grandchild, and the grandparent of the employee's spouse. Immediate family will also include any  
25 other family member, whether it be by blood, marriage, legal adoption, or foster children, residing  
26 in the household. Family sick leave may also be granted to an employee who has been appointed  
27 by a court of competent jurisdiction as legal guardian of any person, with proper documentation.  
28 Such time off will be deducted from the employee's accumulated sick leave. Upon written request  
29 from an employee in the above-referenced pay range, the Personnel Director may waive the sixty  
30 hour limit after reviewing the individual circumstances in support of the request.

31 Section 2. That Section 2.76.395 of the Lincoln Municipal Code be amended to read  
32 as follows:

33 **2.76.395 Vacation Leave with Pay.**

34 (a) Amount. Each employee with a pay range prefixed by "E" shall earn vacation leave  
35 credit annually as follows:

36 After original appointment -- at the factored hourly equivalent of 88 hours per year

37 After five years of service -- at the factored hourly equivalent of 120 hours per year

38 After ten years of service -- at the factored hourly equivalent of 136 hours per year.

39 After fifteen years of service -- at the factored hourly equivalent of 168 hours per  
40 year.

41 After twenty years of service -- at the factored hourly equivalent of 195 hours per  
42 year.

1 After twenty-five years of service -- at the factored hourly equivalent of 200 hours  
2 per year.

3 Each employee with a pay range prefixed by "N" or "X" shall earn vacation leave credit  
4 annually as follows:

5 After original appointment -- at the factored hourly equivalent of 80 hours per year.

6 After five years of service -- at the factored hourly equivalent of 116 hours per year.

7 After ten years of service -- at the factored hourly equivalent of 130 hours per year.

8 After twelve years of service -- at the factored hourly equivalent of 148 hours per  
9 year.

10 After fifteen years of service -- at the factored hourly equivalent of 160 hours per  
11 year.

12 After twenty years of service -- at the factored hourly equivalent of 196 hours per  
13 year.

14 After twenty-five years of service -- at the factored hourly equivalent of 200 hours  
15 per year.

16 The department head may require that vacation leave be taken not less than one day at a time.  
17 Vacation leave credit shall not accrue during a leave of absence without pay.

18 (b) Vacation leave shall not be granted during the first six months of employment. Each  
19 department head shall keep records on vacation leave credit and use and shall schedule vacation  
20 leave with particular regard to the seniority of employees, to accord with operating requirements,  
21 and insofar as possible, with requests of employees.

22 (c) Accumulated leave. An employee may accumulate vacation leave to a maximum of  
23 ~~forty eighty~~ hours over and above the employee's maximum annual earning rate, for employees with  
24 a pay range prefixed by 'E' or. ~~An employee may accumulate vacation leave to a maximum of~~  
25 ~~eighty hours over and above the employee's maximum annual earning rate, for employees with a~~  
26 ~~pay range prefixed by 'X'.~~

27 (d) Vacation payout. Any employee who separates from the city service shall be  
28 compensated for vacation leave accrued and accumulated to the date of separation. The vacation  
29 payout shall occur with the paycheck immediately following separation. In the event the separation  
30 is the result of retirement, as defined by the applicable retirement plan, an employee may elect to  
31 utilize vacation until all accrued vacation has been exhausted.

32 (e) Waiving vacation. For the purpose of maintaining necessary personnel on duty to  
33 accomplish city work, a department head, with approval of the Mayor, may waive accumulated  
34 vacation leave in excess of eighty hours. Waived vacation will be paid to the employee at the  
35 employee's usual rate of pay as of the last January 1, provided there are sufficient funds in the  
36 department's budget for salaries.

37 (f) Vacation bank payout. For employees maintaining a vacation bank, excluding ranges  
38 prefixed by "B" or "F", the employee may request to sell all or part of their bank at the first full pay  
39 period in July each year. Such request for payment shall be made in writing and approved by the

1 employee's department head and the Mayor, provided there are sufficient funds in the department's  
2 budget for salaries. Payment for requested hours will be paid at the employee's usual rate of pay  
3 as of the last January 1.

4 Section 3. That Sections 2.76.380 and 2.76.395 of the Lincoln Municipal Code as  
5 hitherto existing be and the same is hereby repealed.

6 Section 4. That this ordinance shall take effect and be in force from and after passage  
7 and publication in one issue of a daily or weekly newspaper of general circulation in the City,  
8 according to law.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2010:

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Mayor