

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 2.76.040 of the Lincoln Municipal Code
2 to amend the definition of “non-career service positions” to allow police trainees to participate
3 in the City’s health care plan; and repealing Section 2.76.040 of the Lincoln Municipal Code
4 as hitherto existing.

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

6 Section 1. That Section 2.76.040 of the Lincoln Municipal Code be amended
7 to read as follows:

8 **2.76.040 Definitions.**

9 Whenever in this chapter the following terms are used, they shall have the meanings
10 respectively ascribed to them in this section.

11 **Allocation** shall mean the assignment of a position to a class on the basis of the kind,
12 difficulty, and responsibility of work of the position.

13 **Appointing authority** shall mean the officer or any person having the power by virtue
14 of the charter or other lawfully delegated authority to make appointment to positions in the
15 city service.

16 **Appointment** shall mean the designation to a position in the classified service of a
17 person who has qualified for the appointment through appropriate examination or
18 determination of fitness.

19 **Board** shall mean Personnel Board.

20 **Certification** shall mean the act of the Personnel Director in supplying an appointing
21 authority with the names of applicants who are eligible, in accordance with the provisions of
22 these rules, for appointment to a position for which certification is requested.

23 **Charter** shall mean the Home Rule Charter of the City of Lincoln.

24 **Class or classification** shall mean a position or group of positions that involve similar
25 duties and responsibilities, require similar qualifications, and designated by a single title
26 indicative of the kind of work.

27 **Class specification** shall mean the written description of a class including the title,
28 statements of the duties and responsibilities, and the minimum requirements of education and
29 experience appropriate upon entrance for satisfactory performance in a position of the class.

30 **Demotion** shall mean the movement of an employee from a position in one class to
31 a position in another class having a lower maximum salary rate.

1 **Department** shall mean a major operating functional unit of the executive branch of
2 the city government established in or pursuant to the charter.

3 **Department head** shall mean the officially appointed head of any department.

4 **Director** shall mean the Personnel Director.

5 **Eligible** shall mean a person whose name is on an active reemployment, promotion,
6 or eligible list and who may, under these rules, be certified for appointment to a position in
7 the classified service.

8 **Eligible list** shall mean a list of persons arranged in descending order of their ratings
9 on examinations for classes of positions and to which they are qualified for appointment.

10 **Full-time employment** shall mean employment in a position which does not normally
11 require less than forty hours work per week.

12 **Immediate family** is defined to be husband, wife, child, father, mother, sister, brother,
13 father-in-law, and mother-in-law.

14 **Layoff** shall mean the separation of an employee from the classified service which has
15 been made necessary by lack of work or funds or other reasons not related to fault,
16 delinquency, or misconduct on the part of the employee.

17 **Leave of absence** shall mean an approved period of time during which the employee
18 is not physically present for work.

19 **Original appointment** shall mean appointment to a position in the city service of a
20 person who is not a present employee of the city and who is not being reinstated from a reem-
21 ployment list.

22 **Overtime** shall mean authorized time worked in excess of the individual's regular work
23 day and/or regular work week, or at a time other than the normally scheduled work hours.

24 **Part-time employment** shall mean employment in a position which normally requires
25 less than forty hours work per week.

26 **Pay period** shall mean payroll payments normally made to employees on a bi-weekly
27 basis.

28 **Performance test** shall mean a test that measures the applicant's skill in performing a
29 specified type of work by evaluating the actual performance of such work.

30 **Probationary employee** shall mean an employee who has not completed his
31 probationary period after original employment.

32 **Probationary period** shall mean a working test period during which an employee,
33 newly appointed from a list, is required to demonstrate his fitness for a position to which said
34 employee is appointed by actual performance of the duties of the position. The probationary
35 period shall not exceed six months.

36 **Promotion** shall mean the movement of an employee from a position of one class to
37 a position of another class having a higher maximum salary rate.

38 **Promotion list** shall mean a list of persons arranged in descending order of their final
39 ratings on examinations for classes of positions for which they have competed in promotional
40 examinations and to which they are qualified for appointment.

41 **Promotional examination** shall mean an examination for positions in a particular class,
42 admission to which is limited to employees in the classified service who meet the
43 qualifications set forth in the announcement of the examination.

1 **Provisional appointment** shall mean an appointment not to exceed ninety calendar
2 days to a classified position pending the establishment of an appropriate list or the return of
3 a classified employee from an extended leave of absence.

4 **Reallocation** shall mean the official determination of the Personnel Director that a
5 position be assigned to a class different from the one to which it was previously assigned.

6 **Reemployment** list shall mean a list of persons who have been but are no longer
7 regular employees in a particular class and who are entitled to have their names certified for
8 appointment to a position in that class without examination.

9 **Regular employee** shall mean an employee who has been appointed to a position in
10 the classified service in accordance with these rules after successful completion of a
11 probationary period.

12 **Reprimand** shall mean a formal written notice to an employee informing the employee
13 of the specific manner in which the employee's conduct or work performance does not meet
14 prescribed standards.

15 **Seasonal employment** shall mean appointment of persons whose employment is
16 expected to be of a seasonal nature and when it is expected that the services of such persons
17 will be no longer necessary at the close of the season for which they have been appointed.

18 **Supervisor** shall mean any person responsible to a superior for directing the work of
19 others.

20 **Temporary employment** shall mean:

21 (1) Employment in non-career service positions in the unclassified service, or

22 (2) Employment in career service positions for a specific purpose and limited
23 length of time not to exceed one year.

24 **Transfer** shall mean the movement of an employee from one position to another
25 position of the same class or of another class having the same maximum salary rate involving
26 the performance of similar duties, and requiring essentially the same basic qualifications.

27 **Unassembled examination** shall mean an examination which does not require all
28 candidates to assemble at the same place.

29 **Vacancy** shall mean a duly created position which is not occupied and for which funds
30 have been provided.

31 **Veteran** shall mean a citizen of the United States who has been a member of the
32 Armed Forces of the United States of America and in active service for more than ninety
33 consecutive days in time of any war in which this country has been or shall hereafter be en-
34 gaged; including the periods between April 6, 1917 and November 11, 1918; between
35 December 7, 1941 and December 31, 1946; between June 25, 1950 and January 31, 1955;
36 and between August 5, 1964 and May 7, 1975, (and any other legally designated periods), and
37 who has been discharged or released therefrom under honorable conditions; provided, howev-
38 er, that attendance at a school under military orders, except schooling incident to an active
39 enlistment or regular tour of duty, or normal military training as a reserve officer or member
40 of an organized reserve or national guard unit shall not be considered active service within
41 the meaning of this definition; and provided, further, that any such citizen otherwise eligible,
42 who was discharged or released under honorable conditions on account of service-connected
43 injury or illness prior to completion of such ninety-day service shall nevertheless be deemed
44 to be a veteran.

1 **Work day** or **working day** shall mean any one shift during which a department is open
2 for business or on which an employee is scheduled work.

3 **Work week** shall mean the number of hours regularly scheduled to be worked during
4 any seven consecutive days commencing on a Thursday and ending on the following
5 Wednesday by an individual employee.

6 **Career service** positions shall mean budgeted, full- and part-time positions in the
7 classified service. Employees who occupy career service positions and have status are eligible
8 for benefits.

9 **Non-career service positions** shall mean a temporary, seasonal, intermittent, full- or
10 part-time position in the unclassified service. The term of employment in these positions will
11 either be of a specific duration of time or for a specific purpose or on an as-needed basis. Re-
12 muneration for employees in this category will be limited to pay for time actually worked with
13 no eligibility for other employee benefits, except for police trainees who shall be eligible to
14 participate in the group health and dental plans.

15 **Excluded employee** shall mean an employee who is not represented by a bargaining
16 unit due to the confidential nature of work performed. Employees assigned to a pay range
17 prefixed by the letter "E", "M", or "X" are considered to be "excluded".

18 Section 2. That Section 2.76.040 of the Lincoln Municipal Code as hitherto
19 existing be and the same is hereby repealed.

20 Section 3. That this ordinance shall take effect and be in force from and after
21 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor