

ORDINANCE NO. _____

1 AN ORDINANCE Amending Chapter 2.76 of the Lincoln Municipal Code relating
2 to the City’s Personnel System by amending the Title Page to delete Section 2.76.160 Compensation
3 Plan, Variable Merit Pay Plan; amending Section 2.76.040 Definitions, to define Excluded
4 Employee; amending Section 2.76.130 Position and Pay Range Allocation, relating to Excluded
5 Employees; amending Section 2.76.135 Merit Pay Plan Established, to include Excluded Employees
6 and increase the maximum number of merit pay steps; amending Section 2.76.145 Merit Pay Plan,
7 Administration and Requirements for Advancement, to include the newly defined Excluded
8 Employees; amending Section 2.76.150 Merit Pay Plan, Pay Increases for Exceptional Service, to
9 included the newly defined Excluded Employees; amending 2.76.155 Longevity Pay to adjust the
10 annual longevity pay plan relating to certain “N” and Excluded Employees; deleting all of Section
11 2.76.160 Variable Merit Pay Plan; amending Section 2.76.175 Promotion, Transfer, Demotion or
12 Temporary Promotion relating to the newly defined Excluded Employees; amending Section
13 2.76.200 Temporary Assignment to a Higher Classification relating to the newly defined Excluded
14 Employees; amending Section 2.76.380 Sick Leave with Pay, as it relates to employees with a pay
15 range prefixed by M, A, C, E, N, or X; and amending Section 2.76.395 Vacation Leave with Pay as
16 it relates to employees with a pay range prefixed by M; and repealing 2.76 Title Page and Sections
17 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.380,
18 and 2.76.395 of the Lincoln Municipal Code as hitherto existing.

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

20 Section 1. That 2.76 Title Page of the Lincoln Municipal Code be amended to read
21 as follows:

1 **CHAPTER 2.76**

2 **PERSONNEL SYSTEM**

3
4 **Sections:**

- 5 2.76.005 Citation of Chapter.
6 2.76.010 Purpose of Rules.
7 2.76.015 Positions Covered by Rules.
8 2.76.020 Adoption of Rules.
9 2.76.025 Amendment of Rules; Procedure.
10 2.76.030 Administration of Rules.
11 2.76.035 Departmental Rules and Regulations.
12 2.76.040 Definitions.
13 2.76.045 City Council; Powers and Duties.
14 2.76.050 Mayor; Powers and Duties.
15 2.76.055 Personnel Board; Membership; Powers and Duties.
16 2.76.065 Unclassified Service; What Constitutes.
17 2.76.070 Classified Service; What Constitutes.
18 2.76.075 Status of Present Employees.
19 2.76.080 Classification Plan; Preparation.
20 2.76.085 Classification Plan; Adoption.
21 2.76.090 Classification Plan; Amendments.
22 2.76.095 Classification Plan; Allocation of Positions.
23 2.76.100 Classification Plan; Administration.
24 2.76.105 Classification Plan; Class Specifications.
25 2.76.110 Classification Plan; Use of Class Titles.
26 2.76.115 Compensation Plan; Preparation.
27 2.76.120 Compensation Plan; Adoption.
28 2.76.125 Compensation Plan; Amendments.
29 2.76.130 Compensation Plan; Position and Pay Range Allocation.
30 2.76.135 Compensation Plan; Merit Pay Plan Established.
31 2.76.140 Compensation Plan; Beginning salary.
32 2.76.145 Compensation Plan; Merit Pay Plan; Administration and
33 Requirements for Advancement.
34 2.76.150 Compensation Plan; Merit Pay Plan; Pay Increases for Exceptional
35 Service.
36 2.76.153 Compensation Plan; Merit Pay Plan; Shift Differential.
37 2.76.155 Compensation Plan; Longevity Pay.
38 ~~2.76.160 Compensation Plan; Variable Merit Pay Plan.~~
39 2.76.165 Acting Department Head Salary.
40 2.76.170 Compensation Plan; Salary Decreases.
41 2.76.175 Compensation Plan; Promotion, Transfer, Demotion, or Temporary
42 Promotion.

1 2.76.180 Compensation Plan; Part-time, Temporary and Seasonal
2 Employment.

3 Section 2. That Section 2.76.040 of the Lincoln Municipal Code be amended to read
4 as follows:

5 **2.76.040 Definitions.**

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

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

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

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

20 Section 3. That Section 2.76.130 of the Lincoln Municipal Code be amended to read
21 as follows:

22 **2.76.130 Compensation Plan; Position and Pay Range Allocation.**

1 ~~————(a) In those cases where a classification prefixed by "E" or "M" is allocated to a higher pay~~
2 ~~range, the employee in the classification shall be paid at the minimum rate of the new pay range or~~
3 ~~at his current rate of pay if it is within the new pay range, whichever is greater. The Mayor may,~~
4 ~~with the recommendation of the Personnel Director and at the request of a department head, adjust~~
5 ~~pay when it is consistent with the spirit and purpose of the merit system. There shall be no change~~
6 ~~in the employee's eligibility date as the result of such allocation.~~

7 ~~————In those cases where a classification prefixed by "E" or "M" is allocated to a lower pay range,~~
8 ~~an employee in such classification shall be paid at the same rate of pay in the lower pay range;~~
9 ~~provided, however, if the employee's rate of pay exceeds the maximum rate of pay in the lower pay~~
10 ~~range, the employee's rate of pay shall be frozen until such maximum rate of pay in such lower pay~~
11 ~~range is increased so that it exceeds the employee's rate of pay. When the maximum rate meets or~~
12 ~~exceeds the employee's frozen rate of pay, the employee's frozen rate of pay shall then be increased~~
13 ~~to the maximum rate, but if the maximum rate does not meet or exceed the employee's frozen rate~~
14 ~~of pay within one year after such allocation, the employee's rate of pay will be reduced four and one-~~
15 ~~half percent or to the maximum rate, whichever results in the smallest decrease in pay, and each year~~
16 ~~thereafter, the employee's rate of pay shall be similarly reduced until the employee's rate of pay~~
17 ~~equals the maximum rate.~~

18 (b)(a) In those cases where a classification prefixed by "N", ~~or~~ "X", "E", or "M" is allocated
19 to a higher pay range, the employee in the classification shall be paid at the minimum rate of the new
20 pay range, or at the next higher step in the new range above his present rate of pay, whichever is
21 applicable. There shall be no change in the employee's eligibility date as a result of such allocation.

22 In those cases where a classification prefixed by "N", ~~or~~ "X", "E", or "M" is allocated to a
23 lower pay range, the employee in the classification shall be paid at the same rate until the pay range
24 is increased to include the employee's rate of pay. However, if after one year the employee's rate

1 of pay continues to exceed the maximum rate for the classification as reallocated, he shall begin
2 receiving the maximum rate for that classification.

3 ~~(e)~~(b) In those cases where a position is reallocated to a classification prefixed by "E" or
4 "M" with a higher maximum pay range or a classification in the same "M" range, but with a higher
5 level of responsibility, the reallocated employee shall be paid at the minimum rate of the new pay
6 range, or ~~five percent~~ at the next highest step in the current or new range above his present rate of
7 pay ~~prior to reallocation~~, whichever is greater applicable. The effective date of the reallocation shall
8 be used to establish a new eligibility date, which shall be one year from the date of the reallocation.

9 ~~———— In those cases where a position is reallocated to a classification prefixed by "E" or "M" with~~
10 ~~a lower maximum pay range, the same provisions shall apply as have been established for the~~
11 ~~allocation of a classification to a lower pay range pursuant to subsection (a) of this section.~~

12 ~~(d)~~(c) In those cases where a position is reallocated to a classification prefixed by "N", or
13 "X", or "E" with a higher maximum pay range, the rate of the reallocated employee shall be
14 increased to that step in the new pay range next above his rate of pay prior to reallocation. The
15 effective date of the reallocation shall be used to establish a new eligibility date, which shall be one
16 year from the date of the reallocation.

17 In those cases where a position is reallocated to a classification prefixed by "N", or "X", "E",
18 or "M" with a lower maximum pay range, the same provisions shall apply as have been established
19 for the allocation of a classification to a lower pay range pursuant to subsection ~~(b)~~(a) of this
20 section.

21 ~~(e)~~(d) In those cases where a position is reallocated to a classification with the same
22 maximum pay range with the exception of "M" as outlined in section (b), the rate of the reallocated
23 employee shall remain unchanged and there shall be no change in eligibility date.

24 Section 4. That Section 2.76.135 of the Lincoln Municipal Code be amended to read
25 as follows:

1 **2.76.135 Compensation Plan; Merit Pay Plan Established.**

2 For the purpose of compensating employees on the basis of progressive improvement in job
3 or professional performance in the city service, there is hereby established a merit pay plan of the
4 City of Lincoln which shall consist of established pay ranges for each job classification with
5 approximate three and one-half percent merit pay separations for pay ranges prefixed by “N” or “X”;
6 three and one-quarter percent merit pay separations for pay ranges prefixed by “A”; and two and
7 three-quarters percent merit pay separations for pay ranges prefixed by “C”, “E”, or “M” therein.
8 Employment will usually begin at step "A", although candidates for employment with special
9 qualifications may be employed at an intermediate step in a pay range upon the request of the
10 appointing authority and with the approval of the Personnel Director. The maximum merit pay rate
11 shall be step ~~“J”~~ “T”. Job classifications shall have a maximum of ~~ten~~ twenty merit pay steps;
12 however, there may be job classifications where less than ~~ten~~ twenty steps may be used to reflect
13 the appropriate minimum and maximum pay rates.

14 Section 5. That Section 2.76.145 of the Lincoln Municipal Code be amended to read
15 as follows:

16 **2.76.145 Compensation Plan; Merit Pay Plan; Administration and Requirements for**
17 **Advancement.**

18 (a) Advancement by an employee through the merit pay steps in the merit pay plan shall be
19 on the basis of performance as determined by the employee's department head. In making the
20 decision as to whether or not an employee deserves and shall receive a merit pay step increase, the
21 department head must find that the employee being considered has performed in a commendable or
22 outstanding manner.

23 A merit step increase shall be awarded only when an employee receives the score required
24 for an increase. In any case where a merit increase has been denied, the next eligibility date for
25 receipt of a merit step increase will be one year from the current eligibility date, at which time the

1 employee must receive the score required for an increase. Supplemental ratings may be done
2 throughout a rating period, but merit step increases may not be granted other than on the employee's
3 eligibility date.

4 Merit increases shall be awarded on the basis of performance only, and under no
5 circumstances shall any department head award or deny any employee a merit step increase on the
6 basis of personal or political favoritism or discrimination.

7 (b) A probationary employee shall become eligible for a one-step merit pay increase in
8 accordance with the standards specified in subparagraph (a) above after completion of the
9 probationary period of employment. Except as otherwise provided in subparagraph (c) below and
10 Section 2.76.150, a one-step merit pay increase, subsequent to the first such increase after
11 completion of the probationary period of employment, may be granted no more often than one year
12 of service from the date the last merit step increase became effective. Merit step increases shall take
13 effect at the beginning of the pay period in which the pay eligibility date occurs for pay ranges
14 prefixed by "P" or "F". Merit step increases shall take effect at the beginning of the first full pay
15 period following the established eligibility date for pay ranges prefixed by "N", "X", "E", "A", or
16 "C" and "M". Salary increases or decreases resulting from the amendment of the compensation plan
17 in accordance with Sections 2.76.125 and 2.76.130 shall have no effect on the within-range merit
18 step increases authorized by this section unless otherwise specified in Section 2.76.130.

19 (c) Upon a showing by an employee of exceptional and unusual circumstances in
20 connection with his classification and with the recommendation of the appointing authority, the
21 Mayor may grant permanent one- or two-step merit increases which are consistent with the spirit
22 and purpose of the merit system provisions of the city charter. The effective date of the merit step
23 increase(s), granted in accordance with this subparagraph (c), shall be used to establish a new
24 eligibility date, which shall be one year from the effective date of the merit step increase(s). This
25 subsection applies to ranges prefixed by "N", "X", "F", "P", "E", "A", or "C" and "M".

1 Section 6. That Section 2.76.150 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **2.76.150 Compensation Plan; Merit Pay Plan; Pay Increases for Exceptional Service.**

4 Additional pay increases to recognize exceptional service may also be granted by awarding
5 a one- or two-step increase which may be authorized for periods of six, twelve, eighteen, or
6 twenty-four pay periods and will automatically terminate on the expiration of the authorized time
7 unless renewed by the same procedure as is required for original approval. For an employee being
8 paid at the maximum rate of his pay range, a temporary exceptional service increase may be granted.
9 Such pay increase shall not exceed three and one-half percent of the employee's current annualized
10 salary, or \$300.00, whichever is greater, to be paid in two, four, or six pay periods. Increases for
11 exceptional service shall be paid only on recommendation of the department head supported by a
12 convincing showing in writing of exceptional service as related to specific criteria to be
13 recommended by each department applicable to its own work and approved by the Director of
14 Personnel. This section applies to ranges prefixed by "N", "X", "F", "P", "E", "A", or "C" and "M".

15 The Director of Personnel shall annually send a written report to the Mayor listing employees
16 approved for exceptional service pay increases.

17 Section 7. That Section 2.76.155 of the Lincoln Municipal Code be amended to read
18 as follows:

19 **2.76.155 Compensation Plan; Longevity Pay.**

20 (a) Employees with a pay range prefixed by the letter "E" shall annually receive longevity
21 pay based upon the total length of service with the city. Such pay shall be effective beginning with
22 the first full pay period following completion of the specified years of service. Payment shall be
23 made on a prorated basis on each regular payday. The longevity schedule shall be as follows:

24 Completed Years of Service

Annual Pay

1	5 years	\$ 266.00
2	10 years	\$ 495.00
3	15 years	\$ 812.00
4	20 years	\$1,054.00
5	25 years	\$1,338.00

6 Employees with a pay range prefixed by the letter "E", hired August 29, 1991 or after, shall
7 annually receive longevity pay based upon total continuous length of service with the city. For the
8 purpose of longevity pay, any employee who terminates employment and who is later reemployed
9 shall be treated as a new employee.

10 (b) Employees with a pay range prefixed by the letter "X" or "N" shall annually receive
11 longevity pay based upon the total length of service with the city. Such pay shall be effective
12 beginning with the first full pay period following completion of the specified years of service.
13 Payment shall be made on a prorated basis on each regular pay day. Employees with a pay range
14 prefixed by "X" or "N" who are scheduled to work less than forty but at least twenty hours per week
15 shall receive longevity pay based on the number of hours worked each pay period. The longevity
16 schedule shall be as follows:

17	<u>Completed Years of Service</u>	<u>Annual Pay</u>
18	5 years	-\$215.00 <u>\$244.00</u>
19	10 years	-\$500.00 <u>\$507.00</u>
20	15 years	-\$754.00 <u>\$764.00</u>
21	20 years	-\$977.00 <u>\$999.00</u>

1 Section 8. That Section 2.76.160 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **~~2.76.160 Compensation Plan; Variable Merit Pay Plan.~~**

4 ~~Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the~~
5 ~~compensation plan for employees in classifications with pay ranges prefixed by the letter "E" shall~~
6 ~~provide for the awarding of merit increases within established pay ranges based upon the employee's~~
7 ~~level of performance and shall be entitled "the variable merit pay plan." The specific method of~~
8 ~~implementing and administering this plan shall be set out in an executive order of the Mayor which~~
9 ~~shall, among other things, provide for:~~

10 ~~(a) Variable merit increases of between zero and six percent. Merit increases shall be~~
11 ~~effective beginning the first full pay period following the established eligibility date;~~

12 ~~(b) A four and one-half percent increase upon successful completion of the original~~
13 ~~probationary period;~~

14 ~~(c) Temporary exceptional service awards not to exceed four percent of the employee's~~
15 ~~current annualized salary to be paid in two, four, or six pay periods;~~

16 ~~Such increases shall be paid only on recommendation of the department head~~
17 ~~supported by a convincing showing in writing of exceptional service or unusual circumstances as~~
18 ~~related to specific criteria to be recommended by each department and approved by the Personnel~~
19 ~~Director;~~

20 ~~The Personnel Director shall annually send a written report to the Mayor listing~~
21 ~~employees approved for exceptional service pay increases.~~

22 ~~(d) The Personnel Director, with the approval of the Mayor, may grant permanent salary~~
23 ~~increases within an employee's pay range that are consistent with the spirit and purpose of the merit~~
24 ~~system provisions of the City Charter if a department head presents written evidence of unusual~~
25 ~~circumstances. The effective date of any increase granted in accordance with this subsection shall~~

1 be used to establish a new eligibility date, which shall be one year from the effective date of such
2 increase.

3 ~~—— (e) — The eligibility date for evaluating performance of employees will be determined by~~
4 ~~completion of the original probationary period, and the effective date of promotion, demotion,~~
5 ~~reallocation, or layoff;~~

6 ~~—— (f) — Establishment of a committee to review and approve all merit increases in excess of~~
7 ~~five percent. (Ord. NNNNN §N; MONTH DD, 2009; prior Ord. 18595 §7; August 8, 2005; prior~~
8 ~~Ord 18486 §2; December 20, 2004; Ord. 17891 §3; August 13, 2001; Ord. 17708 §2; August 7,~~
9 ~~2000; Ord. 17634 §2; March 28, 2000; Ord. 16702 §1; November 21, 1994; Ord. 16448 §6; August~~
10 ~~23, 1993; Ord. 15968 §4; September 16, 1991; Ord. 15700 §1; August 20, 1990; Ord. 15488 §31;~~
11 ~~March 12, 1990; P.C. §2.58.249; Ord. 15275 §1; August 28, 1989; Ord. 14958 §6; August 22, 1988;~~
12 ~~Ord. 14743 §1; September 8, 1987; Ord. 14317 §1; February 10, 1986).~~

13 Section 9. That Section 2.76.175 of the Lincoln Municipal Code be amended to read
14 as follows:

15 **2.76.175 Compensation Plan; Promotion, Transfer, Demotion, or Temporary Promotion.**

16 (a) In the case of promotion for an employee with a pay range prefixed by "N", ~~or "X"~~, "E",
17 or "M", the rate of the promoted employee shall be increased to that step in the higher range next
18 above his rate of pay prior to promotion. ~~In the case of promotion for an employee with a pay range~~
19 ~~prefixed by "E" or "M", such increase is intended to be at least five percent. In the case of transfer,~~
20 ~~the employee's rate will remain unchanged at the time of transfer. In the case of an involuntary~~
21 ~~demotion for an employee with a pay range prefixed by "E" or "M", the rate of pay shall be reduced~~
22 ~~at least four and one-half percent. Under no circumstances shall the new rate exceed the maximum~~
23 ~~rate for the lower class in the variable merit pay plan.~~

24 ~~—— In the case of a voluntary demotion for an employee with a pay range prefixed by "E" or~~
25 ~~"M", the employee concerned shall normally be paid at the same rate in the lower pay range. If the~~

1 employee's rate of pay exceeds the maximum rate of the lower pay range, the employee's rate of pay
2 shall be frozen (red-circled) until such time that the maximum rate, through general increases, makes
3 sufficient upward movement so that it exceeds the employee's rate of pay. When the maximum rate
4 meets or exceeds the employee's frozen (red-circled) rate through general increases, the employee's
5 frozen rate of pay shall then increase to the maximum rate. However, if after one year the maximum
6 rate does not meet or exceed the employee's frozen (red-circled) rate of pay, the employee's rate of
7 pay will be reduced four and one-half percent (4.5%) or to the maximum rate, whichever results in
8 the smallest decrease in pay. Each year thereafter, the employee's rate of pay shall be reduced an
9 additional four and one-half percent (4.5%) or to the maximum rate, which ever results in the
10 smallest decrease in pay.

11 (b) In the case of demotion for an employee with a pay range prefixed by "N", ~~or "X"~~, "E",
12 or "M", the rate of the demoted employee shall be reduced to the next lower step for the lower class
13 and under no circumstances shall the new rate exceed the maximum rate for the lower class in the
14 merit pay plan.

15 ~~(b)(c)~~ (c) A promotion of any employee during such employee's probationary period shall have
16 the effect of ending the probationary period for that employee and making such employee a regular
17 employee. However, a reclassification of a probationary employee to a position in a newly created
18 class with a higher pay range will not terminate the probationary period.

19 ~~(c)(d)~~ (d) Any regular employee, with a pay range prefixed by "M" or "P", may be temporarily
20 promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary
21 than provided by such employee's current pay range. Such temporary promotion must first be
22 approved in writing by the director only after the department head demonstrates that the employee
23 is qualified for the vacant position. Once granted, the employee must actually perform the duties
24 of the vacant position and shall be paid at the rate of at least ~~five percent~~ one step above the
25 employee's current base salary, or at the minimum rate of the established range of the vacant

1 position, whichever is greater, but any increase in pay greater than ~~five percent~~ one step must be
2 approved in writing by the Director. No temporary promotion shall be granted for less than forty
3 hours or continue longer than one year from the date of the original assignment and approval by the
4 Director.

5 (d)(e) Any regular employee, with a pay range prefixed by "A" may be temporarily
6 promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary
7 than provided by such employee's current pay range. Such temporary promotion must first be
8 approved in writing by the director only after the department head demonstrates that the employee
9 is qualified for the vacant position. Once granted, the employee must actually perform the duties
10 of the vacant position and shall be paid at the rate of at least the next higher step above the
11 employee's current rate of pay which results in at least a 3.25% increase, or at the minimum rate of
12 the established range of the vacant position, whichever is greater, but any increase in pay greater
13 than two steps must be approved in writing by the Director. No temporary promotion shall be
14 granted for less than forty hours or continue longer than one year from the date of the original
15 assignment unless specifically authorized by the Personnel Director for a longer period of time.

16 Section 10. That Section 2.76.200 of the Lincoln Municipal Code be amended to
17 read as follows:

18 **2.76.200 Compensation Plan; Temporary Assignment in a Higher Classification.**

19 (a) Any regular employee in a pay range prefixed by "C" who is temporarily assigned to
20 work in a budgeted position in a class with a higher maximum salary than the maximum salary of
21 such employee's regularly assigned class and who actually works at least eight or more consecutive
22 hours in the higher classification shall be compensated at the minimum rate established for the
23 higher class, or at the next higher step in the higher class above the employee's current rate of pay,
24 which results in at least a 2.75% increase, whichever is greater.

1 (b) Any regular employee, in a pay range prefixed by "N", ~~or "X"~~, or "E" who is temporarily
2 assigned to work in a permanent position in a class with a higher maximum salary than the
3 maximum salary of such employee's regularly assigned class and who actually works a minimum
4 of eight or more consecutive hours in the higher classification shall receive at least a step increase
5 in pay for the original eight consecutive hours worked plus any additional consecutive hours worked
6 in the higher classification. The employee who is temporarily assigned to serve, and actually does
7 serve in a higher level position, must be fully qualified to perform the full range of duties of the
8 higher level position, even though he may not actually perform the full range of duties during the
9 time he is temporarily assigned to the higher classification. In the event an employee is temporarily
10 assigned to a higher classification and requests and receives approval for paid leave, such paid leave
11 shall be compensated at the employee's rate of pay prior to being temporarily assigned to the higher
12 classification.

13 (c) Project Leader. When an employee is required to perform duties outside of his normal
14 job duties due to special or unusual circumstances, a department head or his designated
15 representative may appoint such employee to serve as a project leader. The appointment shall last
16 no longer than the length of the project, or for one year, whichever is less. ~~If an employee with a~~
17 ~~pay range prefixed by "E" or "M" is appointed as a project leader, he shall receive an increase in~~
18 ~~compensation of up to ten percent while in the status of project leader. If an employee with a pay~~
19 ~~range prefixed by "A", or "C", "E", or "M" is appointed as a project leader, he shall receive an~~
20 ~~increase in compensation of two steps above his current rate of pay while in the status of project~~
21 ~~leader. The appointment must be approved by the Director in whatever form he may require.~~

22 (d) Crew Leader. A department head or his designated representative may appoint any
23 employee to serve as crew leader. The appointment shall be for the purpose of performing duties
24 outside of his normal job duties as they relate to a special project assignment or performing duties
25 outside of his normal job duties for the purpose of performing work that needs to be done to

1 accomplish the daily work of the department or division. The appointment may last up to one year
2 and may be extended, with review by the Director, due to special circumstances. If an employee
3 with a pay range prefixed by an "X" or "N" is appointed as a new crew leader, he shall receive an
4 increase in compensation of one step above his current rate of pay, or three and one-half percent if
5 at step J. The appointment must be approved by the Director in whatever form he may require.

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

8 **2.76.380 Sick Leave with Pay.**

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

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

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

21 Sick leave must be earned before it can be granted, and advancing sick leave is prohibited.
22 An employee may utilize no more than his accrued balance of sick leave. When an employee finds
23 it necessary to be absent for any of the reasons specified herein, the employee shall cause the facts
24 to be reported to his department head in accordance with departmental rules and regulations.

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

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

9 (d) Unused sick leave. Upon retirement, death or reduction in force, an employee with
10 a pay range prefixed by "E" or "M", or the employee's beneficiary, shall be paid ~~one-half~~ sixty
11 percent (60%) of his accumulated sick leave. The rate of payment shall be based upon the
12 employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of
13 the employee's death.

14 Upon retirement, death or reduction in force, an employee with a pay range prefixed by "A",
15 "C", "E", "N" or "X", or the employee's beneficiary, shall be paid ~~one-third~~ one-half of his
16 accumulated sick leave. The rate of payment shall be based upon the employee's regular hourly rate
17 of pay at the time the employee retires, is laid off, or at the time of the employee's death.

18 ~~Upon retirement, death or reduction in force, an employee with a pay range prefixed by "A"~~
19 ~~or "C", or the employee's beneficiary, shall be paid one-half of his accumulated sick leave. The rate~~
20 ~~of payment shall be based upon the employee's regular hourly rate of pay at the time the employee~~
21 ~~retires, is laid off, or at the time of the employee's death.~~

22 (e) An employee with a pay range prefixed by "A", or "C" may be granted time off for
23 a maximum of eighty hours in each calendar year for illness in the employee's immediate family.
24 Immediate family will also include any other family member, whether it be by blood, marriage, legal
25 adoption, or foster children, residing in the household. Family sick leave may also be granted to an

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

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

17 (g) An employee with a pay range prefixed by "E" may be granted time off for a
18 maximum of eighty hours in each calendar year for illness in the employee's immediate family. For
19 purposes of this subsection (g), the term immediate family shall include the employee's mother,
20 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law,
21 daughter-in-law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent,
22 grandchild, and the grandparent of the employee's spouse. Immediate family will also include any
23 other family member, whether it be by blood, marriage, legal adoption, or foster children, residing
24 in the household. Family sick leave may also be granted to an employee who has been appointed
25 by a court of competent jurisdiction as legal guardian of any person, with proper documentation.

1 Such time off will be deducted from the employee's accumulated sick leave. Upon written request
2 from an employee in the above-referenced pay ranges, the Personnel Director may waive the eighty
3 hour limit after reviewing the individual circumstances in support of the request.

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

16 Section 12. That Section 2.76.395 of the Lincoln Municipal Code be amended to
17 read as follows:

18 **2.76.395 Vacation Leave with Pay.**

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

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

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

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

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

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

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

7 (b) Each employee with a pay range prefixed by "N" or "X" shall earn vacation leave credit
8 annually as follows:

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

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

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

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

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

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

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

20 (c) Each employee with a pay range prefixed by the letter "M" shall be entitled to annual
21 vacation leave, effective on the first day of the second complete pay period in January of each year,
22 as follows:

23 After original appointment -- annual leave equivalent to 160 hours per year, or 240
24 hours for those employees who work a fifty-six hour work week.

1 After twenty years of service -- annual leave equivalent of 200 hours per year, or 300
2 hours for those employees who work a fifty-six hour work week.

3 Employees with a pay range prefixed by the letter "M" may carry over unused annual leave
4 to a maximum of sixty hours, or eighty hours for employees with a fifty-six hour work week. Under
5 no circumstances may accumulated vacation leave exceed the sixty or eighty hours over and above
6 the employee's annual vacation leave amount. Any accumulated leave earned by an employee with
7 a pay range prefixed by the letter "M" and unused as of January 12, 2005, shall be retained by the
8 employee and may be used at any future time, and for any remaining upon termination of
9 employment with the city, shall be compensated for such unused accumulated vacation leave.

10 Any employee with a pay range prefixed by the letter "M" and hired at any time after the
11 first day of the second complete pay period in January of any year shall be entitled to and shall
12 receive only a pro-rated portion of the otherwise authorized annual leave for that year.

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

15 (b)(e) Vacation leave shall not be granted during the first six months of employment, except
16 for employees in pay ranges prefixed by "M" who may use vacation during their probationary period
17 upon approval by their supervisor. Each department head shall keep records on vacation leave credit
18 and use and shall schedule vacation leave with particular regard to the seniority of employees, to
19 accord with operating requirements, and insofar as possible, with requests of employees.

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

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

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

11 ~~(f)~~(i) Vacation bank payout. For employees maintaining a vacation bank, excluding ranges
12 prefixed by "B" or "F", the employee may request to sell all or part of their bank at the first full pay
13 period in July each year. Such request for payment shall be made in writing and approved by the
14 employee's department head and the Mayor, provided there are sufficient funds in the department's
15 budget for salaries. Payment for requested hours will be paid at the employee's usual rate of pay as
16 of the last January 1.

17 Section 13. That the 2.76 Title Page and Sections 2.76.040, 2.76.130, 2.76.135,
18 2.76.145, 2.76.150, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.380, and 2.76.295 of the Lincoln
19 Municipal Code as hitherto existing be and the same are hereby repealed.

20 Section 14. That this ordinance shall take effect and be in force from and after its
21 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
22 City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2009:

Mayor