February 14, 2013

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting
Thursday, February 21, 2013
1:30 p.m., Council Chambers
County-City Building

REVISED

A G E N D A

ITEM 1: Request to create the following classifications:

CLASS CODE	CLASS TITLE	PROPOSED PAY RANGE
2026	Fiber Network and Infrastructure Manager	M03 ($73,301.28 - $122,740.80)
3231	Impact Fee Administrator	A14 ($55,334.24 - $73,804.64)

ITEM 2: Request to change the title of the following classification:

CLASS CODE	CURRENT CLASS TITLE	PROPOSED CLASS TITLE	
3024	Division Chief of Maintenance	Division Chief of Logistics	(M02)

ITEM 3: Request for appeal hearing - Neal Reblin - Public Works/Street Maintenance Operations

ITEM 4: Miscellaneous Discussion

PC: Joan Ross, City Clerk
Miki Esposito
Neal Reblin
Sean Brennan
Don Taute
Fred Hoke
John Huff

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FIBER NETWORK AND INFRASTRUCTURE MANAGER

NATURE OF WORK

This is highly responsible professional and administrative work directing and coordinating the use of the public rights-of-way and the design, construction, maintenance and leasing of the City-owned conduit system.

Work involves responsibility for planning and managing the use of the City's fiber network and infrastructure system. Work includes administering and managing billing for related contracts; developing, preparing and monitoring section budget and recommending policy changes. An employee in this class is expected to exercise considerable initiative and independent judgment within the framework of established guidelines and policies. General supervision is received from the Public Works Director with work being reviewed through the effectiveness of section activities and results achieved. Supervision may be exercised over a staff of professional and technical employees.

EXAMPLES OF WORK PERFORMED

Serves as agent for the City; facilitates contract negotiations and right-of-way interpretations, conduit leases and communications with other departments.

Plans and manages the use of the City's right-of-way and conduit system ensuring compliance with applicable standards, revenue collection and record maintenance.

Manages and supports work of right-of-way inspectors and coordination of activities and maintenance of related records.

Supervises any activities related to the conduit system.

Develops and manages application procedures for conduit and right-of-way usage and methods for approving access/occupancy; develops and/or maintains records tracking right-of-way usage and other land and facilities governed by agreements.

Monitors right-of-way contracts, agreements, permits, easements, grants and franchises for compliance with federal, state and local regulations.

Leads negotiations of conduit leases and right-of-way occupancy contracts and agreements; establishes user terms for non-carriers and utilities; assists in the development of grants, permits and franchises for telecommunication carriers and utilities.

Develops and manages preparation of the budget for right-of-way and conduit system; develops accounting methods to correlate right-of-way occupancy revenue.

Manages compliance audits of existing franchises and other right-of-way occupants.

Develops policies regarding priority for use of right-of-way and conduit system.

Manages various contracts including but not limited to the City's right-of-way and conduit system agreements.

Performs related work as required.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Thorough knowledge of federal, state and local laws regarding utilities.

Thorough knowledge of the Telecommunications Act of 1996 and relevant regulations.

Thorough knowledge of the principles of management, organization and budget preparation.

Thorough knowledge of organizational and administrative policies.

Considerable knowledge of telecommunications and fiber optic cable deployment; utility distribution, road/street engineering/maintenance, utility regulation/deregulation and business practices relater to accounting, billing and collections.

Ability to use a personal computer in maintaining spreadsheets, databases, developing forms, correspondence and other records.

Ability to interpret rules, regulations and policies and to make independent decisions in accordance with established precedent.

Ability to establish and maintain effective working relationships with the Mayor’s office, City Council, Planning Commission, County Board, media and the general public.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited four-year college or university with a Masters degree in business administration, telecommunications engineering, construction management or related field; considerable experience managing a utilities related function and considerable experience in a responsible administrative or managerial capacity.

MINIMUM QUALIFICATIONS

Graduation from an accredited four-year college or university with major course work in business administration, telecommunications engineering, construction management or related field; experience managing a utilities related function and experience in a responsible administrative or managerial capacity; or any equivalent combination of training and experience which provides the desirable knowledge, abilities and skills.

NECESSARY SPECIAL REQUIREMENTS

Possession of a valid driver’s license when operating a vehicle may be necessary to the satisfactory performance of assigned duties.

IMPACT FEE ADMINISTRATOR

NATURE OF WORK

This is a professional level position with responsibility for the administration of the Impact Fee Ordinance.

Work involves responsibility for all activities and operations of the Impact Fee Ordinance including fee determination, exemptions, collections, and reporting. Determines land use classifications for new construction and/or re-development based on the review of building permits, drawings, and site plans, administers credits, responds to inquiries from the public, manages the development of the Impact Fee Economic Development and Housing incentive program, and calculates and administers the annual indexing of impact fees. Work is performed with considerable independence as to operating details with general direction received from an administrative superior.

EXAMPLES OF WORK PERFORMED

Reviews, assesses and approves all impact fee applications ensuring all supporting documentation is complete and accurate; determines and applies applicable credits, including exemption and exclusions mandated by ordinance; determines land use classifications.

Ensures Impact fees collected are deposited into the proper districts; ensures funds collected are spent appropriately in proper benefit district.

Interprets ordinance provisions; coordinates ordinance changes.

Answers information queries from internal and external agencies including developers, city council, and the public, etc.

Facilitates the appeal process before City Council, prepares staff response and information requested by City Council.

Administers the Impact Fee Economic Development Incentive Program; administers the Low to Moderate Income Program.

Implements Development Services Center projects; assists with Public Works and Utilities projects as requested.

Produces Management reports and respond to requests for information.

Performs related work as required.

DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Considerable knowledge of the Impact Fee Ordinance.

Considerable knowledge of the principles, methods, and practices of municipal finance, budgeting and accounting.

Considerable knowledge of organizational and administrative policies and procedures.

Knowledge of modern office management practices and equipment.

Ability to accurately calculate impact fees.

Ability to provide educational public prevention on the impact fee ordinance, procedures or incentive.

Ability to maintain accurate and sufficient documentation to support the Impact Fee application.

Ability to establish and maintain effective working relationships with supervisors, subordinate personnel, and the general public.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in accounting, business or public administration, or related field; and considerable experience in a responsible administrative or managerial capacity.

MINIMUM QUALIFICATIONS

Graduation from an accredited four year college or university with major course work in accounting, business or public administration, or related field; and experience in a responsible administrative or managerial capacity; or any equivalent combination of training and experience which provides the desirable knowledge, abilities, and skills.

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Brennan & Nielsen Law Offices, P.C.

Suite 340, The Apothecary
140 N. 8th Street
Lincoln, NE 68508

Phone 402-441-4848
FAX 402-441-4840

Sean J. Brennan
Coleen J. Nielsen
Matthew K. Kosmicki

bnlaw@brennannielsenlaw.com
www.brennannielsenlaw.com

November 26, 2012

Douglas J. McDaniel
Personnel Director
City of Lincoln
555 South 10th Street
Lincoln, NE 68508

Miki Esposito
Director
Public Works & Utilities Department
555 South 10th Street
Lincoln, NE 68508

RE: Appeal Notice

Dear Mr. McDaniel,

On November 7, 2012, Neal Reblin received written notice from Miki Esposito, Director of Public Works and Utilities Department, that beginning November 8, 2012 he was suspended without pay for ten working days and that at the end of suspension, November 27, 2012, he would be permanently separated from employment with the City of Lincoln.

Mr. Reblin wishes to appeal his suspension and termination to the Personnel Board, pursuant to Lincoln Municipal Code Section 2.76.475. Mr. Reblin's suspension and termination occurred without just cause. Relevant portions of the labor agreement and the Lincoln Municipal Code that were violated by Mr. Reblin's suspension and termination include Article 3, Section 2E and Article 8 of the labor agreement, and Sections 2.76-010 and 2.76.465 of the Lincoln Municipal Code.

Sincerely yours,

Sean J. Brennan
Attorney at Law
SJB:vlw
Pc: D. Taute, T. Bolender, N. Reblin

CITY - COUNTY PERSON [redacted]

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MAYOR CHRIS BEUTLER
lincoln.ne.gov

Public Works and Utilities Department
Miki Esposito, Director
555 South 10th Street
Suite 208
Lincoln, Nebraska 68508

November 7, 2012

Neal Reblin
330 NW 19th Street
Lincoln, NE 68528

Re: Termination of Employment

Dear Mr. Reblin:

I am writing to inform you that I am terminating your employment with the City of Lincoln pursuant to the provisions of Article 8 of the PAGE Contract; Lincoln Municipal Code § 2.76.445(i) and (j); § 2.76.465; for violation of the provisions of Lincoln Municipal Code § 2.54.025; and violation of the Street Maintenance Division Rules and Regulations which prohibit the use of City equipment for personal gain.

You received a letter dated October 9, 2012 advising you that a pre-disciplinary meeting was to be held on October 17, 2012. At that time you appeared with your attorney Sean Brennan and PAGE Union President Troy Bolender. At the October 17, 2012 meeting at the request of your attorney, a continuance to have the pre-disciplinary meeting was granted until October 25, 2012. In the letter of October 9, 2012 the City advised you of the allegations regarding your inappropriate conduct and your personal use of City tools and equipment on at least two occasions. It was alleged that you used a City of Lincoln backhoe and dump truck during the February/March 2012 time period to remove some pieces of concrete from your property during your regular work hours. A co-worker of yours assisted you in the removal of the concrete pieces on that occasion. Additionally you were advised that you were alleged to have engaged in inappropriate conduct regarding the use of City equipment in that you used a City backhoe and dump truck to remove dirt and concrete rubble from your property on August 17, 2012 while you were engaged with the removal of the curb and gutter on your property. Although the removal of the curb and gutter was authorized pursuant to your regular duties, the removal of the dirt and concrete rubble from your private property was not part of your normal duties and was also done during your regular work hours. The same employee who assisted you on the earlier occasion, assisted you on August 17, 2012. You also were alleged to have used City equipment including concrete finishing tools, wheelbarrows and concrete forms for personal use in the completion of a driveway construction project at your personal residence located at 330 NW 19th Street, Lincoln, Nebraska.

Your conduct is a direct violation of Lincoln Municipal Code § 2.76.445 entitled Cause for Disciplinary Action and specifically subsection (i) which states that the violation of any lawful and reasonable regulation made or given by the employee's superior is cause for disciplinary action. Additionally, subsection (j) provides that cause for disciplinary action exists if you engage in the "commission of acts or omissions unbecoming an incumbent of the particular office or position

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held, which render a reprimand, suspension, demotion, or dismissal necessary or desirable for the economical or efficient conduct of the business of the city or for the best interest of the municipal government." Furthermore, § 2.54.025 of the Lincoln Municipal Code entitled Standards for Ethical Conduct for City Employees and Officers provides in subsection (a) that officers and employees shall not use that person's public office or position to obtain financial gain, and subsection (c) provides that officers and employees shall protect and shall not use government property for other than authorized activities.

At the pre-disciplinary meeting you did apologize for your conduct and stated that you had genuine regrets and remorse for your actions. You stated that it was very common practice for employees to use City of Lincoln tools and equipment as long as the tools and equipment are brought back in a cleaned up condition after use. You also stated that your supervisor had given you permission to use the City concrete forms, finishing tools and wheelbarrows and further stated that the District Manager of the Northeast District Maintenance Shop had given you permission to use the backhoe and dump truck on both occasions. Even if your superiors had given you permission to use City tools and equipment for unauthorized purposes, your conduct nevertheless violates the provisions of the above cited sections of the Lincoln Municipal Code establishing cause for disciplinary action. Their permission does not excuse your actions. Your conduct is very serious in nature, thus warranting the termination of your employment.

Therefore, you are hereby terminated pursuant to the provisions of Lincoln Municipal Code § 2.76.465 and you will be suspended without pay for ten working days beginning Thursday, November 8, 2012 through Monday, November 26, 2012, with permanent separation from employment with the City effective Tuesday, November 27, 2012, the end of the suspension period. If you disagree with this decision to terminate your employment, you may appeal to the Personnel Board in accordance with Lincoln Municipal Code § 2.76.465. You will need to return to the City any City issued property including City keys, gas card and any ID you may possess and to pick up any personal belongings that may be located at the Northeast District Maintenance Shop.

Sincerely,

Miki Esposito, Director
Public Works & Utilities Department

ME/DT/tb

cc: Doug McDaniel
Sean Brennan
Don Taute