March 28, 2013

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, April 4, 2013
1:30 p.m., Room 113
County-City Building

NOTE: SPECIAL MEETING LOCATION

A G E N D A

ITEM 1: Request to amend Rule 18.1 of the Personnel Rules -Compensation for Absence on Holidays

ITEM 2: Request to amend Rule 19.1 of the Personnel Rules - Leaves of Absence; Request and Approval

ITEM 3: Request to amend Rule 19.7 of the Personnel Rules - Leaves of Absence; Special Leave

ITEM 4: Request for appeal hearing - Chad Anderson - Corrections

ITEM 5: Miscellaneous Discussion

pc: Department Heads
Tom McCarty
Richard Grabow
Chad Anderson

18.1 Compensation for Absence on Holidays (Revised ~~4/10~~ 04/13)

(a) All full-time and part-time status and probationary employees with the exception of those identified in paragraph (c) below shall receive pay for one-fifth (1/5) of their regularly scheduled work week not to exceed eight (8) hours for the following legal holidays or any other day proclaimed by the County Board as a holiday:

New Year's Day	Labor Day
Martin Luther King Jr.'s Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Fourth of July	Christmas Day

(b) In addition to the established holidays listed above, all employees, with the exception of those identified in paragraph (c) below, will receive twenty-four (24) hours of noncumulative personal holiday time ~~on September 1 of~~ each year beginning with the pay period in August that results in the first pay check in September. Part-time employees will receive personal holiday hours at one-fifth (1/5) of their regularly scheduled work week not to exceed eight (8) hours. Personal holiday hours may be taken anytime ~~between September 1 and August 31 of the following~~ during the year that begins with the pay period in August that results in the first pay check in September (or be forfeited), provided the days and times selected by the employee have the prior approval of the Department Head. Employees will be required to use personal holiday hours in increments of not less than two (2) hour blocks of time.

(c) Part-time status and probationary shift employees of facilities open seven (7) days a week or twenty-four (24) hours a day shall earn legal and personal holidays on a prorated schedule at the rate of 0.05 per hour worked which shall be added to the holiday bank each pay period. Accumulated holiday hours must be taken ~~between September 1 and August 31 of the following~~ during the year that begins with the pay period in August that results in the first pay check in September (or be forfeited), provided the time selected by the employee has the prior approval of the Department Head.

RULE 19 - LEAVES OF ABSENCE

19.1 Request and Approval (Revised 04/13)

(a) All leaves of absence must be requested in writing to, and approved by, the Department Head in advance of leave being taken. Exceptions may be made in an emergency.

(b) Leaves of absence without pay shall not be granted until all applicable leave balances have been exhausted, with the exception of leaves for military, travel or study.

19.7 Special Leave (Revised ~~4/02~~ 04/13)

(a) Leave of absence without pay may be granted status employees by a Department Head. The Personnel Officer must approve any leaves in excess of thirty (30) calendar days. All requests for leave of absence must be made in writing, to comply with Rule 19.1(b).

(b) A Department Head, with approval of the Personnel Officer, may grant a status employee leave of absence without pay for a period not to exceed one (1) year for travel or study which will render the employee of greater value to the County upon his return to duty. Such leave shall be granted only when it will not result in undue prejudice to the interests of the County as an employer beyond any benefits to be realized. No leave without pay shall be granted primarily in the interests of the employee except in the case of one who has shown by his record of service or by other evidence to be of more than average value to the County, and whose service it is desirable to retain even at such sacrifice. Failure on the part of an employee on leave to report promptly at its expiration, without good cause, shall be considered as a resignation.

(c) Leave with pay for public health or safety duties of an emergency nature may be authorized by the Department Head upon approval of the Personnel Officer. Such leave will not be deducted from vacation or sick leave.

(d) In the event of an emergency as declared by the County Board (such as inclement weather) where an employee is unable to report for work, the employee may request and be granted accrued vacation leave, unused holiday time or authorized leave without pay, with the approval of the Department Head. Provisions may be made whereby attendance of essential or necessary employees is required.

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Dec. 26, 2012

VIA HAND DELIVERY

Mr. Doug McDaniel
Personnel Director
City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

RE: Corrections Officer Chad Anderson; Appeal of Suspension

Dear Doug:

This firm represents Fraternal Order of Police Lodge #32, and Corrections Officer Chad Anderson. On December 12, 2012, the Corrections Director Mike Thurber issued Officer Anderson a 10 day suspension and a mandatory referral to EAP.

Pursuant to the bargaining agreement between Lancaster County and FOP #32, Officer Anderson hereby gives his notice of appeal of the suspension to the Personnel Board of Lancaster, for the reason that the action that the suspension is disciplining Officer Anderson for is not just cause for the discipline imposed, the amount of the discipline is not proportionate to the actions alleged, and the imposition of a ten day suspension in this matter is arbitrary and capricious.

We request that the appeal be scheduled for the March 7, 2013 meeting of the County Personnel Policy Board. Thank you.

Yours very truly,

Gary L. Young
For the Firm

ENCLOSURE

cc: Richard Grosbow, Lancaster City Attorney's Office

DM
PK
MM

LANCASTER COUNTY
CORRECTIONS DEPARTMENT

605 SOUTH TENTH STREET
LINCOLN, NE 68508
(402) 441-7530
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MICHAEL THURBER, DIRECTOR

CITY - COUNTY PERSONNEL
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December 11, 2012

Chad Anderson
2540 Devoe Drive
Lincoln, NE 68506

Re: Disciplinary action and mandatory referral to EAP

Dear Chad:

On November 26, 2012, you received a letter proposing to discipline you up to and including termination based on violations of Lancaster County Personnel Rules 11.2(h)(4) and (5), Lancaster County Personnel Policy Bulletin 2001-2 and Lancaster County Department of Corrections Policy 2.14(A). A meeting regarding the proposed discipline was held on November 30, 2012. During the meeting you and your union representative presented information concerning the above violations. You were informed that the information would be reviewed and you would be advised of my decision.

After consideration of all of the information you presented, I have determined that you have violated Lancaster County Personnel Rules 11.2(h)(4) and (5), Lancaster County Personnel Policy Bulletin 2001-2 and Lancaster County Department of Corrections Policy 2.14(A). After considering the information you presented, including your purported mitigating circumstances, I have decided to suspend you for a period of ten (10) working days. Your suspension is pursuant to County Personnel Rule 11.2(d) and Article 28 of the 2012-2013 Bargaining Agreement between the Fraternal Order of Police Lodge #32 and the County . I have made my decision based on the facts set forth below:

> On or about November 15, 2012, you called the control center, at the Intake and Detention Facility (IDF), to check-in from your hospital post. During your conversation with Ofc. Michaela Melton you made the comment "I've seen so many male enhancement commercials that I am enhanced now." When questioned about this comment by Administrator Terry Weber, you replied "I may have said something to that effect."
>
> On or about November 11, 2012 while in the Storage 7 area with Ofc. Megan Hokett you made motion to a "Victoria Secret" catalog and asked if she had picked anything out for her Christmas list. When she answered "no" you commented "well you would make someone very happy." When asked about this comment by Administrator Weber, you said you only asked if she was finished looking at the catalog. Ofc. Hokett denies ever looking at the catalog.

On or about July 18, 2012, at approximately 0300 hours, after completing a safety and security check in B1 and B2 units, you commented to Ofc. Melton that "Inmate Tina Mortensen has more cleavage on her back than you do on your chest." When questioned about this comment by Administrator Weber you could not remember the incident and denied making such a comment. Ofc. Melton says she feels very awkward around you and when you do speak to her you are staring at her chest.

Both Officers Melton and Hokett have stated they are uncomfortable around you and avoid working alone with you whenever they can. This clearly has a negative impact on the shifts ability to carry-out operations.

The totality of your conduct justifies and requires the imposition of a suspension without pay from your employment with Lancaster County for a period of ten (10) working days. Your suspension will begin at 10:45 pm, on Sunday, January 6, 2013, and will end on Friday, January 18, 2013 at 5:45am.

Additionally, due to your unsatisfactory work performance, I am making a mandatory supervisory referral to Continuum, Lancaster County's Employee Assistance Program (EAP). This mandatory referral to EAP is pursuant to Lancaster Personnel Policy Bulletin 2000-3(G)(2). I am directing you to meet the following conditions: 1.) Attend a referral session at Continuum; 2.) Cooperate with their recommended course of action, and attend follow up sessions, if required, and; 3.) Execute a Release of Information Form for Terry Weber, Jail Administrator and Pat Kant, Personnel Coordinator, to insure proper communication with your supervisors. Failure to successfully complete the recommended course of action will be handled in accordance with standard disciplinary procedures. You are directed to contact the EAP liaison and/or Continuum within 14 days of the date of this letter.

Retaliation against or intimidation of any individual for reporting or complaining of the above behavior or providing information during the investigation regarding the above behavior is strictly prohibited. All contact with co-workers is to be strictly professional as outlined in Departmental Policy 2.7, "Code of Ethics". Lastly, effective January 20, 2013, I am reassigning you to the Lancaster County Correctional Facility (LCF). You will work the same shifts you are currently working at the Intake and Detention facility for the remainder of this shift bid period.

Sincerely,

Michael Thurber
Corrections Director

MT/lo

cc: Doug McDaniel, Personnel Director
Richard Grabow, Deputy County Attorney
Terry Weber, Jail Administrator
Virginia Prey, Corrections-Lieutenant
Personnel File