

January 30, 2014

**TO:** County Personnel Policy Board Members

**SUBJECT:** Personnel Policy Board Meeting  
Thursday, February 6, 2014  
1:30 p.m., Commissioners Hearing Room  
County-City Building, Room 112

## **A G E N D A**

- ITEM 1: Revise Overtime Personnel Policy Bulletin
  - ITEM 2: Revise Catastrophic Illness Leave Donation Policy Bulletin
  - ITEM 3: Request for appeal hearing - Kim Weygint - County Engineer
  - ITEM 4: Miscellaneous Discussion
- pc: Department Heads  
Kim Weygint  
Rick Deboer  
Richard Grabow

# **Personnel Human Resources Policy Bulletin**

Number: 2013-3~~2014-1~~

**Lancaster County**

Date: ~~September,~~  
2013~~February,~~  
2014

<b>Reference:</b>	<b>Title:</b>
Personnel Rule 17  Supercedes Personnel Policy Bulletin <del>2012-</del> <u>†2013-3</u>	OVERTIME PAY POLICY

## OVERTIME PAY

A Department Head may prescribe reasonable periods of overtime work to meet operating needs. Overtime pay may not be used to affect pay adjustments nor in payment for work that can be scheduled in a routine manner. Only employees allocated to non-exempt classifications are eligible to receive overtime pay. Overtime must be approved by the appropriate Department Head prior to it being worked.

Unless otherwise specifically provided for in a collective bargaining agreement or other provisions of this ~~Personnel~~Human Resources Policy Bulletin, overtime shall be compensated by monetary payment and not time off, i.e. compensatory time. Any County Department wanting to authorize the use of compensatory time first must gain the written approval of the County Board and ~~Personnel~~Human Resources Director/Officer, with the exception of employees in pay grades prefixed by 'A', 'G', 'J', 'D', or 'Y'.

Overtime will be paid only if such time has been previously approved by the appropriate Department Head. No employee, by his/her own volition will work any time prior to or immediately following his/her normally scheduled working hours without the approval of his/her supervisor. No employee who is non-exempt will be permitted to conduct the County's business while on their authorized lunch break. Any employee who elects to forego his/her authorized rest breaks shall not be entitled to payment for overtime for breaks not taken. An employee who, without supervisor approval, works either before or after his/her scheduled hours or during an authorized lunch break, will be subject to progressive discipline. The employee's work week is hereby defined as Thursday at 0001 through the following Wednesday at 2359.

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Personnel Rule 17  Supercedes Personnel Policy Bulletin <del>2012-</del> <del>†2013-3</del>	OVERTIME PAY POLICY

Employees in any of the classifications set forth in this Personnel Human Resources Policy Bulletin may work in more than one department if approval to do so is granted, in writing, by both Department Heads, provided however, that in no event shall the total time in pay status exceed forty (40) hours per week.

The County supports the concept of a flexible working schedule where it can be implemented by Department Heads in a manner which improves the delivery of services to the public. An essential requirement is that all work positions be adequately staffed during the normal business or regular hours. Where less than full-time (i.e., less than ~~forty (40)~~40 hours per week) employees are used, they shall be paid at the straight time hourly rate established for their classification unless they exceed ~~forty (40)~~40 hours per week which will be compensated at one and one-half (1 ½) times regular rate. Flex time must be arranged during the work week or paid if it exceeds forty (40) hours.

The Personnel Human Resources Officer will determine overtime pay eligibility and assign classifications to either non-exempt or exempt status. The Personnel Human Resources Officer may develop a reporting system which will be used in all County Departments to report overtime usage. Department Heads will be responsible for the proper administration of the overtime provisions.

## NON-EXEMPT CLASSIFICATIONS

Employees allocated to classifications identified in the pay plan index as non-exempt are eligible to receive pay for overtime work in accordance with the provisions of the Fair Labor Standards Act, this Personnel Human Resources Policy Bulletin, the applicable collective bargaining agreement, or the Lancaster County Personnel Rules.

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Reference:	Title:
Personnel Rule 17  Supercedes Personnel Policy Bulletin <del>2012-</del> <del>†2013-3</del>	OVERTIME PAY POLICY

## A.F.S.C.M.E. ('A' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of forty (40) hours per work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Head or his designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing weekly overtime.

Hours paid at a premium rate during the work week will offset other overtime hours due in accordance with the Fair Labor Standards Act. If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours at one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

In lieu of payment for overtime hours worked, the employee may request to take compensatory time off. Approval shall be at the discretion of the Department Head. If the request is approved by the Department Head, one and one-half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. A maximum accrual of compensatory time shall be thirty (30) hours.

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## A.F.S.C.M.E. ('G' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of forty (40) hours per work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work will be allowed without prior approval by the Department Head or his designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing weekly overtime.

Hours paid at a premium rate during the work week will offset other overtime hours due in accordance with the Fair Labor Standards Act. If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours at one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

In lieu of payment for overtime hours worked, the employee may request to take compensatory time off. Approval shall be at the discretion of the Department Head. If the request is approved by the Department Head, one and one-half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. A maximum accrual of compensatory time shall be twenty (20) hours.

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**Lancaster County**

Date: ~~September,~~  
2013 ~~February,~~  
2014

Reference:	Title:
Personnel Rule 17  Supercedes Personnel Policy Bulletin <del>2012-</del> <u>2013-3</u>	OVERTIME PAY POLICY

## FRATERNAL ORDER OF POLICE, LODGE 77 ('Y' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of forty (40) hours per work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Head or his designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing weekly overtime.

Hours paid at a premium rate during the work week will offset other overtime hours due in accordance with the Fair Labor Standards Act. If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours at one and one-half times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

In lieu of payment for overtime hours worked, the employee may request to take compensatory time off. Approval shall be at the discretion of the Department Head. If the request is approved by the Department Head, one and one-half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. A maximum accrual of compensatory time shall be twenty (20) hours.

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## FRATERNAL ORDER OF POLICE, LODGE 32 ('J' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of eighty-six (86) hours in any fourteen (14) day work cycle shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Head or his designee. The Department will develop a standard operating procedure for the granting of voluntary and mandatory overtime.

Vacation and holiday leaves shall be counted as hours worked in computing overtime with the exception of sick leave and compensatory time, which will not count as hours worked for purposes of computing overtime. If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled tour of duty, the employee will be paid for a minimum of two (2) hours at a rate of one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. In such cases, all call-back hours will be paid as overtime regardless of the number of paid leaves of absence during the employee's work week.

In lieu of payment for overtime hours worked, the employee may notify the Department that overtime shall be converted to compensatory time. One and one half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. The employee's compensatory bank may not exceed a total of seventy six (76) hours.

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## UNREPRESENTED (^C' PAY GRADES) AND EXCLUDED E (^E' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of forty (40) hours in any work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Head or his designee. In accordance with 29 U.S.C. § 207 (k), work performed by Corrections-Sergeant employees in excess of eighty six (86) hours in the fourteen (14) day work cycle shall be compensated at the rate of one and one-half (1 ½) times the regular rate of the employee.

All paid leaves of absence shall be computed as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing overtime.

If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours at one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

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## EXEMPT CLASSIFICATIONS

Employees who are determined to be Exempt from the requirements of the Fair Labor Standards Act and who are identified in the pay plan index as exempt are presumed to be paid for the complete job and are not eligible to receive compensation for additional hours. Employees may work more or less than forty (40) hours per week at the discretion of the Department Head. In addition a Department Head may grant additional time off in recognition of extra work but under no circumstance will time be granted on a one-for-one basis or hours counted after forty (40) per week. Exceptions to this overtime policy may be granted by the ~~Personnel~~ Human Resources Officer when requested by the Department Head after demonstrating the exception to this policy is in the best interest of the County.

Employees in the unclassified service, with the exception of those represented by the Deputy Sheriff's Association, are not eligible to receive compensation for work in excess of forty (40) hours per week, and are not covered by this ~~Personnel~~ Human Resources Policy Bulletin.

## EXEMPT AND NON-EXEMPT CLASSIFICATIONS

For a current listing of Exempt and Non-Exempt Classifications, please refer to the City-County home page at [www.lincoln.ne.gov](http://www.lincoln.ne.gov). Under Lancaster County, click on 'County Agencies'. Click on '~~Personnel~~ Human Resources Department.' Under County, click on 'Pay Plans.' Finally, click on 'Alphabetic Title Listing.' This listing will be updated as changes occur.

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\_\_\_\_\_  
Doug McDaniel, ~~Personnel~~ Human Resources Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry Hudkins, Chair  
Board of County Commissioners

\_\_\_\_\_  
Date

# Personnel Human Resources Policy Bulletin

Number: ~~2003-2~~2014-2

**Lancaster County**

Date: February, ~~2003~~2014

Reference:	Title:
State of Nebraska Catastrophic Illness Donation Program  City of Lincoln Personnel Policy Bulletin <del>2000-</del> <u>2003-1</u>  Supercedes Personnel Policy Bulletin <del>2000-4</del> <u>2003-</u> <u>2</u>	Catastrophic Illness Leave Donation Policy

## CATASTROPHIC ILLNESS LEAVE DONATION POLICY

### Introduction:

The County of Lancaster recognizes that there are instances in which an employee, or employee's spouse or child may suffer from a catastrophic illness or non-work-related injury requiring extensive medical treatment, rehabilitation, and ultimately the exhaustion of the employee's County-provided paid leaves. The County also recognizes that when these instances occur, co-workers of the employee experiencing a catastrophic illness or non-work-related injury desire to assist the employee until the employee recovers from the illness and can return to work. This policy bulletin is intended to establish guidelines for employees of Lancaster County to donate accrued vacation time and personal convenience holidays to another employee suffering from a catastrophic illness or non-work-related injury to be used as paid sick leave by the employee with the catastrophic illness or non-work-related injury.

### **I. POLICY**

It shall be the policy of the County of Lancaster to allow employees the opportunity to donate accrued vacation leave and personal convenience holidays to the benefit of another County employee suffering from a catastrophic illness or non-work-related injury.

# Personnel Human Resources Policy Bulletin

Number: ~~2003-~~2014-2

Lancaster County

Date: February, ~~2003~~2014

Reference:	Title:
State of Nebraska Catastrophic Illness Donation Program	Catastrophic Illness Leave Donation Policy
City of Lincoln Personnel Policy Bulletin <del>2000-</del> <u>2003-1</u>	
Supercedes Personnel Policy Bulletin <del>2000-4</del> <u>2003-2</u>	

## II. PROCEDURE

### A. Employees Covered

All classified and unclassified employees who earn leave and have been employed a minimum of twelve (12) consecutive months shall be eligible to participate in the Catastrophic Leave Donation Program.

### B. Recipient Employee Eligibility

To be eligible to receive leave donated pursuant to this policy, an employee must meet the following conditions:

1. The employee, or the employee's spouse or child must be suffering from a catastrophic illness or non-work related injury which has resulted in the exhaustion of all the employee's paid leave and which extends for at least one (1) week after the exhaustion of such leave.

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Number: ~~2003-~~2014-2

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Supercedes Personnel Policy Bulletin <del>2000-4</del> <u>2003-2</u>	

2. Generally, illnesses which qualify as “serious health conditions” pursuant to the Family Medical Leave Act would be considered as eligible for catastrophic illness leave donation. The illness must be that of the employee personally, ~~not an illness of the employee’s child, spouse, or other family member, to be eligible for leave donation.~~ except that, if the employee has a spouse or child who has a “serious health condition” which requires twenty-four (24) hour care and the employee must receive training to provide that care, the illness of the employee’s spouse or child will qualify for the employee to be eligible for the leave donation for the period of time that the employee is required to provide the care.
3. The employee must produce competent medical verification of the illness or non-work related injury satisfactory to the County.
4. The employee must have a minimum of one (1) year of service with the County.
5. The employee must have exhausted all paid leave, including but not limited to sick leave, family sick leave if for family member, vacation, and personal holidays.

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Supercedes Personnel Policy Bulletin <del>2000-4</del> <u>2003-2</u>	

6. The employee must not have offered anything of value to another employee in exchange for the leave donation.
7. No more than 1,040 hours per twelve (12)~~12~~ month period from date of catastrophic leave approval may be received by the employee.
8. The employee must complete the Catastrophic Illness Donation Request Form and submit the form to the employee's department head, and the Personnel~~Human Resources~~ Director~~Officer~~, who will certify that the employee is eligible to participate in the leave donation program.

## C. Donor Employee Eligibility

1. The employee must have an accrued vacation leave balance of at least forty (40) hours subsequent to making a leave donation.
2. The employee must donate Personal Convenience Holidays in only eight (8) hour increments. Vacation may be donated in four (4) hour or eight (8) hour increments.

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3. The employee must not have solicited nor accepted anything of value in exchange for the donation.
4. The employee must complete and have witnessed the Catastrophic Illness Donation Form.

## **D. How to Apply For or Donate Leave**

1. An employee who qualifies for catastrophic illness leave shall complete the Catastrophic Illness Donation Request Form and submit it to the department head who shall, in conjunction with the ~~Personnel~~Human Resources ~~Director~~Officer, review it for approval or denial.
2. Upon approval, donor employees shall complete the Catastrophic Illness Donation Form indicating a willingness to donate vacation or Personal Convenience Holiday time and the amount of said time to be donated. This form shall also be signed by a witness to the donor's signature. The completed form should then be forwarded to the payroll person in the department of the ill employee.

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Supercedes Personnel Policy Bulletin <del>2000-4</del> <u>2003-2</u>	

3. Employees donating their time are doing so strictly on a voluntary basis and will have their vacation or Personal Convenience Holiday leave balances irrevocably debited for the amount of time transferred to the recipient employee. The transferred time will be placed in the recipient employee's sick leave account.
4. The Personnel Human Resources and County Payroll Departments will monitor hours donated. The time donated will be on an "hour-for-hour" basis to the recipient employee.
5. Vacation hours transferred are done so in four (4) hour or eight (8) hour increments. Personal Convenience Holiday hours transferred are done so in eight (8) hour increments. Any time donated which is not used by the recipient remains with the recipient.
6. Subsequent to the receipt of the leave donation forms and the determination of the total hours donated, the Personnel Human Resources Department shall credit the recipient employee's sick leave balance on a biweekly payroll basis. An employee who is receiving catastrophic illness leave donated by other employees shall be

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allowed to accrue vacation and sick leave while in that status, however, all accrued leave shall first be used prior to the use of donated leave time.

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\_\_\_\_\_  
Georgia GlassDoug McDaniel, Personnel Human Resources Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry Hudkins, Chair

\_\_\_\_\_  
Date

Board of County Commissioners

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AFSCME LOCAL 2468  
STEP 1



# OFFICIAL GRIEVANCE FORM

NAME OF EMPLOYEE Kim Weygint DEPARTMENT Engineering  
CLASSIFICATION Stores Clerk I  
WORK LOCATION Lincoln Shop IMMEDIATE SUPERVISOR Ron Boherty  
TITLE \_\_\_\_\_

### STATEMENT OF GRIEVANCE:

List applicable violation: Article 18 section 2 of  
AFSCME 2468 Labor contract.

Adjustment required: Recall Ms Weygint to her  
former classification

I authorize the A.F.S.C.M.E. Local 2468 as my representative to act for me in the disposition of this grievance

Date 6/7/13 Signature of Employee \_\_\_\_\_  
Signature of Union Representative [Signature] Title Union President  
Date Presented to Management Representative \_\_\_\_\_  
Signature \_\_\_\_\_ Title \_\_\_\_\_

Disposition of Grievance: We believe that a contract violation  
has taken place. We also believe that there is enough  
for ms Weygint to continue in her previous classification

**THIS STATEMENT OF GRIEVANCE IS TO BE MADE OUT IN TRIPLICATE. ALL THREE ARE TO BE SIGNED BY THE EMPLOYEE AND/OR THE AFSCME REPRESENTATIVE HANDLING THE CASE.**

ORIGINAL TO Personnel Director

COPY \_\_\_\_\_

COPY: LOCAL UNION GRIEVANCE FILE

**NOTE: ONE COPY OF THIS GRIEVANCE AND ITS DISPOSITION TO BE KEPT IN GRIEVANCE FILE OF LOCAL UNION.**