

09-100

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 09-100 by accepting the Substitute Ordinance attached hereto to replace the previously introduced ordinance.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Requested by: Personnel Department

Reason for Request: To delete all proposed amendments to Chapter 2.76 as they related to a step pay plan for employees in pay ranges prefixed by the letter "M" and to add employees in pay ranges prefixed by the letter "E" in a step pay plan.

**SUBSTITUTE**

ORDINANCE NO. \_\_\_\_\_

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

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

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

18   **2.76.040       Definitions.**

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

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

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

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

1           **Board** shall mean Personnel Board.

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

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

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

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

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

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

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

17           **Director** shall mean the Personnel Director.

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

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

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

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

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

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

31           **Original appointment** shall mean appointment to a position in the city service of a person who is  
32 not a present employee of the city and who is not being reinstated from a reemployment list.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32           **Temporary employment** shall mean:

- 33                   (1) Employment in non-career service positions in the unclassified service, or  
34                   (2) Employment in career service positions for a specific purpose and limited length of  
35 time not to exceed one year.

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

39           **Unassembled examination** shall mean an examination which does not require all candidates to

1 assemble at the same place.

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

4 **Veteran** shall mean a citizen of the United States who has been a member of the Armed Forces of  
5 the United States of America and in active service for more than ninety consecutive days in time of any  
6 war in which this country has been or shall hereafter be engaged; including the periods between April 6,  
7 1917 and November 11, 1918; between December 7, 1941 and December 31, 1946; between June 25,  
8 1950 and January 31, 1955; and between August 5, 1964 and May 7, 1975, (and any other legally  
9 designated periods), and who has been discharged or released therefrom under honorable conditions;  
10 provided, however, that attendance at a school under military orders, except schooling incident to an  
11 active enlistment or regular tour of duty, or normal military training as a reserve officer or member of an  
12 organized reserve or national guard unit shall not be considered active service within the meaning of this  
13 definition; and provided, further, that any such citizen otherwise eligible, who was discharged or released  
14 under honorable conditions on account of service-connected injury or illness prior to completion of such  
15 ninety-day service shall nevertheless be deemed to be a veteran.

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

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

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

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

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

33 Section 2. That Section 2.76.130 of the Lincoln Municipal Code be amended to read as  
34 follows:

1       **2.76.130        Compensation Plan; Position and Pay Range Allocation.**

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

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

18           (b)        In those cases where a classification prefixed by “N”, ~~or~~ “X”, or “E” is allocated to a  
19 higher pay range, the employee in the classification shall be paid at the minimum rate of the new pay  
20 range, or at the next higher step in the new range above his present rate of pay, whichever is applicable.  
21 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”, or “E” is allocated to a lower pay  
23 range, the employee in the classification shall be paid at the same rate until the pay range is increased to  
24 include the employee’s rate of pay. However, if after one year the employee’s rate of pay continues to

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

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

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

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

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

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

23 Section 3. That Section 2.76.135 of the Lincoln Municipal Code be amended to read as  
24 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 or  
3 professional performance in the city service, there is hereby established a merit pay plan of the City of  
4 Lincoln which shall consist of established pay ranges for each job classification with approximate three  
5 and one-half percent merit pay separations for pay ranges prefixed by “N” or “X”; three and one-quarter  
6 percent merit pay separations for pay ranges prefixed by “A”; and two and three-quarters percent merit  
7 pay separations for pay ranges prefixed by “C” or “E” therein. Employment will usually begin at step  
8 “A”, although candidates for employment with special qualifications may be employed at an intermediate  
9 step in a pay range upon the request of the appointing authority and with the approval of the Personnel  
10 Director. The maximum merit pay rate shall be step “J”. Job classifications shall have a maximum of ten  
11 merit pay steps; however, there may be job classifications where less than ten steps may be used to reflect  
12 the appropriate minimum and maximum pay rates.

13           Section 4. That Section 2.76.145 of the Lincoln Municipal Code be amended to read as  
14 follows:

15       **2.76.145           Compensation Plan; Merit Pay Plan; Administration and Requirements for**  
16       **Advancement.**

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

21           A merit step increase shall be awarded only when an employee receives the score required for an  
22 increase. In any case where a merit increase has been denied, the next eligibility date for receipt of a  
23 merit step increase will be one year from the current eligibility date, at which time the employee must  
24 receive the score required for an increase. Supplemental ratings may be done throughout a rating period,  
25 but merit step increases may not be granted other than on the employee’s eligibility date.

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

29           (b)       A probationary employee shall become eligible for a one-step merit pay increase in



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

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

19 Section 5. That Section 2.76.150 of the Lincoln Municipal Code be amended to read as  
20 follows:

21 **2.76.150 Compensation Plan; Merit Pay Plan; Pay Increases for Exceptional Service.**

22 Additional pay increases to recognize exceptional service may also be granted by awarding a one-  
23 or two-step increase which may be authorized for periods of six, twelve, eighteen, or twenty-four pay  
24 periods and will automatically terminate on the expiration of the authorized time unless renewed by the

1 same procedure as is required for original approval. For an employee being paid at the maximum rate of  
2 his pay range, a temporary exceptional service increase may be granted. Such pay increase shall not  
3 exceed three and one-half percent of the employee's current annualized salary, or \$300.00, whichever is  
4 greater, to be paid in two, four, or six pay periods. Increases for exceptional service shall be paid only on  
5 recommendation of the department head supported by a convincing showing in writing of exceptional  
6 service as related to specific criteria to be recommended by each department applicable to its own work  
7 and approved by the Director of Personnel. This section applies to ranges prefixed by "N", "X", "F", "P",  
8 "E", "A", or "C".

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

11 Section 6. That Section 2.76.155 of the Lincoln Municipal Code be amended to read as  
12 follows:

13 **2.76.155 Compensation Plan; Longevity Pay.**

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

<u>Completed Years of Service</u>	<u>Annual Pay</u>
5 years	\$ 266.00
10 years	\$ 495.00
15 years	\$ 812.00
20 years	\$1,054.00
25 years	\$1,338.00

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

28 (b) Employees with a pay range prefixed by the letter "X" or "N" shall annually receive  
29 longevity pay based upon the total length of service with the city. Such pay shall be effective beginning  
30 with the first full pay period following completion of the specified years of service. Payment shall be

1 made on a prorated basis on each regular pay day. Employees with a pay range prefixed by “X” or “N”  
2 who are scheduled to work less than forty but at least twenty hours per week shall receive longevity pay  
3 based on the number of hours worked each pay period. The longevity schedule shall be as follows:

<u>Completed Years of Service</u>	<u>Annual Pay</u>
5 5 years	<del>-\$215.00</del> <u>\$244.00</u>
6 10 years	<del>-\$500.00</del> <u>\$507.00</u>
7 15 years	<del>-\$754.00</del> <u>\$764.00</u>
8 20 years	<del>-\$977.00</del> <u>\$999.00</u>
9 25 years	\$1,300.00

10 Employees with a pay range prefixed by the letter “X” or “N”, hired August 29, 1991 or after,  
11 shall annually receive longevity pay based upon total continuous length of service with the city. For the  
12 purpose of longevity pay, any employee who terminates employment and who is later reemployed shall  
13 be treated as a new employee.

14 Section 7. That Section 2.76.160 of the Lincoln Municipal Code be and the same is  
15 hereby repealed:

16 ~~2.76.160~~ ~~—————~~ **Compensation Plan; Variable Merit Pay Plan.**

17 ~~—————~~ Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the  
18 compensation plan for employees in classifications with pay ranges prefixed by the letter “E” shall  
19 provide for the awarding of merit increases within established pay ranges based upon the employee’s  
20 level of performance and shall be entitled “the variable merit pay plan.” The specific method of  
21 implementing and administering this plan shall be set out in an executive order of the Mayor which shall,  
22 among other things, provide for:

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

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

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

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

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

1 ~~—— (d) — The Personnel Director, with the approval of the Mayor, may grant permanent salary~~  
2 ~~increases within an employee’s pay range that are consistent with the spirit and purpose of the merit~~  
3 ~~system provisions of the City Charter if a department head presents written evidence of unusual~~  
4 ~~circumstances. The effective date of any increase granted in accordance with this subsection shall be~~  
5 ~~used to establish a new eligibility date, which shall be one year from the effective date of such increase.~~

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

9 ~~—— (f) — Establishment of a committee to review and approve all merit increases in excess of five~~  
10 ~~percent.~~

11 Section 8. That Section 2.76.175 of the Lincoln Municipal Code be amended to read as  
12 follows:

13 **2.76.175 Compensation Plan; Promotion, Transfer, Demotion, or Temporary Promotion.**

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

22 In the case of a voluntary demotion for an employee with a pay range prefixed by ~~“E” or~~  
23 ~~“M”~~, the employee concerned shall normally be paid at the same rate in the lower pay range. If the  
24 employee’s rate of pay exceeds the maximum rate of the lower pay range, the employee’s rate of pay  
25 shall be frozen (red-circled) until such time that the maximum rate, through general increases, makes  
26 sufficient upward movement so that it exceeds the employee’s rate of pay. When the maximum rate  
27 meets or exceeds the employee’s frozen (red-circled) rate through general increases, the employee’s

1 frozen rate of pay shall then increase to the maximum rate. However, if after one year the maximum rate  
2 does not meet or exceed the employee's frozen (red-circled) rate of pay, the employee's rate of pay will  
3 be reduced four and one-half percent (4.5%) or to the maximum rate, whichever results in the smallest  
4 decrease in pay. Each year thereafter, the employee's rate of pay shall be reduced an additional four and  
5 one-half percent (4.5%) or to the maximum rate, which ever results in the smallest decrease in pay.

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

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

14 (c)(d) Any regular employee, with a pay range prefixed by "M" or "P", may be temporarily  
15 promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary than  
16 provided by such employee's current pay range. Such temporary promotion must first be approved in  
17 writing by the director only after the department head demonstrates that the employee is qualified for the  
18 vacant position. Once granted, the employee must actually perform the duties of the vacant position and  
19 shall be paid at the rate of at least five percent above the employee's current base salary, or at the  
20 minimum rate of the established range of the vacant position, whichever is greater, but any increase in  
21 pay greater than five percent must be approved in writing by the Director. No temporary promotion shall  
22 be granted for less than forty hours or continue longer than one year from the date of the original  
23 assignment and approval by the Director.

24 (d)(e) Any regular employee, with a pay range prefixed by "A" may be temporarily promoted to

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

11 Section 9. That Section 2.76.200 of the Lincoln Municipal Code be amended to read as  
12 follows:

13 **2.76.200 Compensation Plan; Temporary Assignment in a Higher Classification.**

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

20 (b) Any regular employee, in a pay range prefixed by "N", ~~or~~ "X", or "E" who is temporarily  
21 assigned to work in a permanent position in a class with a higher maximum salary than the maximum  
22 salary of such employee's regularly assigned class and who actually works a minimum of eight or more  
23 consecutive hours in the higher classification shall receive at least a step increase in pay for the original  
24 eight consecutive hours worked plus any additional consecutive hours worked in the higher classification.

1 The employee who is temporarily assigned to serve, and actually does serve in a higher level position,  
2 must be fully qualified to perform the full range of duties of the higher level position, even though he may  
3 not actually perform the full range of duties during the time he is temporarily assigned to the higher  
4 classification. In the event an employee is temporarily assigned to a higher classification and requests  
5 and receives approval for paid leave, such paid leave shall be compensated at the employee's rate of pay  
6 prior to being temporarily assigned to the higher classification.

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

16 (d) Crew Leader. A department head or his designated representative may appoint any  
17 employee to serve as crew leader. The appointment shall be for the purpose of performing duties outside  
18 of his normal job duties as they relate to a special project assignment or performing duties outside of his  
19 normal job duties for the purpose of performing work that needs to be done to accomplish the daily work  
20 of the department or division. The appointment may last up to one year and may be extended, with  
21 review by the Director, due to special circumstances. If an employee with a pay range prefixed by an "X"  
22 or "N" is appointed as a new crew leader, he shall receive an increase in compensation of one step above  
23 his current rate of pay, or three and one-half percent if at step J. The appointment must be approved by  
24 the Director in whatever form he may require.

1           Section 10. That Section 2.76.380 of the Lincoln Municipal Code be amended to  
2 read as follows:

3   **2.76.380       Sick Leave with Pay.**

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

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

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

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



1 Sick leave shall be earned, but not be granted, during the probationary period  
2 occurring after original appointment. An employee must keep his department head informed of his  
3 condition. This shall be on a daily basis unless waived by the department head or designated  
4 representative. An employee may be required by the Personnel Director to submit a medical  
5 certificate for any absence. Failure to fulfill these requirements may result in denial of sick leave.  
6 No refund of vacation time shall be allowed due to illness incurred while on vacation leave. Sick  
7 leave shall not accrue during 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  
15 by “A”, “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.~~

1 (e) An employee with a pay range prefixed by “A”, or “C” may be granted time off for  
2 a maximum of eighty hours in each calendar year for illness in the employee’s immediate family.  
3 Immediate family will also include any other family member, whether it be by blood, marriage, legal  
4 adoption, or foster children, residing in the household. Family sick leave may also be granted to an  
5 employee who has been appointed by a court of competent jurisdiction as legal guardian of any  
6 person, with proper documentation. Such time off will be deducted from the employee’s  
7 accumulated sick leave. Upon written request from an employee in the above-referenced pay ranges,  
8 the Personnel Director may waive the eighty hour limit after reviewing the individual circumstances  
9 in support of the request.

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

21 (g) An employee with a pay range prefixed by “E” may be granted time off for a  
22 maximum of eighty hours in each calendar year for illness in the employee’s immediate family. For  
23 purposes of this subsection (g), the term immediate family shall include the employee’s mother,  
24 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law,  
25 daughter-in-law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent,  
26 grandchild, and the grandparent of the employee’s spouse. Immediate family will also include any  
27 other family member, whether it be by blood, marriage, legal adoption, or foster children, residing  
28 in the household. Family sick leave may also be granted to an employee who has been appointed  
29 by a court of competent jurisdiction as legal guardian of any person, with proper documentation.  
30 Such time off will be deducted from the employee’s accumulated sick leave. Upon written request  
31 from an employee in the above-referenced pay ranges, the Personnel Director may waive the eighty  
32 hour limit after reviewing the individual circumstances in support of the request.

33 (h) An employee with a pay range prefixed by “M” may be granted time off for a  
34 maximum of sixty hours in each calendar year for illness in the employee’s immediate family. For  
35 purposes of this subsection (h), the term immediate family shall include the employee’s mother,  
36 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law,

1 daughter-in-law, son-in-law, stepmother, stepfather, stepchild, step grandchild, grandparent,  
2 grandchild, and the grandparent of the employee's spouse. Immediate family will also include any  
3 other family member, whether it be by blood, marriage, legal adoption, or foster children, residing  
4 in the household. Family sick leave may also be granted to an employee who has been appointed  
5 by a court of competent jurisdiction as legal guardian of any person, with proper documentation.  
6 Such time off will be deducted from the employee's accumulated sick leave. Upon written request  
7 from an employee in the above-referenced pay ranges, the Personnel Director may waive the sixty  
8 hour limit after reviewing the individual circumstances in support of the request.

9 Section 11. That Sections 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155,  
10 2.76.175, 2.76.200, and 2.76.380 of the Lincoln Municipal Code as hitherto existing be and the same  
11 are hereby repealed.

12 Section 12. That this ordinance shall take effect and be in force from and after its  
13 passage and publication in one issue of a daily or weekly newspaper of general circulation in the  
14 City, according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ____ day of _____, 2009:  _____ Mayor
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