

March 14, 2013

TO: City of Lincoln Personnel Board Members

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

**A G E N D A**

ITEM 1: Request to change the pay range of the following classification:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>FROM PAY RANGE</u>	<u>TO PAY RANGE</u>
1481	Systems Software Integrator	A15 (\$58,102.72 - \$77,498.72)	A17 (\$64,045.28 - \$85,427.68)

ITEM 2: Request for appeal hearing - Neal Reblin - Public Works/Street  
Maintenance Operations

ITEM 3: Miscellaneous Discussion

PC: Joan Ross, City Clerk  
Miki Esposito  
Neal Reblin  
Sean Brennan  
Don Taute  
Steve Hubka

**Brennan & Nielsen Law Offices, P.C.**

CITY - COUNTY PERSONNEL

2012 NOV 27 AM 7 34

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

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November 26, 2012

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

Miki Esposito  
Director  
Public Works & Utilities Department  
555 South 10<sup>th</sup> 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



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



CITY - COUNTY PERSON

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Dmm  
PK  
MM

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

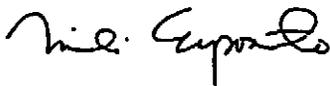
Mr. Neal Reblin  
November 7, 2012  
Page 2

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