November 14, 2013

TO: City of Lincoln Personnel Board Members

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

A G E N D A

ITEM 1: Request to revise the following classification:

CLASS CODE	CLASS TITLE	
3139	Police Records Technician	(N08)

ITEM 2: Request to change the class title and pay range of the following classification:

FROM

CLASS CODE	CURRENT CLASS TITLE	CURRENT PAY RANGE
5521	Forestry Supervisor	A12 ($51,190.88 – $68,276.00)

TO

CLASS CODE	PROPOSED CLASS TITLE	PROPOSED PAY RANGE
5521	Community Operations Forester	A13 ($53,745.12 - $71,689.28)

ITEM 3: Request to amend Section 2.76 of the Lincoln Municipal Code

ITEM 4: Request to amend Section 2.78 of the Lincoln Municipal Code

ITEM 5: Request for appeal hearing – Joshua Zarasvand – Police

ITEM 6: Miscellaneous Discussion

PC: Teresa Meier, City Clerk
Directors
Tom McCarty
Joshua Zarasvand
Tonya Peters

POLICE RECORDS TECHNICIAN

NATURE OF WORK

This is responsible ~~clerical work which includes typing and transcribing various police records~~ technical and complex law enforcement administrative support work at the Lincoln Police Department Records Unit. This is a civilian position.

Work involves ~~responsibility for maintaining police records; responsible for incident report entry; and reviewing reports to determine the status of the case. Work may involve taking and transcribing oral dictation while ensuring and enforcing security procedures necessary to safeguard confidentiality. An employee in this class is expected to exercise proper judgment within the framework of departmental rules and regulations~~ maintaining all case files, disseminating police reports and criminal history information. Interacts with the public and other agencies seeking assistance in obtaining police reports, peddler permits and taxi licences. Work includes reviewing reports to determine the status of the case and ensuring cases are classified following Federal Uniform Crime Reporting and departmental policy and procedure guidelines. Work includes coding and entering, verifying, correcting and updating reports and data into the Criminal Justice Information System. Work involves transcription of police reports in a confidential, professional and accurate manner. Supervision is received from an administrative superior with work being reviewed in the form of accuracy, effectiveness, and departmental standards.

EXAMPLES OF WORK PERFORMED

Review and update case files and status following Uniform Crime Reporting and Departmental guidelines to maintain integrity and accuracy of police reports subject to audit by Nebraska Commission on Law Enforcement and Criminal Justice.

Authorize or deny applicants for taxi licenses and permits.

Process citations, incident reports, accident reports, and pawn slips, which includes reviewing, coding, entering and updating data in CJIS.

~~Enters incident reports; assigns the appropriate code based upon uniform crime reporting regulations; enters the victim and the party responsible if someone was cited.~~

~~Reads reports, pulls previous reports for the case file, determines the status of a case whether it is cleared, inactive or unfounded and updates the computer.~~

~~Transcribes dictated tapes; makes corrections and/or additions to the report.~~

Assists officers at the officer counter; ~~retrieves, copies and faxes reports for officers; separates incoming reports; distributes to different teams and person assigned to do incident report entry; answers the phone~~ notarizes documents, receives and scans police reports.

Serves the public and other law enforcement agencies at the public counter; answers questions, retrieves ~~accident and incident reports~~ information, fulfills requests for the release of criminal history information and police reports in accordance with applicable laws for law enforcement information and public information and sells designated reports and permits.

Coordinates schedules of the court and officers; keeps track of when court cases are cancelled; notifies the officer in a timely manner.

Transcribes dictated supplemental reports and statements and transcribes recorded phone conversations using various types of digital software and transcription equipment.

~~Processes and enters traffic accident reports; inputs all information involved in the accident; converts accident information to the internet.~~

Operates specialized computer systems to obtain NCIC criminal history information.

Performs related work as required.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Considerable knowledge of the methods and practices involved in maintaining a records system.

Considerable knowledge of Federal UCR guidelines, State statutes, City ordinances, and Department policies and procedures.

Knowledge of the principles, practices and procedures of office management.

Knowledge of the legal aspects and confidentiality of records.

Knowledge of the geography of the city.

Ability to communicate effectively both orally and in writing.

Skill in the operation of various office machines including computer, scanner, micro-viewer, transcription ~~machine~~ equipment and software and other common office machines.

Ability to establish and maintain effective working relationships with co-workers, outside agencies and the general public.

Ability to proficiently type at least 40 words per minute net after errors.

Skill in the rapid and accurate transcription of dictation.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from a senior high school or equivalent supplemented by additional course work in records technology and computers with experience maintaining various records.

MINIMUM QUALIFICATIONS

Graduation from a senior high school or equivalent with some training or some experience in maintaining records; or any equivalent combination of training and experience which provides the desirable knowledge, abilities and skills.

NECESSARY SPECIAL REQUIREMENT

An employee may be required to obtain and maintain Certification on the National Crime Information Center computer system.

~~Depending upon the position, an e~~Employees~~ may be required to~~ must obtain and maintain a general notary public designation.

11/13

PS3139

CHAPTER 2.76

PERSONNEL SYSTEM

Sections:

2.76.005	Citation of Chapter.
2.76.010	Purpose of Rules.
2.76.015	Positions Covered by Rules.
2.76.020	Adoption of Rules.
2.76.025	Amendment of Rules; Procedure.
2.76.030	Administration of Rules.
2.76.035	Departmental Rules and Regulations.
2.76.040	Definitions.
2.76.045	City Council; Powers and Duties.
2.76.050	Mayor; Powers and Duties.
2.76.055	Personnel Board; Membership; Powers and Duties.
2.76.065	Unclassified Service; What Constitutes.
2.76.070	Classified Service; What Constitutes.
2.76.075	Status of Present Employees.
2.76.080	Classification Plan; Preparation.
2.76.085	Classification Plan; Adoption.
2.76.090	Classification Plan; Amendments.
2.76.095	Classification Plan; Allocation of Positions.
2.76.100	Classification Plan; Administration.
2.76.105	Classification Plan; Class Specifications.
2.76.110	Classification Plan; Use of Class Titles.
2.76.115	Compensation Plan; Preparation.
2.76.120	Compensation Plan; Adoption.
2.76.125	Compensation Plan; Amendments.
2.76.130	Compensation Plan; Position and Pay Range Allocation.
2.76.135	Compensation Plan; Merit Pay Plan Established.
2.76.140	Compensation Plan; Beginning salary.
2.76.145	Compensation Plan; Merit Pay Plan; Administration and Requirements for Advancement.
2.76.150	Compensation Plan; Merit Pay Plan; Pay Increases for Exceptional Service.
2.76.153	Compensation Plan; Merit Pay Plan; Shift Differential.

2.76.155 Compensation Plan; Longevity Pay.
2.76.160 Compensation Plan & Variable Merit Pay Plan - M Pay Ranges
2.76.165 Acting Department Head Salary.
2.76.170 Compensation Plan; Salary Decreases.
2.76.175 Compensation Plan; Promotion, Transfer, Demotion, or Temporary Promotion.
2.76.180 Compensation Plan; Part-time, Temporary and Seasonal Employment.
2.76.185 Compensation Plan; Overtime and Holiday Payment.
2.76.190 Compensation Plan; Maintenance Allowance.
2.76.195 Compensation Plan; Travel and Other Official Expenditures.
2.76.200 Compensation Plan; Temporary Assignment in a Higher Classification.
2.76.202 Wage Adjustment.
2.76.205 Compensation Plan; Call-in Pay.
2.76.210 Recruitment and Examinations.
2.76.215 Application.
2.76.220 Age Requirements.

2.76.155 Compensation Plan; Longevity Pay.

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

Completed Years of Service	Annual Pay
10 years	$1,167.00
15 years	$1,727.00
20 years	$2,343.00
25 years	$2,764.00
30 years	$2,876.00

Employees receiving longevity pay at the five year mark ($739.00) as of August 15, 2012 shall continue to receive such pay until reaching the ten year mark.

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

(b) Employees with a pay range prefixed by the letter "X" or "N" shall annually receive longevity pay based upon the total length of service with the city. Such pay shall be effective beginning with the first full pay period following completion of the specified years of service. Payment shall be made on a prorated basis on each regular pay day. Employees with a pay range prefixed by "X" or "N" who are scheduled to work less than forty but at least twenty hours per week shall receive longevity pay based on the number of hours worked each pay period. The longevity schedule shall be as follows:

Completed Years of Service	Annual Pay
10 years	$ 954.00
15 years	$1,406.00
20 years	$1,874.00
25 years	$2,253.00
30 years	$2,366.00

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

(c) Employees with a pay range prefixed by the letter “M” shall annually receive longevity pay based upon the total length of continuous service with the city. Such pay shall be effective beginning with the first full pay period following completion of the specified years of service. Payment shall be made on a prorated basis on each regular pay day. Employees with a pay range prefixed by “M” who are scheduled to work less than forty (40) but at least thirty-two (32) hours per week shall receive longevity pay based on the number of hours worked each pay period. The longevity schedule shall be as follows:

Completed Years of Service	Annual Pay
10 Years	$ 920.00
15 Years	$1,329.00
20 Years	$1,815.00
25 Years	$2,136.00
30 Years	$2,226.00

For the purpose of longevity pay, any employee who terminates employment and who is later re-mployed shall be treated as a new employee.

2.76.160 Compensation Plan & Variable Merit Pay Plan - M Pay Ranges

Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the compensation plan for employees in classifications with pay ranges prefixed by the letter "M" shall provide for the awarding of merit increases within established pay ranges based upon the employee's level of performance and shall be entitled "the variable merit pay plan." The specific method of implementing and administering this plan shall be set out in an executive order of the Mayor which shall, among other things, provide for:

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

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

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

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

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

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

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

Employees in pay ranges prefixed by the letter "M" may have their eligibility dates adjusted when necessary or appropriate for proper operation of any goal-oriented employee evaluation program implemented by any department. The department head shall forward a written request for such an adjustment to the Personnel Director who may, at his discretion, approve the request. The eligibility date of an employee shall not be adjusted under this subsection more often than once in any twelve-month period;

(f) Establishment of a committee to review and approve all merit increases in excess of four percent.

2.76.395 Vacation Leave with Pay.

(a) Amount. Each employee with a pay range prefixed by "E" shall earn vacation leave credit annually as follows:

After original appointment -- at the factored hourly equivalent of 88 hours per year

After five years of service -- at the factored hourly equivalent of 120 hours per year

After ten years of service -- at the factored hourly equivalent of 136 hours per year.

After fifteen years of service -- at the factored hourly equivalent of 168 hours per year.

After twenty years of service -- at the factored hourly equivalent of 195 hours per year.

After twenty-five years of service -- at the factored hourly equivalent of 200 hours per year.

The department head may require that vacation leave be taken not less than one day at a time. Vacation leave credit shall not accrue during a leave of absence without pay.

(b) Each employee with a pay range prefixed by "N" or "X" shall earn vacation leave credit annually as follows:

After original appointment -- at the factored hourly equivalent of 80 hours per year.

After five years of service -- at the factored hourly equivalent of 116 hours per year.

After ten years of service -- at the factored hourly equivalent of 130 hours per year.

After twelve years of service -- at the factored hourly equivalent of 148 hours per year.

After fifteen years of service -- at the factored hourly equivalent of 160 hours per year.

After twenty years of service -- at the factored hourly equivalent of 196 hours per year.

After twenty-five years of service -- at the factored hourly equivalent of 200 hours per year.

The department head may require that vacation leave be taken not less than one day at a time. Vacation leave credit shall not accrue during a leave of absence without pay.

(c) Effective on the beginning of the first pay period after January 1, 2014, each employee with a pay range prefixed by 'M' shall earn vacation leave credit as follows:

After original appointment – at the factored hourly equivalent of one hundred sixty (160) hours per year.

After twenty years of service – at the factored hourly equivalent of two hundred (200) hours per year.

Any employee in a pay range prefixed by 'M' may use vacation during their probationary period upon approval by their supervisor.

Vacation leave credit shall not accrue during a leave of absence without pay.

~~(b)~~(d) Vacation leave shall not be granted during the first six months of employment. Each department head shall keep records on vacation leave credit and use and shall schedule vacation leave with particular regard to the seniority of employees, to accord with operating requirements, and insofar as possible, with requests of employees.

~~(c)~~(e) Accumulated leave. An employee may accumulate vacation leave to a maximum of eighty hours over and above the employee's maximum annual earning rate, for employees with a pay range prefixed by 'E' or 'M'.

For an employee with a pay range prefixed by 'N' or 'X', an employee may accumulate leave to a maximum as follows:

Completed Years of Service	Maximum Accumulated Leave
0-5 years	162 hours
6 - 10 years	206 hours
11 - 12 years	220 hours
13 - 15 years	238 hours
16 - 20 years	250 hours
21 - 25 years	286 hours
26 years and up	290 hours

~~(d)~~(f) Vacation payout. Any employee who separates from the city service shall be compensated for vacation leave accrued and accumulated to the date of separation. The vacation payout shall occur with the paycheck immediately following separation. In the event the

separation is the result of retirement, as defined by the applicable retirement plan, an employee may elect to utilize vacation until all accrued vacation has been exhausted.

~~(e)~~(g) Waiving vacation. For the purpose of maintaining necessary personnel on duty to accomplish city work, a department head, with approval of the Mayor, may waive accumulated vacation leave in excess of eighty hours. Waived vacation will be paid to the employee at the employee's usual rate of pay as of the last January 1, provided there are sufficient funds in the department's budget for salaries.

~~(f)~~(h) Vacation bank payout. For employees maintaining a vacation bank, excluding ranges prefixed by "B" or "F", the employee may request to sell all or part of their bank at the first full pay period in July each year. Such request for payment shall be made in writing and approved by the employee's department head and the Mayor, provided there are sufficient funds in the department's budget for salaries. Payment for requested hours will be paid at the employee's usual rate of pay as of the last January 1.

CHAPTER 2.78

MANAGEMENT COMPENSATION PLAN*

Sections:

2.78.010 Management Compensation Plan Established.

2.78.020 Management Compensation Plan; Annual Leave.

2.78.025 Compensation Plan; Variable Merit Pay Plan - DSS ~~and M~~ Pay Ranges.

~~**2.78.027 Management Compensation Plan; Longevity Pay.**~~

2.78.030 Management Compensation Plan; Sick Leave.

2.78.040 Management Compensation Plan; Other Leave.

2.78.050 Department Head or Administrative Assistant to Elected Official; Severance Pay.

2.78.060 Resignation.

2.78.070 Health Insurance; Continuation of City Contribution After Retirement.

2.78.010 Management Compensation Plan Established.

For the purpose of compensating department heads~~,~~ and administrative assistants to elected officials~~, and employees with a pay range prefixed by the letter "M"~~ for professional performance in the city service, there is hereby established a management compensation plan to be administered by the Mayor and department heads. The Personnel Director shall be responsible for recommending a pay range within which all department heads shall be assigned a rate of pay~~,~~ and a pay range within which all administrative assistants to elected officials shall be assigned a rate of pay~~, and a pay range for all employees in classifications with pay ranges prefixed by the letter "M". A pay plan for employees with a pay range prefixed by the letter "M" shall be adopted in accordance with Section 2.76.120 of this code~~. Such recommendation shall be submitted to the City Council and the pay ranges shall become effective when adopted by the City Council by ordinance.

Once adopted, the Mayor shall assign a rate of pay within the established pay plan to each department head; and may adjust the rate of pay for department heads within the established pay range as may be warranted under the circumstances, to adequately reflect appropriate compensation for the quantity and quality of work performed by such department head. The Mayor shall also establish, by executive order, a uniform schedule of fringe benefits to be provided to department heads which benefits may include life insurance, health insurance, disability insurance, pension benefits, and such other and different benefits as the Mayor may deem appropriate.

The rate of pay and fringe benefits for an administrative assistant to an elected official shall be assigned by the elected official employing the same.

2.78.020 Management Compensation Plan; Annual Leave.

(a) Effective with the beginning of the first pay period after January 1 of each year, each department head and each administrative assistant to an elected official shall be entitled to annual leave equivalent to 160 hours per year. Department heads and administrative assistants to elected officials may carry over unused annual leave to a maximum of forty hours, but any leave, over the maximum of forty hours, unused by the last day of the first complete pay period in January of the following year shall be forfeited. Any accumulated leave earned by a department head and unused as of January 15, 1982, shall be retained by the department head and may be used at any future time, and for any remaining upon termination of employment with the city, shall be compensated for such unused accumulated vacation leave.

Any department head or administrative assistant to an elected official entering the management compensation plan at any time after the first day of the second complete pay period in January of any year shall be entitled to and shall receive only a pro-rated portion of the otherwise authorized management leave for that year.

~~(b) Effective with the beginning of the first pay period after January 1 of each year, each employee with a pay range prefixed by the letter "M" shall be entitled to annual leave equivalent to 160 hours per year, or 240 hours for those employees who work a fifty-six hour work week.~~

~~After twenty years of service -- annual leave equivalent of 200 hours per year, or 300 hours for those employees who work a fifty-six hour work week.~~

~~Employees with a pay range prefixed by the letter "M" may carry over unused annual leave to a maximum of 80 hours, or 100 hours for employees with a fifty-six hour work week. Any accumulated leave earned by an employee with a pay range prefixed by the letter "M" and unused as of January 12, 2005, shall be retained by the employee and may be used at any future time, and for any remaining upon termination of employment with the city, shall be compensated for such unused accumulated vacation leave.~~

~~Any employee with a pay range prefixed by the letter "M" and hired at any time after the first day of the second complete pay period in January of any year shall be entitled to and shall receive only a pro-rated portion of the otherwise authorized annual leave for that year.~~

~~Any employee with a pay range prefixed by the letter "M" may use vacation during their probationary period upon approval by their supervisor.~~

~~(c)~~(b) Vacation payout. Any employee who separates from the city service shall be compensated for vacation leave accrued and accumulated to the date of separation. The vacation payout shall occur with the paycheck immediately following separation. In the event the separation is the result of retirement, as defined by the applicable retirement plan, an employee may elect to utilize vacation until all accrued vacation has been exhausted.

2.78.025 Compensation Plan; Variable Merit Pay Plan - DSS ~~and M Pay~~ Ranges.

Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the compensation plan for employees in classifications with pay ranges prefixed by the letters "DSS"~~ and "M"~~ shall provide for the awarding of merit increases within established pay ranges based upon the employee's level of performance and shall be entitled "the variable merit pay plan." The specific method of implementing and administering this plan shall be set out in an executive order of the Mayor which shall, among other things, provide for:

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

~~(b) A four and one-half percent increase upon successful completion of the original probationary period with the exception of pay ranges prefixed by the letters "DSS";~~

~~(c) Temporary exceptional service awards not to exceed two percent of the employee's current annualized salary to be paid in two, four, or six pay periods with the exception of pay ranges prefixed by the letters "DSS";~~

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

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

~~(d) The Personnel Director, with the approval of the Mayor, may grant permanent salary increases within the employee's pay range that are consistent with the spirit and purpose of the merit system provisions of the City Charter if a department head presents written evidence of unusual circumstances. The effective date of any increase granted in accordance with this subparagraph (d) shall be used to establish a new eligibility date, which shall be one year from the effective date of such increase. This subsection applies only to pay ranges prefixed by the letter "M".~~

~~(e) The eligibility date for evaluating performance of employees will be determined by completion of the original probationary period, and the effective date of promotion, demotion, reallocation, or layoff, or in the case of a department head or an administrative assistant to an elected official, the date of hire;~~

~~Employees in pay ranges prefixed by the letter "M" may have their eligibility dates adjusted when necessary or appropriate for proper operation of any goal-oriented employee evaluation program implemented by any department. The department head shall forward a written request for such an adjustment to the Personnel Director who may, at his discretion, approve the request. The eligibility date of an employee shall not be adjusted under this subsection more often than once in any twelve-month period;~~

~~(f) Establishment of a committee to review and approve all merit increases in excess of four percent.~~

~~**2.78.027 Management Compensation Plan; Longevity Pay.**~~

~~Employees with a pay range prefixed by the letter "M" shall annually receive longevity pay based upon the total length of continuous service with the city. Such pay shall be effective beginning with the first full pay period following completion of the specified years of service. Payment shall be made on a prorated basis on each regular pay day. Employees with a pay range prefixed by "M" who are scheduled to work less than forty but at least twenty hours per week shall receive longevity pay based on the number of hours worked each pay period. The longevity schedule shall be as follows:~~

~~Completed Years of Service~~	~~Annual Pay~~
~~10 Years~~	~~$1,639.00~~
~~15 Years~~	~~$2,400.00~~
~~20 Years~~	~~$3,251.00~~
~~25 Years~~	~~$3,840.00~~
~~30 Years~~	~~$3,952.00~~

~~For the purpose of longevity pay, any employee who terminates employment and who is later reemployed shall be treated as a new employee.~~

2.78.030 Management Compensation Plan; Sick Leave.

~~(a)~~ Sick leave shall be paid when a department head or an administrative assistant to an elected official is unable to perform work duties due to actual personal illness, bodily injury, pregnancy, or disease, exposure to contagious disease under circumstances in which the health of other employees or the public would be endangered by attendance on duty or to keep a medical or dental appointment, and for no other reason. When a department head or an administrative assistant to an elected official finds it necessary to be absent for any of the reasons specified herein, the department head or administrative assistant to an elected official shall cause the fact to be reported to the appropriate supervising elected official. Department heads or administrative assistants to elected officials shall be entitled to no payment for accumulated or unused sick leave upon retirement or death, except sick leave accrued by the department head or administrative assistant to an elected official prior to participation in the management compensation plan, shall be credited to such department head or administrative assistant to an elected official as unused sick leave, and paid in accordance with the provisions of Section 2.76.380(d) of this code.

~~(b) Sick leave for employees with a pay range prefixed by the letter "M" shall be paid in accordance with the provisions of Section 2.76.380 of this code.~~

LAW OFFICES OF

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CITY - COUNTY PERSONNEL
2013 JUL 29 PM 3 23

July 29, 2013

VIA HAND DELIVERY

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

RE: Officer Joshua Zarasvand; Appeal of Suspension

Dear Mr. McDaniel:

This firm represents the Lincoln Police Union, and Officer Joshua Zarasvand. On July 15, 2013, the Chief of Police issued Officer Zarasvand a sixteen-hour suspension. I am attaching a copy of the Notice of Suspension.

Pursuant to Article 9, Section 5 of the bargaining agreement between the City of Lincoln and LPU, Officer Zarasvand hereby gives his notice of appeal of the suspension to the Personnel Board of the City of Lincoln, for the reason that the action that the suspension is disciplining Officer Zarasvand for is not just cause for the discipline imposed, and the imposition of a suspension in this matter is arbitrary and capricious.

We request that the appeal be scheduled for the October meeting of the Personnel Policy Board. Thank you.

Yours very truly,

Thomas P. McCarty
For the Firm

ENCLOSURE

CITY OF
LINCOLN™
NEBRASKA

LINCOLN POLICE DEPARTMENT
575 South 10th Street Lincoln, NE 68508
402-441-7204 fax: 402-441-8492 lincoln.ne.gov

July 15, 2013

Officer Joshua Zarasvand
575 South 10th Street
Lincoln, NE 68508

Officer Zarasvand:

As a result of a hearing held earlier today, this letter is to inform you of the discipline issued to you as a result of your violation of General Order 1830, I, II, B, #8, a, c, h, i, C #2 and D #4 of the Lincoln Police Department, which occurred on Sunday, June 20, 2013 at 0240 hours on O Street between 48th & 24th Streets.

You have an option of receiving either a sixteen (16) hour suspension without pay. In lieu of the eight (8) of the sixteen (16) hours of suspension without pay, you may complete an educational program while on duty. If you elect the educational program, you are waiving your right to appeal this discipline in its entirety. If you elect the educational program, eight (8) hours of the sixteen (16) hour suspension and the educational program will remain in your file for a period of two years, providing that you do not appeal this suspension and that you do not have any discipline of a similar nature. The remaining eight (8) hours of suspension will remain in your file. By no means should my decision to offer you an educational program discount the serious nature of this violation nor be considered a standard for future disciplines.

An educational program option would be satisfied by a research paper related to the hazards of pursuit driving, which must be approved by me. However, you may propose an alternative idea in writing for my approval. The research paper requirements are as follows: ten (10) full pages, 12-point, Times New Roman font, single or double spaced with a border of no greater than one inch on all sides. The paper is to be completed and turned in to me by Friday, August 30, 2013 at 1600 hours.

You must notify me in writing of your election to complete an educational program by Tuesday, July 16, 2013 at 1600 hours. If you do not notify me in writing, it will be assumed that you have elected the hours without pay. The sixteen (16) hour suspension must be completed by September 15, 2013 at the convenience of your captain and supervisor. The suspension must be taken in blocks of 8 hours, however, you have the option of splitting the 8-hour blocks between different pay periods.

If you have any questions or comments regarding this suspension, please don't hesitate to contact me.

Sincerely,

James Peschong

JAMES PESCHONG
Chief of Police

cc: Captain Srb
Karen Eurich, Personnel