March 27, 2014

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, April 3, 2014
1:30 p.m., Commissioners Hearing Room
County-City Building, Room 112

A G E N D A

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

CLASS CODE	CLASS TITLE	CURRENT PAY GRADE	PROPOSED PAY GRADE
2602	Land Records Technician II	(C06) $34,919.04 - $44,726.24	(C08) $37,475.36 - $48,008.48

ITEM 2: Revise Overtime Personnel Policy Bulletin

ITEM 3: Revise Catastrophic Illness Leave Donation Policy Bulletin

ITEM 4: Request to amend Rule 7.6 of the Personnel Rules – On-Call Appointment

ITEM 5: Request for appeal hearing - Kim Weygint - County Engineer

ITEM 6: Request for grievance hearing – FOP #32 – Call Back/Overtime Pay

ITEM 7: Miscellaneous Discussion

pc: Department Heads
Kim Weygint
Rick Deboer
Richard Grabow
Gary Young

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~September, 2013~~April, 2014

Reference:	**Title:**
Personnel Rule 17 Supercedes Personnel Policy Bulletin ~~2012-1~~2013-3	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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~September, 2013~~April, 2014

Reference:	**Title:**
Personnel Rule 17 Supercedes Personnel Policy Bulletin ~~2012-1~~2013-3	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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~September, 2013~~April, 2014

Reference:	**Title:**
Personnel Rule 17 Supercedes Personnel Policy Bulletin ~~2012-1~~2013-3	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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~September, 2013~~April, 2014

Reference:	**Title:**
Personnel Rule 17 Supercedes Personnel Policy Bulletin ~~2012-1~~2013-3	OVERTIME PAY POLICY

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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~September, 2013~~April, 2014

Reference:	**Title:**
Personnel Rule 17 Supercedes Personnel Policy Bulletin ~~2012-1~~2013-3	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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~September, 2013~~April, 2014

Reference:	**Title:**
Personnel Rule 17 Supercedes Personnel Policy Bulletin ~~2012-1~~2013-3	OVERTIME PAY POLICY

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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~September, 2013~~April, 2014

Reference:	**Title:**
Personnel Rule 17 Supercedes Personnel Policy Bulletin ~~2012-1~~2013-3	OVERTIME PAY POLICY

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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~September, 2013~~April, 2014

Reference:	**Title:**
Personnel Rule 17 Supercedes Personnel Policy Bulletin ~~2012-1~~2013-3	OVERTIME PAY POLICY

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. 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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~September, 2013~~April, 2014

Reference:	**Title:**
Personnel Rule 17 Supercedes Personnel Policy Bulletin ~~2012-1~~2013-3	OVERTIME PAY POLICY

Doug McDaniel, ~~Personnel~~Human Resources Director Date

Larry Hudkins, Chair Date
Board of County Commissioners

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~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~February, 2003~~April, 2014

Reference:	**Title:**
State of Nebraska Catastrophic Illness Donation Program City of Lincoln Personnel Policy Bulletin ~~2000-2~~2003-1 Supercedes Personnel Policy Bulletin ~~2000-4~~2003-2	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: ~~2003-2~~2014-2

Lancaster County

Date: ~~February, 2003~~April, 2014

Reference:	**Title:**
State of Nebraska Catastrophic Illness Donation Program City of Lincoln Personnel Policy Bulletin ~~2000-2~~2003-1 Supercedes Personnel Policy Bulletin ~~2000-4~~2003-2	Catastrophic Illness Leave Donation Policy

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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~February, 2003~~April, 2014

Reference:	**Title:**
State of Nebraska Catastrophic Illness Donation Program City of Lincoln Personnel Policy Bulletin ~~2000-2~~2003-1 Supercedes Personnel Policy Bulletin ~~2000-4~~2003-2	Catastrophic Illness Leave Donation Policy

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.

Reference:	**Title:**
State of Nebraska Catastrophic Illness Donation Program City of Lincoln Personnel Policy Bulletin ~~2000-2~~2003-1 Supercedes Personnel Policy Bulletin ~~2000-4~~2003-2	Catastrophic Illness Leave Donation Policy

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.

Reference:	**Title:**
State of Nebraska Catastrophic Illness Donation Program City of Lincoln Personnel Policy Bulletin ~~2000-2~~2003-1 Supercedes Personnel Policy Bulletin ~~2000-4~~2003-2	Catastrophic Illness Leave Donation Policy

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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~February, 2003~~April, 2014

Reference:	**Title:**
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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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State of Nebraska Catastrophic Illness Donation Program City of Lincoln Personnel Policy Bulletin ~~2000-2~~2003-1 Supercedes Personnel Policy Bulletin ~~2000-4~~2003-2	Catastrophic Illness Leave Donation Policy

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.

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~February, 2003~~April, 2014

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_____ _____

~~Georgia Glass~~Doug McDaniel, ~~Personnel~~Human Resources Director Date

_____ _____

Larry Hudkins, Chair Date

Board of County Commissioners

~~Personnel~~Human Resources Policy Bulletin

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

Lancaster County

Date: ~~February, 2003~~April, 2014

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7.6 On-call Appointment (Revised ~~03/13~~04/14)

(a) Appointment of an employee on an irregular or occasional basis may be made as necessary through certification in accordance with Rule 6 from an open-competitive list. If an on-call employee, after an open-competitive process, subsequently accepts a probationary appointment, the effective date of such probationary appointment shall constitute the employee's date of hire in the classified service and shall not be retroactive. An employee under an on-call appointment may be dismissed by the appointing authority without the right to a review of any kind.

(b) If a previously certified probationary or status employee leaves their position in good standing, they may be re-hired as an on-call employee in the same classification without an open-competitive process. The employee must be re-hired as an on-call employee within thirty (30) calendar days from their termination in the same class. Any employee re-hired after thirty (30) calendar days from the employee's termination date will require an open-competitive process.

CITY - COUNTY PERSONN

2013 JUN 7 PM 4 05

AFSCME LOCAL 2468

STEP 1

AFSCME
We Make America Happen

OFFICIAL GRIEVANCE FORM

NAME OF EMPLOYEE Kim Weygint DEPARTMENT Engineering

CLASSIFICATION Stores Clerk I

WORK LOCATION Lincoln Shop IMMEDIATE SUPERVISOR Ron Bohaty

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.

CITY-COUNTY PERSONNEL
2014 FEB 14 PM 3 52

LAW OFFICES OF

KEATING, O'GARA, NEDVED & PETER, P.C., L.L.O.

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GARY J. NEDVED
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OF COUNSEL:
CON M. KEATING
DONALD R. STADING

February 14, 2014

VIA HAND DELIVERY

Mr. Doug McDaniel
Personnel Director
Lincoln/Lancaster County
555 S. 10th Street
Lincoln, NE 68508

RE: FOP 32 Grievance Appeal

Dear Mr. McDaniel:

This firm represents Fraternal Order of Police Lodge #32. On October 13, 2013, the FOP filed the attached grievance. Sometime thereafter, by agreement the parties extended the time that the Department of Corrections had to respond to the grievance indefinitely. On January 31, 2014, the County Attorney that serves the Department advised that the County would not be providing any written response to the grievance. The email containing that communication is attached hereto.

Pursuant to the bargaining agreement between Lancaster County and FOP #32, the FOP hereby gives notice of appeal of the denial of this grievance to the Lancaster County Personnel Policy Board.

We request that the appeal be scheduled for the April 2014 meeting of the Lancaster County Personnel Policy Board. Thank you.

Yours very truly,

Gary L. Young
For the Firm

enc.
cc: Richard Grabow, Deputy County Attorney, Lancaster County Attorney's Office

COPY

IN RE GRIEVANCE OF FOP 32 ON BEHALF OF ALL MEMBERS IMPACTED) October 18, 2013

TO: Michael Thurber, Department Head, or his designated representative

FROM: Fraternal Order of Police Lodge #32

COMES NOW Fraternal Order of Police Lodge #32 and for its grievance state as follows:

NATURE OF GRIEVANCE AND ACTS OF COMMISSION OR OMISSION GRIEVED:

Certain Corrections Officers who were not scheduled to work on certain hours of September 27 and September 28 were called back into work to work those hours. Someone then coded the time that these employees actually worked as call back pay, but then did not include the time actually worked in these Corrections Workers' hours worked for the purposes of calculating overtime. As a result, these employees were wrongfully not paid overtime for hours that they actually worked in excess of the overtime threshold for the pay period.

DATE OF ACTION GRIEVED: The FOP became aware of this action after payroll checks for the pay period containing September 27 and 28, 2013 were issued.

IDENTITY OF GRIEVING PARTIES: FOP #32 on behalf of all unit members that were called back into work on Friday September 27 and/or Saturday, September 28, 2013.

IDENTITY OF PERSONS ALLEGED TO HAVE CAUSED GRIEVANCE: unknown parties

PROVISIONS OF AGREEMENT THAT WERE VIOLATED: Article 16, Section 1

REMEDY SOUGHT: The Department recalculate the hours worked during the pay period that contained September 27 and 28th, 2013, and include in that calculation all hours worked, including hours worked during a call back assignment. The Department should then pay employees overtime based upon this revised calculation.

Respectfully submitted this 18th day of October, 2013.

FOP #32, on behalf of its members,

BY: _____

Gary L. Young, Esq. (#20817)
Keating, O'Gara, Nedved & Peter, P.C.
530 South 13th Street, Suite 100
Lincoln, NE 68508
Ph: (402) 475-8230
Fax: (402) 475-8328

Attorney for the Grievants

RECEIVED
OCT 18 2013

Gary Young

From: Richard C. Grabow <RGrabow@lancaster.ne.gov>
Sent: Friday, January 31, 2014 11:41 AM
To: Gary Young
Cc: Doug J. McDaniel; Karen Eurich; Mike Thurber; Tom McCarty
Subject: FOP #32 Callback Pay Grievance

Gary:

I wanted to formally inform you and your clients that Mike Thurber is waiving any opportunity to submit a written response to the above-referenced grievance which was dated October 18, 2013. You had previously granted an open-ended extension of Mr. Thurber's time to respond to the grievance under Art. 8, Sec. 1, Step 1 of the agreement between FOP #32 and the County. Please consider Mr. Thurber's decision to waive his response as a denial of the relief sought in the grievance pursuant to the last paragraph of Art. 8, Sec. 1. The County's position is that your client's time periods under Step 2 of Art. 8, Sec. 1 begin to run as of today.

Thank you again for your cooperation in speaking with County representatives about this matter and your granting of the open-ended extension.

Thanks,

Richard Grabow
Deputy Lancaster County Attorney
575 South 10th Street
Lincoln, NE 68508
(402) 441-8240

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.