October 29, 2015

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, November 5, 2015
1:30 p.m., Commissioners Hearing Room
County–City Building, Room 112

A G E N D A

ITEM 1: Request to create the following classification:

CLASS CODE	CLASS TITLE	PROPOSED PAY GRADE
2804	Records Administrator	C15 ($50,683.36 - $64,918.88)

ITEM 2: Request to amend Rule 18.1 of the Personnel Rules - Compensation for Absence on Holidays

ITEM 3: Request for grievance hearing – Brett Wheeler – Corrections

ITEM 4: Miscellaneous Discussion

pc: Department Heads
Tom McCarty
Brett Wheeler
Kristy Bauer

LANCASTER COUNTY
RECORDS ADMINISTRATOR

NATURE OF WORK

This is responsible administrative work; the Records Administrator performs a variety of electronic records functions as well as managing electronic records for the County under the jurisdiction of the County Clerk's office.

Work will involve maintaining and updating electronic records including but not limited agendas, minutes, resolutions, contracts, bids, licenses and permits for proper record type, classification, retention and disposal; as well as configuring the ERMS for County users, training users and interfacing with Information Services. General supervision is received from the Chief Deputy and County Clerk with work being reviewed in the form of accuracy, compliance and results achieved. Supervision may be exercised over subordinate staff members.

EXAMPLES OF WORK PERFORMED

Insure and maintain the accuracy of all electronic records on file in the County Clerk's office; assist in records verification and auditing of daily recordings to insure accuracy of information.

Operate scanning equipment and applicable conversion software to capture data and preserve documents according to established retention schedule; file and record information for scanning including production and preparation of data.

Serve as record retention subject matter expert and respond to management related inquiries regarding applicable state statutes and issues related to the ERMS.

Oversee the overall operation of the records area including coordination, continuity, fiscal accountability, customer service and compliance with relevant statutory/administrative requirements.

Direct the storage activities for all designated official electronic records for the County.

Interface with Information Services to ensure appropriate operation and system back up; coordinate disaster recovery processes with Information Services.

Develop procedures to specify how records are stored and identified to facilitate ready access; conducts record inventories comparing records to retention policies and procedures.

Responsible for application configuration and security of the ERMS across the County.

Research, identify, review, evaluate and recommend emerging record storage technology as well as recommend modifications to various methods and processes as a result of technology.

Network with county management staff to understand records needs and specific departmental applications.

Maintain the property valuation protest database, and marriage license data base.

Develop, document and maintain records information management system for assigned areas across the County.

May be responsible for training of ERMS users, and acting as a resource for all county users.

Respond to customer requests for information, coordinate assigned projects and perform other job related duties as assigned.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Considerable knowledge of the statutory requirements governing record retention.

Considerable knowledge of database maintenance and records management applications.

Ability to communicate effectively both orally and in writing, including the ability to take extensive notes and transcribe lengthy communications.

Ability to establish and maintain effective working relationships with public officials, other employees and the general public.

Ability to interpret rules, regulations and policies and to make decisions in accordance with established precedent.

Ability to exercise sound, independent judgement in decision making and operate within established guidelines and procedures.

Ability to handle and maintain confidential and sensitive information including, but not limited to, department communications, documentation and transactions.

Demonstrated skill in interpreting department and related records management processes.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited four-year college or university with major coursework in public or business administration computer science or related field plus 6 years experience in managing public records and/or public information or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills. Certified Records Manager desirable.

MINIMUM QUALIFICATIONS

Graduation from an accredited four-year college or university with major coursework in public or business administration computer science or related field plus 4 years experience in managing public records and/or public information or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

RULE 18 - HOLIDAYS

18.1 Compensation for Absence on Holidays (Revised ~~09/14~~11/15)

(a) All full-time and part-time status and probationary employees with the exception of those identified in paragraph (h) below shall receive pay for one-fifth (1/5) of their regularly scheduled work week not to exceed eight (8) hours for the following legal holidays or any other day proclaimed by the County Board as a holiday:

New Year's Day	Labor Day
Martin Luther King Jr.'s Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Fourth of July	Christmas Day

(b) In addition to the established holidays listed above, employees who are new or re-hired in pay grades prefixed by ‘C’ or ‘E’ shall receive noncumulative personal holiday hours based on the following schedule in their first year of employment:

(1) If the employee’s hire date is on or after the beginning of the pay period in August which results in the first pay check in September, but before January 1st, the employee shall receive twenty-four (24) hours of noncumulative personal holiday leave hours.

(2) If the employee’s hire date is on or after January 1st but prior to May 1st, the employee shall receive sixteen (16) hours of noncumulative personal holiday leave hours.

(3) If the employee’s hire date is on or after May 1st, but prior to the beginning of the pay period in August which results in the first pay check in September, the employee shall receive eight (8) hours of noncumulative personal holiday leave hours.

All other employees already employed, with the exception of those identified in paragraphs (f) and ~~(i)~~(h) below shall receive twenty-four (24) hours of noncumulative personal holiday leave hours each year beginning with the pay period in August that results in the first pay check in September.

(c) In addition to the established holidays listed above, employees who are new or re-hired in pay grades prefixed by ‘J’ shall receive noncumulative personal holiday hours based on the following schedule in their first year of employment:

(1) If the employee’s hire date is on or after the beginning of the pay period in August which results in the first pay check in September, but before January 1st, the employee shall receive twelve (12) hours of noncumulative personal holiday leave hours.

(2) If the employee's hire date is on or after January 1st but prior to May 1st, the employee shall receive eight (8) hours of noncumulative personal holiday leave hours.

(3) If the employee's hire date is on or after May 1st, but prior to the beginning of the pay period in August which results in the first pay check in September, the employee shall receive four (4) hours of noncumulative personal holiday leave hours.

(d) In addition to the established holidays listed above, employees in pay grades prefixed by 'A' or 'G', with the exception of those identified in paragraph ~~(i)~~(h) below, will receive twenty (20) hours of noncumulative personal holiday time each year beginning with the pay period in August that results in the first pay check in September.

(e) In addition to the established holidays listed above, employees in pay grades prefixed by 'Y', with the exception of those identified in paragraph ~~(i)~~(h) below, will receive eighteen (18) hours of noncumulative personal holiday time each year beginning with the pay period in August that results in the first paycheck in September.

(f) Part-time employees will receive personal holiday hours at one-fifth (1/5) of their regularly scheduled work week not to exceed eight (8) hours.

(g) Personal holiday hours may be taken anytime during the year that begins with the pay period in August that results in the first pay check in September (or be forfeited), provided the days and times selected by the employee have the prior approval of the Department Head.

~~(h) Employees will be required to use personal holiday hours in increments of not less than two (2) hour blocks of time.~~

~~(i)~~(h) Part-time status and probationary shift employees of facilities open seven (7) days a week or twenty-four (24) hours a day shall earn legal and personal holidays on a prorated schedule at the rate of 0.05 per hour worked which shall be added to the holiday bank each pay period. Accumulated holiday hours must be taken during the year that begins with the pay period in August that results in the first pay check in September (or be forfeited), provided the time selected by the employee has the prior approval of the Department Head.

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July 21, 2015

VIA HAND DELIVERY

Mr. Doug McDaniel
Human Resources Director
Secretary. County Personnel Board
555 S. 10th Street
Lincoln, NE 68508

RE: Fraternal Order of Police #32; Corrections Officer Wheeler

Dear Doug:

This firm represents Fraternal Order of Police Lodge #32 on behalf of Officer Brett Wheeler and all members impacted (hereinafter "Grievants"). On July 20, 2015, Corrections Director Mike Thurber denied the grievance of the Grievants, which I have attached hereto. The Grievants received the grievance reply on July 20, 2015.

Pursuant to the bargaining agreement between Lancaster County and FOP #32, the Grievants hereby give their notice of appeal of this denial of the grievance and hereby submit the attached grievance to the Lancaster County Personnel Board.

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

Yours very truly,

Thomas P. McCarty
FOR THE FIRM

ENCLOSURE

Lancaster County
Department of Corrections

3801 West O Street
Lincoln, NE 68528
(402) 441-1900
Fax: 441-8946

Michael Thurber, Director

July 20, 2015

Tom McCarty
Keating, O'Gara, Nedved & Peter, P.C.
530 South 13th Street, Suite 100
Lincoln, NE 68508

Re: Officer Brett Wheeler and FOP Lodge #32 Grievance received June 30, 2015

Dear Mr. McCarty:

This letter will serve as a response to a grievance dated June 30, 2015, regarding an alleged violation of Article 16, Section 5(B) of the FOP #32 Bargaining Agreement (the "Agreement"). Specifically, the grievance alleges that the Corrections Department gave a four-hour overtime shift, for July 4, 2015, to an officer on the Advance Voluntary Overtime Sign-up sheet who has less seniority than Officer Wheeler.

The facts that form the basis of Officer Wheeler's grievance are as follows: On Friday, June 19, 2015, an Advance Voluntary Overtime (AVOT) Sign-up sheet was posted for 2 full shifts, available on Saturday, July 4, 2015. This posting was done pursuant to Article 16, Section 5(B), which states in part, "[w]hen an overtime requirement is identified in advance, the Department may post the opening and allow staff to sign up." The AVOT Sign-up sheet has been in place since 2007 or before. The AVOT Sign-up sheet lists several details including the day/date, shift, and the number of shifts available for advance overtime. The sheet further details whether the shift is a full shift, the first ½ of a shift, or the last ½ of a shift. Officers are expected to print their names and sign up for a specific shift including "1st 4", "2nd 4", or "All 8." There is also a space for the Officer to include any "Notes." Pertinent to this grievance, the sheet also provides the following instruction to Officers signing up for AVOT: "If you check more than one area, circle your preference." This instruction is not a new process, and it gives the Officers the option to sign up for a specific part of the shift, the entire shift, or a combination of both. However, the Officer must specify his/her preference.

At some point prior to June 24, 2015, On-Call Officer Topil was scheduled to work the full day shift on July 4, 2015. Additionally, at some point after the AVOT Sign-up sheet was posted on June 19, 2015, it was determined that only half of the shift (0700-1100) was required to adequately staff the day shift on July 4, 2015. Thus, the AVOT requirement was for the first 4 hours ("1st 4") on July 4, 2015. Simply because the AVOT Sign-up sheet originally listed 2 full shifts available for overtime on July 4, 2015, does not mandate the Department to ultimately award 2 full shifts. In fact, Article 16, Section 5(C), of the Agreement provides that "it is understood that not all slots may be readily covered using the above guidelines. In those cases, supervisors will use discretion in allocating the overtime in a fair and effective manner." Additionally, pursuant to Article 4, Section 2, management has the right to "manage and supervise all operations and functions of the [Corrections Department]", "establish, allocate, schedule, assign, modify, change, and discontinue [Corrections Department] operations, work shifts, and working hours", and "establish, modify, change, and discontinue work standards." Implicit in these management rights is the Department's ability to set and determine minimum staffing levels at the Jail.

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Again, based upon the Department's determination of the staffing needs for July 4, 2015, at the time the AVOT hours were ultimately awarded on June 24, 2015, only coverage for the first half of the day shift was required. Officer Fowler was awarded the AVOT hours for the 1st half of the day shift on July 4, 2015, because she was the Officer with the most seniority that had requested the 1st four hours on the Sign-up sheet. Officer Wheeler was not considered for the award of AVOT hours because he had signed up for "All 8" hours only on the AVOT Sign-up sheet. In the event Officer Wheeler would have requested "1st 4" on the AVOT Sign-up sheet, he would have been awarded the hours as the most senior officer on the list. However, in allocating overtime, supervisors are not in a position to assume or guess what hours an Officer is willing to work.

The Department complied with Article 16, Section 5(A) in awarding the AVOT to Officer Fowler. As previously mentioned, Section 5(A) states in part, "[w]hen an overtime requirement is identified in advance, the Department may post the opening and allow staff to sign up. The senior officer will be scheduled and expected to work the overtime." Officer Fowler signed up for the shift that was required on July 4, 2015, to wit: the first 4 hours, and was ultimately awarded the AVOT because she was the most senior officer that had requested those specific hours. For the foregoing reasons, I must deny the grievance.

Sincerely,

Michael Thurber
Corrections Director

MT/lo

cc: Doug McDaniel, Human Resources Director
Kristy Bauer, Deputy County Attorney
Brad Johnson, Jail Administrator
Brett Wheeler, Correctional Officer
Personnel File

IN RE GRIEVANCE OF FOP 32 ON BEHALF OF ALL MEMBERS IMPACTED; and BRETT WHEELER) June 30, 2015

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

FROM: Officer Brett Wheeler and Fraternal Order of Police Lodge #32

COME NOW Brett Wheeler and Fraternal Order of Police Lodge #32 on behalf of all bargaining unit members affected, and for their grievance state as follows:

NATURE OF GRIEVANCE AND ACTS OF COMMISSION OR OMISSION GRIEVED:

Article 16 of the bargaining agreement between FOP #32 and the County governs the Department's voluntary overtime procedures. Under Article 16, Section 5(B), when an overtime requirement is identified in advance, the Department may post the opening, allow staff to sign up, and "[t]he senior officer [who signs up for advance voluntary overtime] **will** be scheduled and expected to work the overtime." (emphasis added).

The Department posted an advance voluntary overtime sheet for July 4, 2015 (Independence Day), pursuant to Article 16, Section 5(B) of the parties' bargaining agreement. On the sheet, the Department indicated that two full shifts were available for Independence Day. Officer Brett Wheeler signed up for one of the shifts. The Department thereafter altered the overtime shift availability, reducing it to one four-hour shift instead of two full shifts. On or about June 26, 2015, the Department passed over Officer Wheeler and gave the four-hour overtime shift for Independence Day to an officer on the sign-up sheet who has less seniority than Officer Wheeler, in violation of Article 16, Section 5(B).

DATE OF ACTION GRIEVED: The FOP became aware of this action on or about June 26, 2015. Officer Wheeler became aware of this action on or about June 26, 2015, after receiving an email from the Department (via Brad Johnson) verifying that the Department was giving the four-hour overtime shift to a less-senior officer.

IDENTITY OF GRIEVING PARTIES: FOP #32 on behalf of all affected unit members. Officer Brett Wheeler on behalf of himself.

IDENTITY OF PERSONS ALLEGED
TO HAVE CAUSED GRIEVANCE: Brad Johnson, Sgt. Darryl Shafer and, upon information and belief, Michael Thurber and other unknown parties.

PROVISIONS OF AGREEMENT
THAT WERE VIOLATED: Article 16's advance voluntary overtime provisions, including Section 5(B); and Article 9's provisions for calculating the seniority of officers.

REMEDY SOUGHT: The Department shall give full effect to the advance voluntary overtime provisions in Article 16 of the bargaining agreement and properly calculate the seniority of officers seeking advance voluntary overtime in accordance with Article 9. The Department shall permit Officer Wheeler to work the voluntary overtime shift available on Independence Day and pay him appropriately for such work or, in the alternative, pay Officer Wheeler the compensation he would have received if he had

worked the shift, including but not limited to any holiday pay and/or holiday overtime pay for the Independence Day shift.

Respectfully submitted this 30th day of June, 2015.

FOP #32, on behalf of its members, and Officer Brett Wheeler,

BY: _____

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Keating, O'Gara, Nedved & Peter, P.C.
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Lincoln, NE 68508
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Attorney for the Grievants