

January 28, 2016

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, February 4, 2016
1:30 p.m., Commissioners Hearing Room
County–City Building, Room 112

A G E N D A

ITEM 1: Request for appeal hearing – Trevor Wieseler - Youth Services

ITEM 2: Miscellaneous Discussion

pc: Trevor Wieseler
Joy Shiffermiller
Kristy Bauer
Sheli Schindler



SHIFFERMILLER LAW OFFICE, P.C., L.L.O.

JOY SHIFFERMILLER
Attorney at Law

ABBY OSBORN
Associate Attorney

1002 G Street
Lincoln, NE 68508
(402) 484-7700 – Phone
(402) 484-7714 – Fax

December 29, 2015

Doug McDaniel
Lancaster County Personnel Board
555 S. 10th Street, Room 302
Lincoln, Nebraska 68508

Michelle Schindler
Youth Services Center
1200 Radcliff Street
Lincoln, Nebraska 68512

Dear Mr. McDaniel and Ms. Schindler:

Please recall the undersigned represents Trevor Wieseler with respect to the separation of his employment which is to happen January 15, 2016 by letter delivered to him December 16, 2015.

Pursuant to FOP Lodge 77 contract, Article 15 – 17, we hereby appeal this separation because there is insufficient cause to dismiss Wieseler.

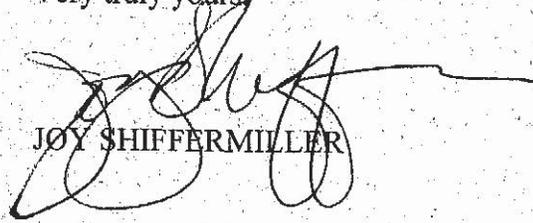
1. Although it is alleged that an employee must have a valid driver's license, Wieseler's job rarely requires him to drive. Historically he has driven 1 to 2 times in a year;
2. Others have been accommodated when their licenses have been suspended.
3. Wiesler has not been convicted of any driving offense;
4. We dispute that Wieseler is currently "uninsurable" under the county policy.

Wherefore, for all of the aforementioned reasons, we hereby appeal his proposed separation and request you hereby submit this matter to the personnel policy board pursuant to Article 17, Section 2.

In the event that the county considers this Notice of "separation" more properly handled under the grievance procedures because of it being "a matter of interpretation" or "uniform enforcement of express provisions of the agreement, the rules, and any and all conditions of employment", please consider this our grievance which is contemporaneously herewith being supplied to Michelle Schindler, department head.

2015 DEC 31 PM 12 14
CITY - COUNTY PERSONNEL

Very truly yours,

A handwritten signature in black ink, appearing to read "Joy Shifferr Miller", with a long horizontal flourish extending to the right.

JOY SHIFFERMILLER

JS/cl

cc: Trevor W.

Kristy Bauer



COUNTY - COUNTY PERSONNEL

2015 DEC 17 AM 7 31

DM
Youth Services Center

1200 Radcliff Street

Lincoln, NE 68512

Phone (402) 441-7090

Fax (402) 441-5626

www.lancaster.ne.gov/youth

December 16, 2015

Trevor Wieseler
128 Irving Street
Lincoln, NE 68521



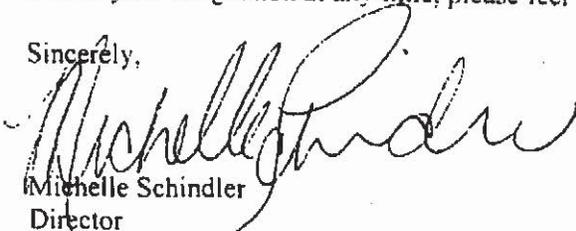
Dear Trevor:

On November 30, 2015, you received a letter proposing to separate your employment with Lancaster County pursuant to Lancaster County Personnel Rule 11.2(e) and Article 15, Section 4, of the 2015-2017 Bargaining Agreement between the Fraternal Order of Police, Lodge 77, and Lancaster County. On December 11, 2015, a pre-disciplinary meeting was held and attended by Sheli Schindler, Doug McDaniel, yourself, and your representative Joy Shiffermiller. At the meeting, Ms. Shiffermiller questioned the County's alleged past practice of accommodating employees with suspended licenses and also asked for an opportunity for you to look for another position within the County.

The County does not have a past practice of accommodating employees who have lost their driving privileges and are not insurable under the County's automobile insurance policy for a period of time longer than 90 days. As you are aware, the possession of a valid operator's license is a necessary special requirement of your position as a Juvenile Detention Officer. The ability to drive at work is also contingent upon being insurable under the County's automobile insurance policy based upon Personnel Policy Bulletin, 2009-2, Loss of Driving Privileges Policy. On November 21, 2015, you were arrested and cited for DUI 1st Offense and Negligent Driving. It's my understanding that your operator's license was administratively revoked by the Nebraska Department of Motor Vehicles on December 6, 2015. Although you are allowed to drive your personal vehicle with an ignition interlock permit (IIP) during this revocation, you are unable to drive a County vehicle and you are not insurable under the County's automobile insurance policy.

Because of those reasons, I will be separating your employment with Lancaster County effective January 15, 2016. This provides you an opportunity to apply for other positions within the County. If other options become available prior to January 15, 2016, or if you would like to submit your resignation at any time, please feel free to contact me.

Sincerely,


Michelle Schindler
Director

cc: Doug McDaniel, Human Resources Director
Kristy Bauer, Deputy County Attorney