

October 27, 2016

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, November 3, 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 – Lynn Forsgren – County Engineer

ITEM 2: Election of Chair

ITEM 3: Election of Vice-Chair

ITEM 4: Miscellaneous Discussion

pc: Lynn Forsgren
Rick Deboer
Pam Dingman
Kristy Bauer

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OFFICIAL GRIEVANCE FORM

NAME OF EMPLOYEE Lynn Forsgren DEPARTMENT Engineering
 CLASSIFICATION Senior Operator
 WORK LOCATION Waverly IMMEDIATE SUPERVISOR Curtis Porkorny
 TITLE District Supervisor

STATEMENT OF GRIEVANCE:

List applicable violation: Article 19 section 1 of the C.B.A.

Adjustment required: Overturn the one day suspension and make Lynn whole again

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 10-5-16 Signature of Employee _____

Signature of Union Representative [Signature] Title Union President

Date Presented to Management Representative _____

Signature _____ Title _____

Disposition of Grievance: Progressive discipline was not used, and the discipline was not consistent on how others in similar situations were treated.

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 Human Resources

COPY Employee

COPY: LOCAL UNION GRIEVANCE FILE

NOTE: ONE COPY OF THIS GRIEVANCE AND ITS DISPOSITION TO BE KEPT IN GRIEVANCE FILE OF LOCAL UNION.

LANCASTER
COUNTY
ENGINEERING

Pamela L. Dingman, P.E.
County Engineer

DM
KFF
MM

Kenneth D. Schroeder, R.L.S.
Deputy County Surveyor

DEPARTMENT

September 16, 2016

Lynn Forsgren
3231 Richard Court
Lincoln, NE 68521

Dear Mr. Forsgren:

On August 17, 2016, you received a letter proposing to suspend you without pay for one (1) working day pursuant to Lancaster County Personnel Rule 11.2(d) and Article 19 of the 2015-2017 Bargaining Agreement between AFSCME-Engineering and the County. On August 31, 2016, you attended a pre-disciplinary meeting with Angela Zocholl, Kari Foote, Rick DeBoer, and me regarding the following alleged performance issues. The following rules, policies and provisions were alleged to be violated:

1. Lancaster County Personnel Rule 11.2(h)(9), "The employee has been careless or negligent with the monies or other property of the County".

During the meeting, you indicated that you were driving a rubber tire loader to move dirt. Rubber tire loaders are more prone to accidents than treaded loaders. After dumping several loads of dirt, you said that your supervisor, Curtis Pokorny directed you to begin building a ramp to dump dirt on top of the pile. It was while you were backing down the slope that the loader tipped over. You also stated that the loader had a low tire, which may have contributed to the accident.

During the meeting, you acknowledged attending the training on safe procedures for Loader Safety and Operation training, which included direction on safe slopes for dirt ramps. You further acknowledged that if there was a low tire, it is the responsibility of the operator to address it. In discussion with Curtis Pokorny after the meeting, he acknowledge giving you the direction to build the dirt ramp, but he did not specifically direct you how to build it, or to violate the training you had received on the proper slope. Furthermore, he gave you the direction, and then had to leave the worksite to supervise other operations, so it was incumbent upon you to carry out the direction in a manner consistent with the training you had received.

Ultimately, safety must be the highest priority for all operators to avoid dangerous and costly accidents. Your actions contributed to the accident and justify discipline in the form of suspension. I am very glad that you were not injured in the accident. I have determined that allegations are substantiated; therefore, it is my decision to suspend you without pay for one (1) day, on Wednesday, September 21, 2016.

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COUNTY ENGINEERING

I have made my decision based on the facts set forth below:

On Thursday, July 28, 2016, between 2:45 and 3:00 pm, you were operating John Deere Wheel Loader #318 at the Lancaster County dirt pile in Prairie Home located just north of 5303 N. 148th Street. While backing down the slope of the dirt ramp, the vehicle became unstable and tipped onto the left side of the cab. Fortunately, you had on your seatbelt and no personal injuries were sustained. However, the vehicle sustained \$1,394.23 in parts, \$750.00 in Towing and \$1,260 mileage & labor, totaling \$3404.23 in damage. The accident was reported to the County Shop at approximately 3:20 pm. Once notified, Ron Bohaty, Assistant Road Maintenance Superintendent, visited the site and took photos. The pictures showed the steep and uneven angle of the dirt pile that likely contributed to the loader tipping over on its side. On February 10 and 11, 2016, you attended Loader Safety and Operation training, which instructed you on safe methods for operating a loader, including safe grading and maintaining a 3:1 slope on dirt ramps.

You have the right to appeal this unpaid suspension to the Lancaster County Personnel Board in accordance with Article 19, Section 4 of the AFSCME-Engineering Agreement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela L. Dingman', with a long horizontal line extending to the right.

Pamela L. Dingman, P.E.
Lancaster County Engineer

cc: Kari Foote, Human Resources Coordinator
Kristy Bauer, Deputy County Attorney