

March 28, 2019

TO: County Personnel Board Members

SUBJECT: Personnel Policy Board Meeting  
Thursday, April 4, 2019  
1:30 p.m., Commissioner Hearing Room  
County-City Building, Room 112

## A G E N D A

ITEM 1: Request to create the following classification:

<u>CLASS</u> <u>CODE</u>	<u>CLASS TITLE</u>	<u>PROPOSED</u> <u>PAY RANGE</u>
4743	Laborer II	G09 (\$37,702-08 – \$48,289.28)

ITEM 2: Request to change the title and revise the following classification:

<u>CLASS</u> <u>CODE</u>	<u>CURRENT</u> <u>CLASS TITLE</u>	<u>PROPOSED</u> <u>CLASS TITLE</u>	
4520	Heavy Truck Operator	Equipment Operator	(G10)

ITEM 3: Request to revise the following classifications:

<u>CLASS</u> <u>CODE</u>	<u>CLASS TITLE</u>	
4523	Senior Equipment Operator	(G14)
9855	Engineering Technician III	(C17)

ITEM 4: Request to delete the following classification:

<u>CLASS</u> <u>CODE</u>	<u>CLASS TITLE</u>	
4521	Equipment Operator I	(G09)

ITEM 5: Request to change the pay grade of the following classification:

<u>CLASS</u> <u>CODE</u>	<u>CLASS TITLE</u>	<u>CURRENT</u> <u>PAY GRADE</u>	<u>PROPOSED</u> <u>PAY GRADE</u>
5764	Screening Specialist	C08 (\$42,608.80 – \$54,579.20)	C13 (\$50,851.84 – \$65,137.28)

## **AGENDA page 2**

- ITEM 6: Request to amend Rule 17.19 of the Personnel Rules – Shift Differential
- ITEM 7: Request for grievance hearing – FOP #77 – Leah DuPont, Stanley Loadholt, Shane Dunn, Holly Le, Kenny Nolan, Ruth Wohlgemuth, Sara DaCosta, Ciera Tolbert and Chad Pierce – Youth Services Center
- ITEM 8: Miscellaneous Discussion
- PC: Leah DuPont  
Stanley Loadholt  
Shane Dunn  
Holly Le  
Kenny Nolan  
Ruth Wohlgemuth  
Sara DaCosta  
Ciera Tolbert  
Chad Pierce  
Department Heads  
Rick Deboer  
Tom McCarty  
Kristy Bauer

## LANCASTER COUNTY LABORER II

### NATURE OF WORK

This is routine labor work involving construction projects or maintenance of a variety of County facilities.

Work involves manual labor or vocational skills acquired through on-the-job training or experience. Duties may be performed as a crew member or individually. Work assignments are received through written and oral instructions from a technical or an administrative superior with work reviewed in the form of project progression and adherence to safety procedures and guidelines.

### EXAMPLES OF WORK PERFORMED

Perform general bridge maintenance and construction work including replacing planks, guard rails, hazard signs and related bridge components; operate a variety of road construction equipment including jackhammers, air compressors, tamping machines, chain saws, concrete vibrators, post pounder and related roads and right-of-way equipment.

Perform general road maintenance and construction work including breaking asphalt, pouring, shoveling, tamping, and rolling asphalt; cutting brush and trees, treating stumps with chemicals, putting branches and limbs into chipper, installing and removing snow fence, repairing and maintaining culverts and removing and replacing damaged sign posts and bridge planks.

Operate, maintain and service light and medium automotive equipment, tractors, sickle bar mowers, rotary mowers and related construction and maintenance equipment; install various equipment attachments including snow plow, sander and motor grader blades.

Load and unload heavy materials; assist in transporting materials to desired location.

Perform routine building and grounds maintenance such as sweeping and mopping floors, and cleaning restrooms; mow grass using push mowers or riding lawn mowers.

### DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Some knowledge of the equipment, materials, and tools utilized in general road construction and maintenance labor work.

Ability to perform heavy manual work for extended periods of time in all types of weather conditions.

Ability to communicate effectively both orally and in writing.

Ability to identify work hazards and demonstrate safety precautions and methods.

Ability to operate and service various light and medium automotive equipment in a safe and efficient manner.

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

Skill in the use of power and hand tools utilized in road construction and maintenance work.

#### MINIMUM QUALIFICATIONS

Completion of high school and one year of experience with heavy construction work or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

#### NECESSARY SPECIAL REQUIREMENT

Employees must possess a valid driver's license.

Employees must possess and maintain a valid Nebraska Commercial Driver's License (CDL) and any applicable endorsements.

4/19

PS4743

LANCASTER COUNTY  
HEAVY TRUCK OPERATOR/EQUIPMENT OPERATOR

#### NATURE OF WORK

This is skilled work in the operation of light and heavy trucks (including tandem axle trucks having a GVWR of 26,000 lbs. or more), tractors and other non-CDL rated vehicles and related equipment.

Work involves responsibility for the safe and efficient operation of tractors, trucks, trailers, tandem axle trucks and other non-CDL rated vehicles and related equipment. Work also involves hauling rock, dirt, gravel and construction-related materials; plowing snow, liquid deicer, and sanding roads under adverse weather conditions; and performing maintenance and repair work on assigned vehicle as required. Employees may also perform general laboring duties associated with assigned construction projects and may supervise employees assigned as helpers. This class is distinguished from other classes in that employees in this class must operate tandem axle trucks and/or truck and trailer combinations with a GVWR of 26,000 lbs. or more a minimum of 50% of work time. Work is reviewed by a technical or administrative superior through personal inspection and observation for compliance with established work schedules, methods and safety practices.

#### EXAMPLES OF WORK PERFORMED

Operate trucks hauling rock, dirt, gravel, sand/salt mixtures, liquid and related construction materials; use front-end loader to load trucks with construction materials; operate all types of rotary mowers when mowing County right-of-way; operate trucks with snow plow, liquid deicer, and sander attachment to plow, sand and salt County roads; install various equipment attachments including snow plow, sander and motor grader blades; complete daily time sheets and traffic sign reports, complete proper logs for lubricants, diesel fuel and gasoline used.

Perform general road maintenance duties such as cutting brush and trees, treating stumps with chemicals, and putting branches and limbs into chipper; install and remove snow fence; repair and maintain culverts; remove and replace damaged sign posts and bridges planks.

Perform labor work in connection with assigned projects; may supervise subordinate employees engaged in general labor and equipment operation on an assigned project.

Perform routine preventive maintenance on equipment operated including checking and changing oil and oil filters, fueling and washing equipment, checking other fluid levels, lubricating, and inspecting and changing tires, and related maintenance work.

Perform routine building and grounds maintenance such as sweeping, mopping floors and cleaning restrooms; and, mowing grass using push mowers or riding lawn mowers.

#### DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Knowledge of the operation and maintenance characteristics of tractors, light and heavy trucks, tandem axle trucks and related automotive and heavy equipment.

Knowledge of operating hazards and safety rules and precautions applicable to the equipment being operated.

Ability to detect needed repairs and to make minor field repairs and adjustments to service equipment.

Ability to communicate effectively both orally and in writing.

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

Skill in the operation of large, heavy-duty dump trucks, tractors and related equipment.

#### ~~DESIRABLE TRAINING AND EXPERIENCE~~

~~Graduation from senior high school or equivalent and experience in the operation of tandem axle trucks.~~

#### MINIMUM QUALIFICATIONS

Graduation from ~~junior~~ high school or equivalent and ~~some~~ six months of experience in the operation of light and heavy trucks, tractors and tandem axle trucks, or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

#### NECESSARY SPECIAL REQUIREMENT

~~Possession of~~ Employees must possess a valid driver's license ~~when operating a vehicle is necessary for the satisfactory performance of assigned duties.~~

~~When operating equipment that falls under the~~ Employees must possess and maintain a valid Nebraska Commercial Driver's License (CDL) and any applicable endorsements ~~status, the employee is required to possess and maintain the proper license and endorsement.~~

~~11/12~~

4/19

PS4520

## LANCASTER COUNTY SENIOR EQUIPMENT OPERATOR

### NATURE OF WORK

This is highly skilled work in the operation of heavy road construction and road maintenance equipment.

Work involves responsibility for the safe and efficient operation of heavy construction and road maintenance equipment entailing considerable manipulative ability. This class is distinguished from other classes in that employees in this class must operate any piece of equipment utilized by the County, including but not limited to: motor graders, tandem axle trucks, tractor/trailer (lowboy) rigs, backhoes, ~~paddle~~ scrapers, dozers, and ~~excavators heavy-duty track-type cranes with draglines~~, as a regular assignment, a minimum of 50% of work time. Employees may perform general laboring duties on a variety of construction type activities as well as all road maintenance activities, and may supervise employees assigned as helpers. Work is reviewed by a technical or an administrative superior who assigns and may inspect work in progress or upon completion and evaluates work for compliance with work schedules, methods and safety practices.

### EXAMPLES OF WORK PERFORMED

Operate motor grader and drag ~~with magnet, profiler~~, in assigned district dragging and scraping roads, grading roads, cutting water channels along roadside, plowing snow and performing related road maintenance functions; operate ~~front-end loaders~~, ~~paddle~~-scraper and dozer to backfill bridges and in the performance of general maintenance of roads and bridges; operate trucks hauling rock, dirt, gravel and related construction materials; use ~~front-end loaders~~ to load trucks; operate a tractor/trailer (lowboy) rig when transporting heavy equipment from one district to another; operate ~~heavy-duty track-type crane with dragline-excavator~~ in performing bridge construction and maintenance; operate backhoe when cleaning ditches and laying culverts; operate all types of rotary mowers to mow County right-of-ways; install various equipment attachments including snow plow, sander and motor grader blades; complete daily time sheets and daily traffic sign reports; complete proper logs for lubricants, diesel fuel and gasoline used.

Perform general road maintenance duties such as cutting brush and trees, treating stumps with chemicals, and putting branches and limbs into chipper; install and remove snow fence; repair and maintain culverts; remove and replace damaged sign posts and bridge planks.

Perform labor work in connection with assigned projects; may supervise subordinate employees engaged in general labor and equipment operation on an assigned project.

Perform routine preventive maintenance on equipment operated including checking and changing oil and oil filters, fueling and washing equipment, checking other fluid levels, lubricating, and inspecting and changing tires.

Perform routine building and grounds maintenance such as sweeping, mopping floors and cleaning restrooms and mowing grass using push mowers or riding lawn mowers.

## DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Considerable knowledge of the operation and maintenance characteristics of a variety of heavy and complex construction and road maintenance equipment.

Considerable knowledge of the operating hazards and safety rules and precautions applicable to the equipment being operated.

Ability to detect needed repairs and to make minor field repairs and adjustments to service equipment.

Ability to communicate effectively both orally and in writing.

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

Skill in the operation of heavy duty road construction and maintenance equipment.

~~DESIRABLE TRAINING AND EXPERIENCE~~

~~Graduation from a senior high school or equivalent and experience in the operation of heavy duty construction and maintenance equipment.~~

## MINIMUM QUALIFICATIONS

Graduation from ~~junior~~ high school or equivalent and ~~some~~four years of experience in the operation of heavy-duty construction and maintenance equipment or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

## NECESSARY SPECIAL REQUIREMENT

~~Possession of Employees must possess a valid driver's license when operating a vehicle is necessary for the satisfactory performance of assigned duties.~~

~~When operating equipment that falls under the Employees must possess and maintain a valid Nebraska Commercial Driver's License (CDL) and any applicable endorsements status, the employee is required to possess and maintain the proper license and endorsement.~~

~~11/12~~

~~4/19~~

PS4523

LANCASTER COUNTY  
ENGINEERING TECHNICIAN III

NATURE OF WORK

This is responsible supervisory and highly complex technical work in connection with any branch of engineering and/or land surveying in the field and/or office.

Work responsibilities may include one or more of the following: direct major highway and bridge projects; supervision of subordinate personnel performing preliminary and construction surveys of bridge, culvert and road projects which may run concurrently; drafting of preliminary and final surveys of future bridge, culvert and road projects; and supervising and assisting in annual visual inspections of existing bridges and culverts. Supervision is exercised over subordinate supervisory and technical personnel on assigned projects. Supervision is received from an administrative or professional superior in the form of reports and results achieved, although employees of this class exercise considerable independent judgment in performance of assigned duties.

EXAMPLES OF WORK PERFORMED

Directs major highway and bridge projects; plans and schedules construction projects coordinating with the department's budget; prepares bid documents and specifications for road construction work to be performed under contract.

Supervises and assists subordinate personnel in preliminary and construction surveys pertaining to bridge, culvert and road projects.

Supervises, assists or performs inspections of all work assigned.

Coordinates inspection, construction and survey activities with appropriate departments and/or contractors.

Records data related to surveys and inspections and submits reports to appropriate persons.

Locates and perpetuates all section corners within Lancaster County, and supervises survey crews involved in necessary field work.

Performs computations necessary in design and checking of construction plans for deviation from plans and specifications.

Performs drafting of preliminary and final surveys of future bridge, culvert and road projects.

Supervises and assists in annual visual inspections of bridges and box culverts.

Performs related work as required.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Extensive knowledge of, and the ability to apply, the technical principles, methods and procedures of engineering and land surveying to the work being performed.

Extensive knowledge of, and the ability to apply, the technical principles, procedures, standard specifications and current policies to the planning, design and construction of assigned project.

Ability to make complex and varied engineering and surveying computations.

Ability to plan, assign and supervise the work of subordinate supervisory and technical personnel.

Ability to work independently on a variety of complex projects with only periodic and general instructions.

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

#### ~~DESIRABLE TRAINING AND EXPERIENCE~~

~~Graduation from a senior high school or equivalent plus extensive qualified technical experience in a supervisory capacity; or graduation from a senior high school or equivalent supplemented by completion of an Associate's Degree in Engineering Technology or related field plus considerable qualified technical experience in a supervisory capacity.~~

#### MINIMUM QUALIFICATIONS

Associates degree in construction management, computer science, drafting or other related engineering field (civil or surveying) and 5 years of experience of a technical nature~~Graduation from a senior high school or equivalent plus considerable experience as an Engineering Technician II;~~ or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills. Registration as a Land Surveyor by the State of Nebraska if engaged in land surveying.

#### ~~DESIRABLE SPECIAL REQUIREMENT~~

~~Compliance with the standards established by the Institute for the Certification of Engineering Technicians for the grade of Senior Engineering Technician.~~

#### NECESSARY SPECIAL REQUIREMENT

Possession of a valid driver's license when operating a vehicle is necessary to the satisfactory performance of assigned duties.

08/1304/19

PS9855

**17.19 Shift Differential (Revised 09/14/04/19)**

(a) Status and probationary employees not covered by a labor agreement and in a pay grade prefixed by 'C', and who are regularly assigned to second and third shifts shall be paid an additional ~~thirty-five (35)~~ forty-five (45) cents per hour.

(b) Status and probationary employees not covered by a labor agreement and in a pay grade prefixed by 'A', and who are regularly assigned to second and third shifts shall be paid an additional ~~forty (40)~~ forty-five (45) cents per hour.

~~(c) Status and probationary employees not covered by a labor agreement and who are regularly assigned to second and third shifts and who work at Corrections and Mental Health Crisis Center shall be paid an additional forty five (45) cents per hour.~~

~~(d)(c)~~ Status and probationary employees not covered by a labor agreement and in a pay grade prefixed by 'Y', and who are regularly assigned to second and third shifts shall be paid an additional forty-five (45) cents per hour.

~~(e)(d)~~ The differential pay per hour shall be included as an addition to their current hourly rate. For purposes of shift differential pay, the following conditions shall apply:

(1) To be entitled to shift differential pay, an employee must work a majority of his regularly scheduled hours between 5:00 p.m. and 9:00 a.m. This shall not apply to temporary assignments for shift hours between 5:00 p.m. and 9:00 a.m.

(2) For purposes of computing any shift differential pay, "current hourly rate" shall mean the hourly rate of pay which is applicable to the employee's regularly assigned class.

(3) An employee whose regularly scheduled shift entitles him to shift differential pay shall receive the shift differential pay as a part of his current hourly rate for leaves of absence including vacation, sick leave, holiday pay and funeral leave.

(4) For purpose of computing overtime pay, an employee shall receive his current hourly rate in addition to the ~~thirty-five (35) cents, forty (40) cents, or~~ forty-five (45) cents per hour shift differential.



**KEATING O'GARA LAW**

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Lyle E. Wheeler, Jr.

**OF COUNSEL:**  
Con M. Keating  
Donald R. Stading

**RETIRED:**  
Robert M. O'Gara

January 2, 2018

VIA HAND DELIVERY

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

CITY - COUNTY PERSONNEL  
2018 JAN 2 PM 3 09

RE: Fraternal Order of Police #77; Corrections Officers Dupont, Loadholt, Dunn, Le, Nolan, Wolgemuth, Dacosta, Tolbert, Pierce, and all other affected members.

Dear Mr. McDaniel:

This firm represents the above-captioned Grievants. On December 17, 2018, YSC Director Michelle Shindler denied the grievance of the Grievants, which I have attached hereto. The Grievants received the grievance reply on or about the same date.

Pursuant to the bargaining agreement between Lancaster County and FOP #77, 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.

Yours very truly,

Thomas P. McCarty  
FOR THE FIRM

COPY

NOV 16 '18 16:12

Received by Denis Huff

GRIEVANCE OF FRATERNAL ORDER )  
OF POLICE LODGE 77, on behalf of all )  
affected bargaining unit members )

November 16, 2018

TO: Michelle Schindler, Department Head, Juvenile Detention Center,  
or her designated representative

FROM: FOP #77, on behalf of all affected bargaining unit members  
including, but not limited to, Leah DuPont, Stanley Loadholt,  
Shane Dunn, Holly Le, Kenny Nolan, Ruth Wolgemuth, Sara  
Dacosta, Ciera Tolbert, and Chad Pierce.

COMES NOW Fraternal Order of Police Lodge #77, on behalf of the  
foregoing affected bargaining unit members, and for their grievance state as  
follows:

NATURE OF GRIEVANCE AND ACTS OF COMMISSION OR OMISSION  
GRIEVED:

Under Article 20, Sections 1 and 5 of the contract between FOP #77 and  
the County, neither personal holiday leave nor vacation leave may be  
unreasonably denied. In addition, Article 20, Section 3 of the contract states  
the County shall make a "good faith effort" for finding a replacement for an  
employee who requests a legal holiday off. Further, the implied covenant of  
good faith and fair dealing provides that "none of the parties to [a] contract do  
anything which will injure the right of another party to receive the benefit of  
the contract."

The following table summarizes the aggrieved bargaining unit members  
who have all had vacation, personal holiday, or legal holiday leave denied from  
October 31, 2018 through November 26, 2018 due to "no coverage":

<b>Employee</b>	<b>Dates Requested Off</b>	<b>Type of Leave</b>	<b>Basis for Denial</b>
Leah DuPont	10/31/18 (friend's wedding)	Personal Holiday	No coverage
Leah DuPont	11/3/18 (nephew's birthday)	Vacation	No coverage
Leah DuPont	11/23/18 (Black Friday/family time)	Legal Holiday	No coverage (partially approved)
Stanley Loadholt	11/17/18	Personal Holiday	No coverage
Stanley Loadholt	11/2/18 - 11/4/18	Vacation	No coverage
Shane Dunn	11/3/18	Vacation	No coverage
Shane Dunn	11/10/18 - 11/11/18	Vacation	No coverage
Holly Le	11/22/18 - 11/23/18	Legal Holiday	No coverage

			(partially approved)
Holly Le	11/21/18	Vacation	No coverage (partially approved)
Holly Le	11/26/18	Vacation	No coverage (partially approved)
Kenny Nolan	11/22/18	Legal Holiday	No coverage
Ruth Wolgemuth	11/25/18	Vacation	No coverage
Sara Dacosta	11/22/18 - 11/23/18	Legal Holiday	No coverage (partially approved)
Ciera Tolbert	11/24/18 - 11/25/18	Vacation	No coverage
Chad Pierce	11/8/18 - 11/10/18	Vacation	No coverage

The denial (or partial denial) of the foregoing leave for "no coverage" is not in good faith and is unreasonable. Upon information and belief, the Youth Services Center (YSC) has had approximately seven Juvenile Detention Officers separate from employment over the past year. During that same period, the YSC has failed to reasonably and timely hire replacement JDOs or increase the total number of JDOs on staff, which has caused the staffing shortages that have led to the denial of the foregoing leave requests, among other problems. Despite repeated requests from FOP #77 to the County, the County has failed to adequately staff the YSC to ensure JDOs are permitted to reasonably enjoy the leave benefits to which they are entitled under the bargaining agreement between FOP #77 and the County.

**DATE OF ACTION GRIEVED:** Denial of leave between October 31, 2018 and November 26, 2018.

**IDENTITY OF GRIEVING PARTIES:** FOP #77, on behalf of all affected bargaining unit members, including those specifically named herein.

**IDENTITY OF PERSONS ALLEGED TO HAVE CAUSED GRIEVANCE:** Michelle Shindler and other unknown parties.

**PROVISIONS OF AGREEMENT THAT WERE VIOLATED:** Article 20, Sections 1, 3 and 5; the implied covenant of good faith and fair dealing.

**REMEDY SOUGHT:**

(1) The Department shall take action to adequately staff the YSC to permit FOP #77 bargaining unit members the ability to reasonably enjoy the leave benefits to which they are entitled under the CBA.

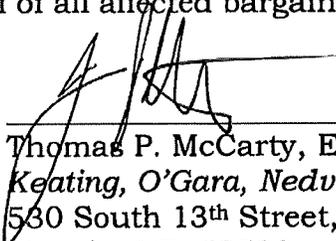
(2) The Department shall cease and desist from unreasonably denying FOP #77's bargaining unit members' leave requests.

(3) The Department shall pay each of the affected bargaining unit members their straight-time hourly rate for each hour of leave they requested off but were unable to take off.

(4) The Department shall take any such other action as the Personnel Policy Board deems just under the circumstances.

Respectfully submitted this 16<sup>th</sup> day of November, 2018.

FRATERNAL ORDER OF POLICE LODGE 77, on  
behalf of all affected bargaining unit members.

BY: 

Thomas P. McCarty, Esq. (#24171)  
*Keating, O'Gara, Nedved & Peter, P.C.*  
530 South 13<sup>th</sup> Street, Suite 100  
Lincoln, NE 68508  
Ph: (402) 475-8230  
tmccarty@keatinglaw.com

Attorney for FOP #77

Name Leah Dupont

Request Date: 10-11-18

Shift ( ) 1st  2nd ( ) 3rd

Date From: Date To: Time From: Time To: Total Hours:

Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( ) Paid ( ) LWOP					
Personal Holiday	10-31-18	10-31-18	1430	2230	8.00
Personal Sick					
Vacation					
Other (list reason)					
Comments: Friends wedding	Employee Signature <i>Leah Dupont</i>				
	Supervisor Approved		Date		
Denied (List Reason and Sign) No Coverage	Date 10/23/18	Director Approved		Date	

For Office Use:  
Received 10/12/18, Scheduled NO, Returned 10/23/18, Excel \_\_\_\_\_, Jantek \_\_\_\_\_

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

REVISED 3/17/2017 original: Administration, cc: Employee

Lancaster County Youth Services Center  
Leave Request

Name Leah Dupont

Request Date: 10-11-18

Shift ( ) 1st  2nd ( ) 3rd

Date From: Date To: Time From: Time To: Total Hours:

Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( ) Paid ( ) LWOP					
Personal Holiday					
Personal Sick					
Vacation	11-03-18	11-03-18	1430	2230	8.00
Other (list reason)					
Comments: nephews bday	Employee Signature <i>Leah Dupont</i>				
	Supervisor Approved		Date		
Denied (List Reason and Sign) no coverage	Date 10/23/18	Director Approved		Date	

For Office Use:  
Received 10/12/18, Scheduled NO, Returned 10/23/18, Excel \_\_\_\_\_, Jantek \_\_\_\_\_

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

REVISED 3/17/2017 original: Administration, cc: Employee

Lancaster County Youth Services Center  
Leave Request

Name Leah O'Port

Request Date: 9/23/18

Shift ( ) 1st ( ) 2nd ( ) 3rd

Date From: Date To: Time From: Time To: Total Hours:

Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday	11/23/18	11/23/18	1430-	2230	8.0
Military ( ) Paid ( ) LWOP					
Personal Holiday	11/23				
Personal Sick					
Vacation					
Other (list reason)					
Comments: Block Friday family time	Employee Signature <u>Leah O'Port</u>				
	Supervisor Approved				Date
Denied (List Reason and Sign) no coverage	Date <u>11/6/18</u>	Director Approved			Date

For Office Use:  
Received 9/26/18, Scheduled Michelle Sanchez, Returned 11/6/18, Excel \_\_\_\_\_, Jantek

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

REVISED 3/17/2017 original: Administration, cc: Employee

**Update**

11/23/18 1430 - 1830 Denied - no coverage

11/23/18 1830 - 2230 approved

11/7/18 Michelle Sanchez

Lancaster County Youth Services Center  
Leave Request

Name Stanley Goodhart Request Date: 9/26/18

Shift ( ) 1st (  ) 2nd ( ) 3rd

	Date From:	Date To:	Time From:	Time To:	Total Hours:
Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( ) Paid ( ) LWOP					
Personal Holiday	11/7/18	11/7/18	1430	2230	8.0
Personal Sick					
Vacation					
Other (list reason)					
Comments:	Employee Signature <u>Stanley Goodhart</u> Date <u>9/26/18</u>				
Denied (List Reason and Sign)	Director Approved _____ Date _____				

For Office Use:  
Received 9/21/18, Scheduled 11/6/18, Returned NO, Excel Jantek ✓

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

Leave Request

Name Stanley Loadholt

Request Date: 10/5/18

Shift ( ) 1st (X) 2nd ( ) 3rd

	Date From:	Date To:	Time From:	Time To:	Total Hours:
Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( ) Paid ( ) LWOP					
Personal Holiday					
Personal Sick					
Vacation	11/2/18	11/4/18	14:30	22:30	24.0
Other (list reason)					

Comments: <u>I need these 3 days off</u>	Employee Signature <u>Stanley Loadholt 10/5/18</u>
<u>Michelle Sanchez</u>	Supervisor Approved _____ Date _____
Denied (List Reason and Sign) <u>No Coverage</u>	Director Approved _____ Date <u>10/23/18</u>

For Office Use:  
 Received 10/8/18, Scheduled NO, Returned 11/23/18, Excel \_\_\_\_\_, Jantek \_\_\_\_\_

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

Name SHANE DUNN

Request Date: 10/20/18

Shift  1st ( ) 2nd ( ) 3rd

Date From: Date To: Time From: Time To: Total Hours:

Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( )Paid ( ) LWOP					
Personal Holiday					
Personal Sick					
Vacation	02 NOV 18	03 NOV 18	0630	1430	8
Other (list reason)					
Comments:	Employee Signature <i>Shane Dunn</i>				
	Supervisor Approved				Date
Denied (List Reason and Sign)	Date	Director Approved			Date
<i>No coverage</i>	<i>10/21/18</i>				

For Office Use:

Received 10/22/18, Scheduled \_\_\_\_\_, Returned \_\_\_\_\_, Excel \_\_\_\_\_, Jantek \_\_\_\_\_

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

REVISED 3/17/2017 original: Administration, cc: Employee

Lancaster County Youth Services Center  
Leave Request

Name SHANE DUNN

Request Date: 10/20/18

Shift  1st ( ) 2nd ( ) 3rd

Date From: Date To: Time From: Time To: Total Hours:

Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( )Paid ( ) LWOP					
Personal Holiday					
Personal Sick					
Vacation	11/10/18	11/17/18	0630	1400	16
Other (list reason)					
Comments:	Employee Signature <i>Shane Dunn</i>				
	Supervisor Approved				Date
Denied (List Reason and Sign)	Date	Director Approved			Date
<i>11/10/18 Denied no coverage</i>	<i>10/22/18</i>	<i>11/11 OR</i>			<i>10/23/18</i>

For Office Use:

Received 10/22/18, Scheduled \_\_\_\_\_, Returned 10/23/18, Excel \_\_\_\_\_, Jantek \_\_\_\_\_

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

REVISED 3/17/2017 original: Administration, cc: Employee

Lancaster County Youth Services Center  
Leave Request

Name Holly Le

Request Date: 9/24/18

Shift ( ) 1st (X) 2nd ( ) 3rd

Date From: Date To: Time From: Time To: Total Hours:

	Date From:	Date To:	Time From:	Time To:	Total Hours:
Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday	11-22-18	11-23-18	1430	2230	16 HRS
Military ( ) Paid ( ) LWOP					
Personal Holiday					
Personal Sick					
Vacation	11-21-18	11-26-18	1430	2230	16 HRS
Other (list reason)					

Comments: \_\_\_\_\_ Employee Signature [Signature] Date 9/24/18  
 Supervisor Approved [Signature] Date \_\_\_\_\_  
 Denied (List Reason and Sign) \_\_\_\_\_ Date 11/6/18 Director Approved 11/21 1830-2230 Date 11/23 1830-2250  
no coverage [Signature] 11/26 ALL

For Office Use:  
 Received 9/26/18, Schedule \_\_\_\_\_, Returned 11/6/18 Excel \_\_\_\_\_, Jantek [Signature]

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.  
 11/21 1430-1830  
 11/22 1430-2230  
 11/23 1630-2230  
 REVISED 2/17/017 original: Administration of Employees

**update**

- 11/21 1430-1830 Denied - no coverage
- 11/21 1830-2230 Approved
- 11/22 1430-2230 Denied - no coverage
- 11/23 1430-1630 Denied - no coverage (CHANGE)
- 11/23 1630-2230 Approved (CHANGE)
- 12/26 1430-2230 Approved

11/7/18 [Signature]

Lancaster County Youth Services Center  
Leave Request

Name Fenny Noban Request Date: 9-25-18  
 Shift ( ) 1st ( ) 2nd ( ) 3rd

	Date From:	Date To:	Time From:	Time To:	Total Hours:
Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)		11-22-18	14:30	22:30	8.0
Legal Holiday					
Military ( ) Paid ( ) LWQP					
Personal Holiday					
Personal Sick					
Vacation					
Other (list reason)					
Comments:	Thanksgiving -				
Denied (List Reason and Sign)	Employee Signature <u>Fenny Noban</u> 9-25-18 Supervisor Approved _____ Date _____ Director Approved _____ Date _____				

For Office Use:  
 Received 9/26/18, Scheduled 11/6/18, Returned 11/6/18, Excel Jantek  
 \*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

Lancaster County Youth Services Center  
Leave Request

Name Ruth Wohlgenuth Request Date: 10/22/18  
 Shift  1st  2nd  3rd

	Date From:	Date To:	Time From:	Time To:	Total Hours:
Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( ) Paid ( ) LWOP					
Personal Holiday					
Personal Sick					
Vacation	11-25-18	11-25-18	10:00	14:00	4.0
Other (list reason)					
Comments:	Employee Signature <u>Ruth Wohlgenuth</u> Date <u>10/22/18</u>				
Denied (List Reason and Sign)	Supervisor Approved <u>[Signature]</u> Date				
	Director Approved <u>[Signature]</u> Date				

For Office Use:  
 Received 10/22/18, Scheduled 11/6/18, Returned 11/6/18, Excel Jantek  
 \*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

Lancaster County Youth Services Center  
Leave Request

*S. DeCosta*

Request Date: *10/22/18*

Shift ( ) 1st ( ) 2nd ( ) 3rd

	Date From:	Date To:	Time From:	Time To:	Total Hours:
Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( ) Paid ( ) LWOP					
<del>Personal</del> Holiday <i>Legal</i>	<i>11-22-18</i>	<i>11-23-18</i>	<i>0600</i>	<i>1400</i>	<i>10</i>
Personal Sick					
Vacation					
Other (list reason)					
Comments:			Employee Signature <i>S. DeCosta</i>		
			Supervisor Approved _____ Date _____		
Denied (List Reason and Sign)	Date	Director Approved		Date	
<i>no coverage</i>	<i>11/6/18</i>				

For Office Use:  
Received *10/22/18*, Scheduled *100*, Returned *11/6/18*, Excel \_\_\_\_\_, Jantek \_\_\_\_\_

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

REVISED 3/17/2017 original; Administration, cc: Employee

*update*

*11/22/18 Denied - no coverage*

*11/23 0600-1000 Denied - no coverage*

*11/23 1000-1400 approved*

*11/7/18*

*Michelle Sanchez*

Lancaster County Youth Services Center  
Leave Request

Name: Talbert Request Date: 11/04/18

Shift ( ) 1st (X) 2nd ( ) 3rd

	Date From:	Date To:	Time From:	Time To:	Total Hours:
Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( ) Paid ( ) LWOP					
Personal Holiday					
Personal Sick					
Vacation	11/24/18	11/25/18	1430	2230	16
Other (list reason)					
Comments:	Employee Signature <u>Talbert</u> Date <u>11/04/18</u>				
Denied (List Reason and Sign)	Supervisor Approved _____ Date _____				
	Director Approved _____ Date _____				

For Office Use:  
 Received 11/5/18, Scheduled 11/6/18, Returned 11/6/18, Excel Jantek  
 Date 11/6/18  
 \*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.

Lancaster County Youth Services Center  
Leave Request

Name Chad PIERCE

Request Date: 10/25/2018

Shift ( ) 1st  2nd ( ) 3rd

Date From: Date To: Time From: Time To: Total Hours:

	Date From:	Date To:	Time From:	Time To:	Total Hours:
Compensatory Time Off					
Family Sick (list relation)					
Funeral (list relation)					
Legal Holiday					
Military ( ) Paid ( ) LWOP					
Personal Holiday					
Personal Sick					
Vacation <input checked="" type="checkbox"/>	11-8-2018	11-10-2018	1430	2230	24
Other (list reason)					
Comments:	Employee Signature <u>Chad R. Pierce</u>				
	Supervisor Approved _____ Date _____				
Denied (List Reason and Date)	Director Approved _____ Date _____				
<u>No Coverage</u>	<u>10/31/18</u>				

For Office Use:

Received \_\_\_\_\_, Scheduled \_\_\_\_\_, Returned \_\_\_\_\_, Excel \_\_\_\_\_, Jantek \_\_\_\_\_

\*Note(s): any leave without pay must be approved by the Director. If the leave without pay is to exceed 30 days, pre-approval must also be obtained from the Human Resources Director.



**Youth Services Center**  
1200 Radcliff Street  
Lincoln, NE 68512  
Phone (402) 441-7090  
Fax (402) 441-5626  
[www.lancaster.ne.gov/youth](http://www.lancaster.ne.gov/youth)

December 17, 2018

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

Re: FOP Lodge #77 Grievance, on behalf of Leah DuPont, Stanley Loadholt, Shane Dunn, Holly Le, Kenny Nolan, Ruth Wolgemuth, Sara DaCosta, Ciera Tolbert, and Chad Pierce, received November 16, 2018

Dear Mr. McCarty:

This letter will serve as a response to a grievance dated November 16, 2018, regarding alleged violations of Article 20, Sections 1, 3, and 5, of the Bargaining Agreement between FOP#77 and Lancaster County (the "Agreement"). Specifically, the grievance alleges that the denial and/or partial denial of certain Juvenile Detention Officers' ("JDO") requests for personal holiday leave, vacation leave, and legal holiday leave for the period October 1, 2018, through November 26, 2018, is "not in good faith and is unreasonable."

Article 20, Section 1, provides for personal holiday leave hours and states in part, "[a]ll personal holiday leave hours . . . shall not be unreasonably denied." Article 20, Section 3, provides for leave on a holiday and states in part, "[t]he employer is responsible for making a good faith effort for finding a replacement when the employee requests a [holiday] off." Article 20, Section 5, provides for vacation leave and states in part, "[v]acation leave shall not be unreasonably denied."

The table in the grievance alleges that there were 23 leave requests denied or partially denied. However, in responding to the grievance, I have discovered that of the 23 leave requests that were alleged to have been denied or partially denied, 9 were approved for the full shift, 3 were approved for half the shift, and one was approved for 0.75 of the shift. Therefore, in terms of denials, there were 10 leave requests denied in full, 3 leave requests denied for half a shift, and 1 leave request denied for 0.25 of the shift. Additionally, it is important to note that for days that form the basis of the grievance, the Youth Services Center (hereinafter "the Department") received 92 total leave requests; 75 requests were approved in full, 2 were approved for half the shift, and 1 was approved for 0.75 shift, 14 requests were denied in full, and 2 requests were denied for half the shift, and 1 was denied for 0.25 shift.

Each individual leave request is addressed below by "request date."

1. October 31, 2018 – There were 8 leave requests for this day; 6 were approved and 2 were denied.
  - A. JDO Leah DuPont – On October 11, 2018, JDO DuPont requested personal holiday leave for 10/31/18. On October 23, 2018, she received notice from me that her leave request was denied due to no coverage. The grievance was filed on November 16, 2018. It was not filed within fifteen (15) working days of JDO DuPont becoming aware of the incident giving rise to the grievance as required by Article 17, Section 1, Step 1 of the Bargaining Agreement. Additionally, on October 23, 2018, JDO DuPont found an on call to work for her and was approved personal holiday leave for 10/31/18. It should be noted that the on-call staff that agreed to work for JDO DuPont did not respond to the Department's request for coverage on that day. JDO DuPont did not work on 10/31/18. **JDO DuPont's grievance is denied because it is untimely and because her leave request was ultimately approved for 10/31/18.**
2. November 2, 2018 – There were 5 leave requests for this day; 4 were approved and 1 was denied.
  - A. JDO Stanley Loadholt – On October 5, 2018, JDO Loadholt requested vacation leave for 11/2/18 through 11/4/18. On October 23, 2018, he received notice from me that his leave request was denied due to no coverage. The grievance was filed on November 16, 2018. It was not filed within fifteen (15) working days of JDO Loadholt becoming aware of the incident giving rise to the grievance as required by Article 17, Section 1, Step 1 of the Bargaining Agreement. Additionally, there were 15 emails sent to secure coverage for JDO Loadholt's leave request. **JDO Loadholt's grievance is denied because it is untimely and because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.**
3. November 3, 2018 – There were 7 leave requests for this day; 6 were approved and 1 was denied.
  - A. JDO DuPont - On October 11, 2018, JDO DuPont requested vacation leave for 11/3/18. On October 23, 2018, she received notice from me that her leave request was denied due to no coverage. The grievance was filed on November 16, 2018. It was not filed within fifteen (15) working days of JDO DuPont becoming aware of the incident giving rise to the grievance as required by Article 17, Section 1, Step 1 of the Bargaining Agreement. Additionally, on October 25, 2018, JDO DuPont requested and was approved to switch her work day with another JDO so that she could have off on 11/3/18. JDO DuPont was able to take vacation leave for 10/31/18 and did not work that day. **JDO DuPont's grievance is denied because it is untimely and because her leave request was ultimately approved for 10/31/18.**
  - B. JDO Loadholt - On October 5, 2018, JDO Loadholt requested vacation leave for 11/2/18 through 11/4/18. On October 23, 2018, he received notice from me that his leave request was denied due to no coverage. The grievance was filed on November 16, 2018. It was not filed within fifteen (15) working days of JDO Loadholt becoming aware of the incident giving rise to the grievance as required by Article 17, Section 1, Step 1 of the Bargaining

Agreement. Additionally, on November 1, 2018, JDO Loadholt found an on-call to work for him and was approved vacation leave for 11/3/18. It should be noted that the on-call staff that agreed to work for JDO Loadholt did not respond to the Department's request for coverage on that day. JDO Loadholt did not work on 11/3/18. **JDO Loadholt's grievance is denied because it is untimely and because his leave request was ultimately approved for 11/3/18.**

- C. JDO Shane Dunn – On October 20, 2018, JDO Dunn requested vacation leave for 11/3/18. On October 31, 2018, he received notice from me that his leave request was denied due to no coverage. There were 15 emails sent and 16 phone calls made to secure coverage for JDO Dunn's leave request. **JDO Dunn's grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.**
4. November 4, 2018 – There were 3 leave requests for this day; 2 were approved and 1 was denied.
- A. On October 5, 2018, JDO Loadholt requested vacation leave for 11/2/18 through 11/4/18. On October 23, 2018, he received notice from me that his leave request was denied due to no coverage. The grievance was filed on November 16, 2018. It was not filed within fifteen (15) working days of JDO Loadholt becoming aware of the incident giving rise to the grievance as required by Article 17, Section 1, Step 1 of the Bargaining Agreement. Additionally, on November 1, 2018, JDO Loadholt found an on-call to work for him and was approved vacation leave for 11/4/18. It should be noted that the on-call staff that agreed to work for JDO Loadholt did not respond to the Department's request for coverage on that day. JDO Loadholt did not work on 11/4/18. **JDO Loadholt's grievance is denied because it is untimely and because his leave request was ultimately approved for 11/4/18.**
5. November 8, 2018 and October 9, 2018 – There were 13 leave requests for these two (2) days; 11 were approved and 2 were denied.
- A. JDO Chad Pierce – On October 25, 2018, JDO Pierce requested vacation leave for 11/8/18 through 11/10/18. On October 31, 2018, he received notice from me that his leave request was denied due to no coverage. There were 16 emails sent and 1 phone call made to secure coverage for JDO Pierce's leave request on October 8, 2018. There were 17 emails sent to secure coverage for JDO Pierce's leave request on October 9, 2018. **JDO Pierce's grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.**
6. November 10, 2018 – There were 9 leave requests for this day; 7 were approved and 2 were denied.
- A. JDO Pierce – On October 25, 2018, JDO Pierce requested vacation leave for 11/8/18 through 11/10/18. On October 31, 2018, he received notice from me that his leave request was denied due to no coverage. There were 18 emails sent and 31 phone calls made to secure coverage for JDO Pierce's leave request on October 10, 2018. **JDO Pierce's grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.**

- B. JDO Dunn – On October 20, 2018, JDO Dunn requested vacation leave for 11/10/18. On October 23, 2018, he received notice from me that his leave request was denied due to no coverage. The grievance was filed on November 16, 2018. It was not filed within fifteen (15) working days of JDO Dunn becoming aware of the incident giving rise to the grievance as required by Article 17, Section 1, Step 1 of the Bargaining Agreement. Additionally, there were 18 emails sent and 31 phone calls made to secure coverage for JDO Dunn's leave request. **JDO Dunn's grievance is denied because it is untimely and because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.**
7. November 11, 2018 – There were 5 leave requests for this day and all 5 requests were approved.
- A. JDO Dunn – On October 20, 2018, JDO Dunn requested vacation leave for 11/11/18. On October 23, 2018, he received notice from me that his leave request for 11/11/18 was **approved**. JDO Dunn reported to work on 11/11/18 and was told by supervisory staff that he was approved to be off. JDO Dunn chose to say and work his shift. On 11/13/18, he admitted to the Department's administration that he had misread his leave request. Additionally, the grievance was not filed within fifteen (15) working days of JDO Dunn becoming aware of the incident giving rise to the grievance as required by Article 17, Section 1, Step 1 of the Bargaining Agreement. **JDO Dunn's grievance is denied because it his leave request for 11/11/18 was approved and because it is untimely.**
8. November 17, 2018 – There were 4 leave requests for this day and all 4 requests were approved.
- A. JDO Loadholt – On September 26, 2018, JDO Loadholt requested personal holiday leave for 11/17/18. On October 6, 2018, he received notice from me that his leave request was denied due to no coverage. On November 9, 2018, JDO Loadholt found an on-call to work for him and was approved vacation leave for 11/17/18. It should be noted that the on-call staff that agreed to work for JDO Loadholt did not respond to the Department's request for coverage on that day. JDO Loadholt did not work on 11/17/18. **JDO Loadholt's grievance is denied because his leave request was ultimately approved for 11/17/18.**
9. November 21, 2018 – There were 5 leave requests for this day; 4.5 were approved and 0.5 was denied.
- A. JDO Holly Le – On September 24, 2018, JDO Le requested vacation leave for 11/21/18. On November 6, 2018, she received notice from me that her leave request was approved in part (1830-2230) and denied in part (1430-1830) due to no coverage. There were 19 emails sent to attempt to secure coverage for JDO Le's leave request. **JDO Le's grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.**

10. November 22, 2018 – There were 8 leave requests for this day; 5.5 were approved and 2.5 were denied.

A. JDO Le – On September 24, 2018, JDO Le requested legal holiday leave for 11/22/18. On November 6, 2018, she received notice from me that her leave request was denied due to no coverage. There were 19 emails sent and 12 phone calls made to secure coverage for JDO Le's leave request. **JDO Le's grievance is denied because the Department made a good faith effort to find a replacement and secure coverage for the leave request.**

B. JDO Kenny Nolan – On September 25, 2018, JDO Nolan requested legal holiday leave for 11/22/18. On November 6, 2018, he received notice from me that his leave request was denied due to no coverage. There were 19 emails sent and 12 phone calls made to secure coverage for JDO Le's leave request. **JDO Nolan's grievance is denied because the Department made a good faith effort to find a replacement and secure coverage for the leave request.**

C. JDO Sara DaCosta – On October 22, 2018, JDO DaCosta requested legal holiday leave for 11/22/18. On November 6, 2018, she received notice from me that her leave request was denied due to no coverage. On November 19, 2018, JDO DaCosta switched half her shift with another JDO and was approved for leave for half of her shift. JDO DaCosta did not work half of her shift on 11/22/18. Additionally, there were 19 emails sent and 12 phone calls made to secure coverage for JDO DaCosta's leave request. **JDO DaCosta's grievance is denied because she her leave request was approved in part, and because the Department made a good faith effort to find a replacement and secure coverage for the leave request.**

11. November 23, 2018 – There were 8 leave requests for this day; 7.75 were approved and 0.25 was denied but later cancelled by the JDO requested it.

A. JDO DuPont – On September 23, 2018, JDO DuPont requested legal holiday leave for 11/23/18. On November 6, 2018, she received notice from me that her leave request was denied due to no coverage. On November 7, 2018, she received notice from me that her leave request was approved for the last 6 hours of her shift on 11/23/18, but still denied for the first half due to no coverage. On November 15, 2018, JDO DuPont found an on-call to work for her for the first 2 hours of her shift on 11/23/18 and her leave request for 11/23/18 was approved in full. It should be noted that the on-call staff that agreed to work for JDO DuPont did not respond to the Department's request for coverage on that day. JDO DuPont did not work on 11/23/18. **JDO DuPont's grievance is denied because her leave request was ultimately approved for 11/23/18.**

B. JDO DaCosta – On October 22, 2018, JDO DaCosta requested legal holiday leave for 11/23/18. On November 6, 2018, she received notice from me that her leave request for the first half of her shift was denied due to no coverage, but that the second half of her shift was approved. On November 7, 2018, JDO DaCosta found an on-call to work 6 hours of her shift and the Department found an on-call to work the other 2 hours of her shift; thus, her leave request for 11/23/18 was approved in full. It should be noted that the on-call staff that agreed to work for JDO DaCosta for 6 hours of her shift did not respond to the Department's request for coverage that day. JDO DaCosta did not work on 11/23/18. **JDO**

**DaCosta's grievance is denied because her leave request was ultimately approved for 11/23/18.**

- C. JDO Le – On September 24, 2018, JDO Le requested legal holiday leave for 11/23/18. On November 6, 2018, she received notice from me that her leave request for the first half of her shift was denied due to no coverage, but that the second half of her shift was approved. On November 6, 2018, the Department found coverage for half of the second half of her shift on 11/23/18. Therefore, 0.75 of her leave request was approved. On November 15, 2018, JDO Le cancelled her leave request. Once a JDO cancels his/her leave request, the Department stops attempting to find coverage. Additionally, there were 23 emails sent to secure coverage for JDO Le's leave request. **JDO Le's grievance is denied because she cancelled her leave request, and because the Department made a good faith effort to find a replacement and secure coverage for the leave request.**

12. November 24, 2018 – There were 7 leave requests for this day; 6 were approved and 1 was denied.

- A. JDO Ciera Tolbert – On November 4, 2018, JDO Ciera Tolbert requested vacation leave for 11/24/18. On November 6, 2018, she received notice from me that her leave request was denied due to no coverage. There were 19 emails sent and 31 phone calls made to secure coverage for JDO Tolbert's leave request. **JDO Tolbert's grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.**

13. November 25, 2018 – There were 5 leave requests for this day; 4 were approved and 1 was denied.

- A. JDO Tolbert – On November 4, 2018, JDO Tolbert requested vacation leave for 11/25/18. On November 6, 2018, she received notice from me that her leave request was denied due to no coverage. There were 19 emails sent and 13 phone calls made to secure coverage for JDO Tolbert's leave request. **JDO Tolbert's grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.**

- B. JDO Ruth Wohlgemuth – On October 22, 2018, JDO Wohlgemuth requested vacation leave for four (4) hours on 11/25/18. On November 6, 2018, she received notice from me that her leave request was denied due to no coverage. On November 25, 2018, the Department was able to secure coverage for JDO Wohlgemuth's leave request. She did not work the four (4) hours she requested off on 11/25/18. **JDO Wohlgemuth's grievance is denied because her leave request was ultimately approved for 11/25/18.**

14. November 26, 2018 – There were "5 requests for this day; 5 were approved and one were denied.

- A. JDO Le – On September 24, 2018, JDO Le requested vacation leave for 11/26/18. On November 6, 2018, she received notice from me that her request for 11/26/18 was approved. JDO Le did not work on 11/26/18. **JDO Le's grievance is denied because her leave request for 11/26/18 was approved.**

In summary, for the leave requests that form the basis of the grievance, there were 264 emails sent and 122 documents phone calls to secure coverage. The Department utilized reasonable efforts and acted in good faith to secure coverage for the leave requests. Additionally, as noted above, many of the alleged denied leave requests were approved.

For the foregoing reasons, I am denying the grievance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Schindler".

Michelle Schindler, Director  
Lancaster County Youth Services

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

2019 MAR 25 PM 2 31



**Youth Services Center**

1200 Radcliff Street  
Lincoln, NE 68512  
Phone (402) 441-7090  
Fax (402) 441-5626  
[www.lancaster.ne.gov/youth](http://www.lancaster.ne.gov/youth)

January 24, 2019

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

Re: Grievance Response dated December 17, 2018

Dear Mr. McCarty:

In responding to your email request for documents dated January 2, 2019, I discovered that some of the information in my December 17, 2018, response letter did not correlate with the documentation my administration staff had compiled. Specifically, in gathering the emails and documentation of communications on finding coverage, I discovered that my administrative staff were counting emails and phone calls in different manners (i.e. one email to x number of employees as "x emails"). This letter will clarify my response for those leave requests that were ultimately denied. The underlined language reflects the clarification.

1. November 2, 2018 – There were 5 leave requests for this day; 4 were approved and 1 was denied.
  - A. JDO Stanley Loadholt – On October 5, 2018, JDO Loadholt requested vacation leave for 11/2/18 through 11/4/18. On October 23, 2018, he received notice from me that his leave request was denied due to no coverage. The grievance was filed on November 16, 2018. It was not filed within fifteen (15) working days of JDO Loadholt becoming aware of the incident giving rise to the grievance as required by Article 17, Section 1, Step 1 of the Bargaining Agreement. Prior to denying Loadholt's leave, there were 3 emails sent to 16 on-call JDOs in an attempt to secure coverage up to and including 10/23/2018. After his leave was denied, 3 more emails to 16 on-call JDOs were sent in continued attempts to secure coverage for his leave. The Department received responses from all but 4 on-call JDOs. After trying to secure coverage for 12 work days, JDO Loadholt's leave request was returned to him giving him 8 work days to find his own coverage. JDO Loadholt's grievance is denied because it is untimely and because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.
2. November 3, 2018 – There were 7 leave requests for this day; 4 were approved and 1 was denied.

- A. JDO Shane Dunn – On October 20, 2018, JDO Dunn requested vacation leave for 11/3/18. On October 31, 2018, he received notice from me that his leave request was denied due to no coverage. Prior to his leave being denied, there were 2 emails sent to 16 on-call JDOs. In addition to the emails, there were 17 calls made to on calls on 11/2/2018 in another attempt to secure coverage for 1<sup>st</sup> shift on 11/3/18. Although these calls were made to secure coverage for a JDO that had called in sick on 11/2/18 for 1<sup>st</sup> shift on 11/3/18, if more than one on-call JDO would have accepted the shift on 11/3/18, JDO Dunn’s leave request could have been approved. The Department had received responses from 6 on-call JDOs who couldn’t work and had 3 on calls already working this day. After trying to secure coverage for 8 work days, JDO Dunn’s leave request was returned to him giving him 2 work days to find his own coverage. JDO Dunn’s grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.
3. November 8, 2018 and November 9, 2018 – There were 13 leave requests for these two (2) days; 11 were approved and 2 were denied.
- A. JDO Chad Pierce – On October 25, 2018, JDO Pierce requested vacation leave for 11/8/18 through 11/10/18. On October 31, 2018, he received notice from me that his leave request was denied due to no coverage. Prior to denying JDO Pierce’s leave requests, there was 1 email sent to 16 on-call JDO’s in attempt to secure coverage for both days. The Department had received responses from 3 on calls who couldn’t work on 11/8/18 and 6 on calls who were already working on 11/9/18. After trying to secure coverage for 5 work days, JDO Pierce’s leave request was returned to him giving him 5 work days to find his own coverage. JDO Pierce’s grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.
4. November 10, 2018 – There were 9 leave requests for this day; 7 were approved and 2 were denied.
- A. JDO Pierce – On October 25, 2018, JDO Pierce requested vacation leave for 11/8/18 through 11/10/18. On October 31, 2018, he received notice from me that his leave request was denied due to no coverage. Prior to denying his requests, there was 1 email sent to 16 on-call JDOs in attempt to secure coverage for both days. The Department had received responses from 6 on-call JDOs who couldn’t work. After trying to secure coverage for 5 work days, JDO Pierce’s leave request was returned to him giving him 5 work days to find his own coverage. JDO Pierce’s grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.
- B. JDO Dunn – On October 20, 2018, JDO Dunn requested vacation leave for 11/10/18. On October 23, 2018, he received notice from me that his leave request was denied due to no coverage. The grievance was filed on November 16, 2018. It was not filed within fifteen (15) working days of JDO Dunn becoming aware of the incident giving rise to the grievance as required by Article 17, Section 1, Step 1 of the Bargaining Agreement. Prior to JDO Dunn submitting this request, 2 emails were sent out to 16 on-call JDOs in attempt to find coverage for 1<sup>st</sup> shift on 11/3/18 as another person had already requested off. Prior to JDO Dunn’s request being denied, there were 4 more emails sent to 16 on-call JDOs up to and including 11/10/2018 (day requested) in attempt to secure coverage. The Department had received responses from 6 on-call JDOs who couldn’t work that day. After trying to secure

coverage for JDO Dunn's leave request for 15 work days, the Department returned his leave request to him. JDO Dunn's grievance is denied because it is untimely and because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.

5. November 21, 2018 – There were 5 leave requests for this day; 4.5 were approved and 0.5 was denied.

A. JDO Holly Le – On September 24, 2018, JDO Le requested vacation leave for 11/21/18. On November 6, 2018, she received notice from me that her leave request was approved in part (1830-2230) and denied in part (1430-1830) due to no coverage. Prior to partially denying JDO Le's leave request, there were 5 emails sent to 16 on-call JDOs in attempt to secure coverage. After JDO Le's leave request was denied, there were 1 more email sent to 16 on-call JDOs in a continued attempt to secure coverage. The Department received responses from 10 on-call JDOs, 3 of which were already working that day. After trying to secure coverage for 30 work days, JDO Le's leave request was returned to her giving her 10 work days to find her own coverage. JDO Le's grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.

6. November 22, 2018 – There were 8 leave requests for this day; 5.5 were approved and 2.5 were denied.

A. JDO Le – On September 24, 2018, JDO Le requested legal holiday leave for 11/22/18. On November 6, 2018, she received notice from me that her leave request was denied due to no coverage. Prior to denying JDO Le's leave request, there were 6 emails sent to 16 on-call JDOs in attempt to secure coverage. After JDO Le's leave request was denied, there were 2 more emails sent to 16 on-call JDOs in a continued attempt to secure coverage. There were 15 phone calls made to on-call JDOs on 11/8/18 in another attempt to secure coverage for leaves on 11/22/2018. The Department received responses from 10 on calls, 3 of which were already working that day. After trying to secure coverage for 30 work days, JDO Le's leave request was returned to Le giving her 10 work days to find her own coverage. JDO Le's grievance is denied because the Department made a good faith effort to find a replacement and secure coverage for the leave request.

B. JDO Kenny Nolan – On September 25, 2018, JDO Nolan requested legal holiday leave for 11/22/18. On November 6, 2018, he received notice from me that his leave request was denied due to no coverage. Prior to denying JDO Nolan's leave request, there were 6 emails sent to 16 on-call JDOs in attempt to secure coverage. After denying his leave request, there was 2 more emails sent to 16 on-call JDOs in a continued attempt to secure coverage. There were 15 phone calls made to on-call JDOs on 11/8/18 in another attempt to secure coverage for leaves on 11/22/2018. The Department received responses from 10 on calls, 3 of which were already working that day. After trying to secure coverage for 30 work days, the Department returned JDO Nolan's leave request to him giving him 10 work days to find his own coverage. JDO Nolan's grievance is denied because the Department made a good faith effort to find a replacement and secure coverage for the leave request.

C. JDO Sara DaCosta – On October 22, 2018, JDO DaCosta requested legal holiday leave for 11/22/18. On November 6, 2018, she received notice from me that her leave request was

denied due to no coverage. On November 19, 2018, JDO DaCosta switched half her shift with another JDO and was approved for leave for half of her shift. JDO DaCosta did not work half of her shift on 11/22/18. Prior to JDO DaCosta requesting leave, there were 3 emails sent to 16 on-call JDOs in attempt to secure coverage for other requests for 11/22/18. After JDO DaCosta submitted her request and prior to denying it, there were 3 more emails sent to 16 on-call JDOs for coverage. After denying JDO DaCosta's leave request, there was 1 more email sent to 16 on-call JDOs in continued attempts to secure coverage. There were 15 phone calls made to on-call JDOs on 11/8/18 in another attempt to secure coverage for leaves on 11/22/2018. The Department received responses from 10 on calls, 3 of which were already work that day. After trying to secure coverage for 23 work days, the Department returned JDO DaCosta's request giving her 7 work days to find her own coverage. JDO DaCosta's grievance is denied because her leave request was approved in part, and because the Department made a good faith effort to find a replacement and secure coverage for the leave request.

7. November 23, 2018 – There were 8 leave requests for this day; 7.75 were approved and 0.25 was denied but later cancelled by the JDO requested it.
  - A. JDO Le – On September 24, 2018, JDO Le requested legal holiday leave for 11/23/18. On November 6, 2018, she received notice from me that her leave request for the first half of her shift was denied due to no coverage, but that the second half of her shift was approved. On November 6, 2018, the Department found coverage for half of the second half of her shift on 11/23/18. Therefore, 0.75 of her leave request was approved. On November 15, 2018, JDO Le cancelled her leave request. Once a JDO cancels his/her leave request, the Department stops attempting to find coverage. Prior to denying JDO Le's leave request, there were 6 emails sent to 16 on-call JDOs in attempt to secure coverage. After Le's leave request was denied, there was 1 more email sent to 16 on-call JDOs in a continued attempt to secure coverage. The Department received responses from 10 on-call JDOs, 3 of which were already work that day. After trying to secure coverage for 30 work days, the Department returned JDO Le's request giving her 10 work days' notice to find her own coverage. JDO Le's grievance is denied because she cancelled her leave request, and because the Department made a good faith effort to find a replacement and secure coverage for the leave request.
8. November 24, 2018 – There were 7 leave requests for this day; 6 were approved and 1 was denied.
  - A. JDO Ciera Tolbert – On November 4, 2018, JDO Ciera Tolbert requested vacation leave for 11/24/18. On November 6, 2018, she received notice from me that her leave request was denied due to no coverage. Prior to JDO Tolbert requesting leave, there were 2 emails sent to 16 on-call JDOs for coverage for 11/24/18. After JDO Tolbert's request was denied, there were 3 more emails sent to 16 on-call JDOs in continued attempts to secure coverage. In addition to the emails, there were 12 calls made to on calls on 11/24/2018 in another attempt to secure coverage for 2<sup>nd</sup> shift on 11/24/18. Although these calls were made to secure coverage for a JDO that had called in sick on 11/24/18 for 2<sup>nd</sup> shift on 11/24/18, if more than one on-call JDO would have accepted the shift on 11/24/18, JDO Tolbert's leave request could have been approved. The Department received responses from 8 on-call

JDOs, 4 of which were already working that day. After trying to secure coverage for 2 work days, the Department returned JDO Tolbert's request giving her 13 work days to find her own coverage. JDO Tolbert's grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.

9. November 25, 2018 – There were 5 leave requests for this day; 4 were approved and 1 was denied.

A. JDO Tolbert – On November 4, 2018, JDO Tolbert requested vacation leave for 11/25/18. On November 6, 2018, she received notice from me that her leave request was denied due to no coverage. Prior to JDO Tolbert requesting leave, there were 5 emails sent to 16 on-call JDOs for coverage on 11/25/18. After JDO Tolbert's leave request was denied, there were 3 more emails sent to 16 on-call JDOs in continued attempts to secure coverage. There were also 13 phone calls made to on-call JDOs on 11/25/18 in another attempt to secure coverage for leaves on 11/25/18. In addition to the emails, there were 14 calls made to on calls on 11/25/2018 in another attempt to secure coverage for 2<sup>nd</sup> shift on 11/25/18. Although these calls were made to secure coverage for a JDO that had called in sick on 11/25/18 for 2<sup>nd</sup> shift on 11/25/18, if more than one on-call JDO would have accepted the shift on 11/25/18, JDO Tolbert's leave request could have been approved. The Department received responses from 8 on-call JDOs, 4 of which were already working that day. After trying to secure coverage for 2 work days, the Department returned JDO Tolbert's leave request giving her 13 work days to find her own coverage. JDO Tolbert's grievance is denied because the Department utilized reasonable efforts to attempt to secure coverage for the leave request.

In summary, for the leave requests detailed above that were ultimately denied, there were 16 emails sent to 16-17 on-call JDOs and 57 phone calls made in attempt to secure coverage for the leave requests.

My decision to deny the grievances stands.

Sincerely,



Michelle Schindler, Director  
Lancaster County Youth Services

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