

# **LANCASTER COUNTY**



# **PERSONNEL RULES**

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**Appendix A** - Nebraska Revised Statutes, Sections 23-2517 to 23-2533 (Cumulative Supplement 2006)

## RULE 1 – DEFINITIONS (Revised 06/23)

The following words and phrases when used in these Rules have the following meanings unless otherwise clearly indicated in the context:

**Allocation** means the assignment of a position to a class on the basis of the kind, difficulty, and responsibility of work of the position.

**Appointment** means the designation to a position in the classified service of a person who has qualified for the appointment through appropriate examination or determination of fitness.

**Board** means the Personnel Policy Board.

**Certification** means the referral of the names of qualified prospective employees by the Human Resources Director on request of the appointing officer for selection to a position in the classified service.

**Chief deputy** means an individual who serves as first assistant to, and at the pleasure of an elected official.

**Class** means a group of positions which are sufficiently similar in kind or subject matter of work performed, level of difficulty and responsibility, and qualification requirements to warrant similar treatment in personnel and pay administration, and the same tests of fitness may be applied to each position in the group.

**Class description** means the written description of a class including title, statements of the duties and responsibilities, and the minimum requirements of education and experience appropriate upon entrance for satisfactory performance in a position of the class.

**Class title** means the official title used in the County pay plan.

**Classified service** shall comprise all positions not specifically included in the unclassified service.

**Continuous examinations** are open to all competitors who meet the qualifications of the examination announcement. The examination is administered on a continuing basis, and eligibles are placed on the basis of their final score regardless of the examination date.

**County** means Lancaster County.

**County Board** means the County Board of Commissioners of Lancaster County.

**Date of employment** means the date on which an employee begins service with the County. If an individual is reemployed, only the date of their current employment shall serve as the official date of employment for all personnel transactions, except as

otherwise provided in these Rules. This section shall in no way affect those employees who have been given credit for interrupted service prior to the adoption of these Rules, nor those who qualify otherwise under the section relating to layoff.

**Demotion** means a change in the rank of an employee from a position in one class to a position in another class having a lower pay grade.

**Department Head** means an elected official or an appointed official serving at the pleasure of the County Board to administer one of the major departments of county government and authorized by the County Board or by state statute to make appointments.

**Deputy** is a working title for one or more individuals so designated by an elected official.

**Disadvantaged person** means an individual who is a poor person as defined by the U.S. Department of Labor who does not have suitable employment and who is either (1) a school dropout, (2) a member of a minority group, (3) under 22 years of age, (4) 40 years of age or over, or (5) is disabled.

**Dismissal** means the termination of employment of an employee for cause.

**Elected official** means a person elected by the popular vote of the people to serve as the administrator of a major County function. These elected officials are the County Attorney, Public Defender, County Sheriff, County Treasurer, Clerk of the District Court, Register of Deeds, County Clerk, County Assessor, and the County Engineer.

**Eligibility date** is the employee's anniversary date; the date in which the employee receives their annual performance evaluation and potential merit increase. In most circumstances, the eligibility date is the date the employee obtains status in a classified position. (Created 9/01)

**Eligible** means a person whose name is on an active recall, promotion or eligible list and who may, under these Rules, be certified for appointment to a position in the classified service.

**Eligible list** means a list of persons arranged in descending order of their ratings on examinations for classes of positions and to which they are qualified for appointment.

**Emergency appointment** means an appointment without regard to the examination requirements of these Rules to a position by reason of a governmental emergency recognized by the Human Resources Director, which appointment is not to exceed thirty (30) working days in duration and is nonrenewable.

**Exempt** means an employee who is not eligible for overtime pay as defined in the Fair Labor Standards Act.

**Full-time employment** means employment in a position which does not normally



require less than forty (40) hours work per week or eighty (80) hours every two weeks.  
(Revised 6/00)

**Human Resources Director** means the employee designated by the County Board to administer these Rules.

**Layoff** means the separation of an employee from the classified service which has been made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

**Leave of absence** means an approved period of time during which the employee is not physically present for work.

**Minimum qualifications** means the requirements of training and experience, and other qualifications to be measured by any combination of written, oral, or performance examinations, as prescribed for a given class in the County pay plan.

**Nonexempt** means an employee who is eligible for overtime pay as defined in the Fair Labor Standards Act.

**On-call employee** means an employee who is employed on an irregular or occasional basis and paid only for actual hours worked.

**Part-time employment** means employment in a position which normally requires less than forty (40) hours work per week.

**Pay grade** means the alpha and/or numerical designation assigned to a class in the County pay plan.

**Pay period** means a two week period of time beginning on Thursday at 0001:00 and ending two weeks later on Wednesday at 2359:00.

**Pay status** means the eligibility of an employee to receive their regular rate of pay as determined in these Rules.

**Personnel file** means the electronic file of an employee.

**Position description** means a collection of duties and responsibilities assigned by the appointing authority to be performed by one individual (whether part-time, full-time, on-call or temporary).

**Probationary employee** means an employee who has not completed their entrance probationary period after original appointment.

**Probationary period** means the first designated months of service following appointment to any position in the classified service, an examination period during which the employee can be removed by the Department Head without right to appeal or hearing if their work performance does not meet required standards.

**Promotion** means a change in rank of an employee from a position of one class to a position of another class having a higher pay grade.

**Qualifying for status period** means the six months following appointment to a promotional position, as distinguished from a reallocation.

**Reallocation** means the assignment of a position to a class different from the one to which it was previously assigned.

**Recall list** means the separate list of names of employees with status who have been laid off through no fault of their own because of lack of funds or work, curtailment of program, or abolishment of organization unit and who have made written request for recall; or the names of persons placed on the list at the discretion of the Human Resources Director in accordance with the provisions of these Rules.

**Reprimand** means a formal written notice to an employee informing them of the specific manner in which their conduct or work performance does not meet prescribed standards.

**Resignation** means the termination of employment of an employee made at the discretion of the employee.

**Seasonal appointment** means an appointment to a position which, although temporary in duration, coincides with a particular season or seasons of the year and may recur regularly from year to year.

**Spouse** means the other person with whom an individual has entered into a marriage that is defined, recognized, and valid in Nebraska. This includes marriages performed outside the United States, so long as those marriages could have been legally entered into in at least one state.

**Status employee** means an employee who after satisfactory completion of the probationary period acquires tenure with all the rights and privileges of an employee in the classified service.

**Supervisor** as distinguished from lead workers or crew leaders, means any person responsible to a superior for directing the work of others.

**Suspension** means a forced leave of absence without pay for disciplinary purposes.

**Temporary appointment** means an appointment to a position created for a defined period of time not to exceed one (1) year.

**Transfer** means the movement of an employee from one position to another position of the same class or of another class having the same maximum pay rate, involving the performance of similar duties, and requiring essentially the same basic qualifications.

**Unclassified position** means a position which has been specifically excluded from the classified service by Rule 3 of these Rules.

**Work cycle** for employees not covered by a contract, pursuant to the Fair Labor Standards Act referencing hospitals and nursing facilities, shall consist of a two week period generally aligned with the pay period and consisting of fourteen (14) consecutive twenty-four hour periods. The work period may incorporate eight, ten or twelve hour shifts. (Created 6/00)

**Work week** means the one-week period of time beginning on Thursday at 0000:01 and ending the following Wednesday at 2400:00. (Revised 6/00)

## **RULE 2 - GENERAL PROVISIONS**

### **2.1 Purpose (Revised 05/2024)**

(a) These Rules apply to those County employees who are members of the classified service as defined by the Nebraska State Legislature, Neb.Rev.Stat. §23-2517 et seq. The purpose of these Rules is to implement and give effect to the intent and requirements of the Legislature to establish a system of personnel administration based on merit principles and professional methods governing the recruitment, examination, appointment, training, promotion, transfer, layoff, removal, discipline, and welfare of employees and other incidents of employment with the County. \*See Appendix A

(b) Employees subject to certified Collective Bargaining Agreements are not covered by these Rules to the extent that wages, hours of work and other terms and conditions of employment are provided for by the bargaining unit's Collective Bargaining Agreement. However, where the Collective Bargaining Agreement is silent, these Rules will apply to represented classified employees provided the Rules are not otherwise inconsistent with the terms and conditions of the Collective Bargaining Agreement.

(c) All references to employees in these Rules designate both sexes and wherever the male gender is used, it shall be considered to include male and female employees, unless the context otherwise requires.

(d) These Rules shall not be construed as limiting in any way the power and authority of any Department Head to make rules and regulations governing the conduct of departmental employees and the performance of departmental functions provided that such departmental rules and regulations shall be consistent with and limited by the provisions of these Rules. Departmental rules and regulations shall be subject to the approval of the Human Resources Director, who shall ensure they are in conformity with these Rules and shall be published within the department. Such rules and regulations, when approved and published as herein provided, shall have the force and effect of rules and regulations of that department, and disciplinary actions may be based upon the breach of any such rules and regulations.

(e) The County reserves the authority to modify, revoke, interpret, or terminate any or all of the rules and regulations specified in these Rules, in whole or in part, at any time, with or without notice. The provisions of these Rules are not intended and do not create an express or implied contract of employment between the County and its employees.

### **2.2 Certification of Payrolls**

Prior to the payment of any salary, wage, or other compensation for personnel services, the Human Resources Director shall certify that each person named on the payroll has been employed in accordance with the appointment and classification procedures of these Rules and that the salary rates for all positions are those authorized by the County pay plan.

### **2.3 Unlawful Acts Prohibited (Revised 9/01)**

(a) No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions of these Rules.

(b) No person seeking appointment to, or promotion in, the classified service shall either directly or indirectly give, promise to render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with, his test, appointment, promotion, or proposed promotion unless such payment is made to an existing legitimate placement business.

(c) No employee shall receive either directly or indirectly any money, service, or other valuable thing from any person seeking appointment to, or promotion in, the classified service.

(d) No employee of the Human Resources Department or any other person shall defeat, deceive, or obstruct any person in his right to examinations, eligibility, certification, or appointment under these Rules, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

(e) Employees in the classified service are prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office and may not directly or indirectly coerce, attempt to coerce, command, or advise anyone to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

### **2.4 Cooperation with Other Merit Systems**

The Human Resources Director may cooperate with the governmental agencies of other jurisdictions whose merit systems operate in conformity with standards comparable to those contained in these Rules. The Human Resources Director may announce and administer joint examinations and establish joint lists from which eligibles shall be certified for appointment in accordance with the provisions of these Rules.

### **2.5 Equal Opportunity and Affirmative Action Programs (Revised 9/01)**

(a) Equal opportunity in employment shall be provided to all persons. The Human Resources Director shall develop and maintain an affirmative action plan which supports equal opportunity in recruitment and selection, job structure, promotion policies, training to improve job performance and upward mobility, and all other related personnel procedures and practices.

(b) Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing

and training, awards, compensation and benefits, disciplinary measures, or any other aspect of employment or personnel administration because of race, color, religion, sex, disability, national origin, age, marital status, political opinions or affiliations or other unlawful basis is prohibited. Discrimination on the basis of age, sex or disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient administration.

(c) Retaliation, intimidation, coercion, or harassment against any applicant for employment or employee who may file a grievance under these Rules and/or who may file a grievance in accordance with existing rights of appeal to appropriate governmental authorities is prohibited.

## **2.6 Delegation of Authority**

For the purpose of administration of these Rules, Department Heads may delegate their authority to subordinates, and the Human Resources Director shall be informed in writing of such delegation.

## **2.7 Personnel Policy Bulletins (Created 9/01)**

From time to time the County may adopt Personnel Policy Bulletins governing the conduct of employees and/or the performance of departmental functions provided that such policies shall be consistent with and limited by the provisions of these Rules and any applicable Collective Bargaining Agreement. Such Personnel Policy Bulletins shall be incorporated herein and shall have the force and effect of these Rules.

## **2.8 Availability of These Rules (Created 9/01)**

Each employee has the right to examine these Rules. Each department and the City-County Human Resources Office has a copy of these Rules available for examination by the employees. In addition, a copy of these Rules is available on the City-County Interline website at [www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us).

### **RULE 3 - CLASSIFIED SERVICE AND EXCEPTIONS THEREFROM**

The classified service shall comprise all positions not included in the unclassified service. The unclassified service includes:

- (a) County officers elected by popular vote, and persons appointed to fill vacancies in such elective offices.
- (b) The Human Resources Director and Administrative Assistant to the County Board.
- (c) Bailiffs.
- (d) Department Heads and one (1) principal assistant or chief deputy for each County department. When more than one principal assistant or chief deputy is mandated by law, all such positions shall be in the unclassified service.
- (e) Members of Boards and Commissions appointed by the County Board.
- (f) Persons employed in a professional or scientific capacity to make or conduct a temporary and special investigation or examination on behalf of the County Board.
- (g) County Attorneys and Public Defenders.
- (h) Physicians.
- (i) Deputy Sheriffs.

## **RULE 4 - PERSONNEL POLICY BOARD**

### **4.1 Meetings and Procedures**

The Board shall meet at least quarterly and, based upon the recommendations of the Human Resources Director, shall determine the frequency, day, and place of its meetings in order to best carry out the responsibilities entrusted to it.

### **4.2 Organization**

The Board, as appointed and organized in accordance with the provisions of state law, shall not be bound by any rules of order, evidence, or procedure in its meetings, hearings, or investigations, except such as it may itself establish, or is otherwise outlined in these Rules.

### **4.3 Powers and Duties (Revised 03/2024)**

The Personnel Policy Board shall have the powers and duties assigned to it by statute and by these Rules.

The Personnel Policy Board has a duty to recommend approval or denial of all matters regarding the adoption or amendment personnel rules and regulations, and human resources policy bulletins. Should the Board fail to recommend approval or denial of these matters, it shall be considered a denial.

### **4.4 Quorum (Revised 05/21)**

Three (3) members of the Board shall constitute a quorum for the transaction of business, except that no business shall be transacted unless one of the members appointed by the Board of County Commissioners or the elected department heads and one of the members appointed by the classified employees who are covered by the County personnel system are present at the meeting.

### **4.5 Appointment of Members (Created 4/04)**

Board members are appointed pursuant to NEB.REV.STAT. §23-2521. Employees in the classified service will make their appointments to the Board by election. The representatives of classified employees, in cooperation with the Human Resources Department, will develop procedures for conducting the election and the cost of the election will be paid by the County. The elected department heads and county commissioners shall develop their own procedures for making appointments to the Board.

### **4.6 Removal of Members**

The County Board may remove any member of the Board for neglect of duty or misconduct in office after first giving the member a copy of the reasons for removal and providing for the member to be heard publicly before the County Board and elected



Department Heads. A copy of the charges and a transcript of the record of the hearing shall be filed with the County Clerk.

#### **4.7 Minutes**

The Human Resources Director or his authorized representative shall attend all meetings of the Board, act as its secretary, and record its official actions in the minutes. The minutes shall include the following: the time and place of each meeting of the Board; names of the Board members present; all official acts of the Board; the votes of each Board member, except when the acts are unanimous; and, when requested, a Board member's dissent with his reasons. The Human Resources Director shall cause the minutes to be transcribed and presented for approval or amendment at the next regular meeting. The minutes covering formal action of the Board, or a true copy thereof certified by a majority of the Board, shall be open to public inspection.

#### **4.8 Hearings (Revised 03/2024)**

(a) Responsibility of the Board: When an employee shall file an appeal or grievance before the Board, it shall be the duty of the Board to ascertain to the best of its ability the facts of the case and, after weighing all available evidence, to report its findings and decision for such disposition as the Board may deem appropriate and to report its decision to all parties affected.

(b) Date of Hearing: A hearing shall be held within thirty (30) working days after receipt of said appeal or grievance, and at such time and place as shall be fixed by the Human Resources Director. Requests for a hearing date or time that is different from the Board's regularly scheduled meeting shall be made to the Human Resources Director. The hearing date may be continued if the parties mutually agree to a continuance or the Board does not have a quorum.

(c) Notice of Hearing: The Human Resources Director shall give the appellant or grievant and the Department Head prompt notice of the time and place set for the public hearing, subject to the Board's quorum. A tentative notice shall be given no later than five (5) working days after the notice of appeal is filed with the Board. An official notice of the hearing date will be sent five (5) working days prior to the hearing. In the case of the appellant or grievant, the notice shall be by certified mail, addressed to them at their last known address, as shown by the employee's personnel file, with a return receipt requested unless the grievant has representation. Prior to the hearing, the parties shall identify in writing the individual who will represent them at the hearing.

(d) The Board Shall Have Access to Pertinent Data: In order to discharge its function properly in regard to review, the Board members shall have access to any County files, correspondence, memoranda, etc., which they feel might be pertinent to the case unless cause is shown why such files should not be provided at such a hearing. The Board shall have the right to question any officer or employee of the County whom they feel may be able to shed light on the circumstances involving the action in question. No officer or employee

shall be subjected to disciplinary action as a result of testimony given. The parties shall have a reasonable opportunity and amount of time to present their respective cases to the Board.

(e) Witnesses: At least five (5) working days prior to the hearing, the parties shall provide the Board with a written list of the persons expected to be called as witnesses at the hearing. The Board shall have the authority, either upon its own initiative or upon application of any party, to compel any County employee to appear before it for the purpose of giving testimony or otherwise providing relevant evidence. The procedure for compelling the attendance of a County employee before the Board shall be as follows:

(1) If the attendance of a County employee before the Board is sought by one of the parties, that party shall, not less than five (5) working days prior to the date of the meeting at which the employee's attendance is sought, submit to the Board, through the Human Resources Director, a written request to compel the attendance of the witness or witnesses. The party shall also send copies of such request to the opposing party or their attorney.

(2) Such request shall include, for each employee whose attendance is sought, the following information: the name of the employee; the Department in which the employee works; the reason or reasons the employee's presence is being sought; the general subject matter on which the employee is expected to offer evidence; a summary of the testimony, if any, which the employee is expected to give; the substance of any other evidence the employee is expected to give; the date and approximate time at which the employee's attendance is necessary; the approximate amount of time that the employee will need to be present; and any other information pertinent to the request.

(3) Following receipt thereof, any other party may respond to a request to compel the attendance of a County employee before the Board and may supplement their witness list. Any such response shall be in writing and shall be received by the Human Resources Director not later than the close of business on the second working day after the original request was filed. Copies of any such responses shall also be served upon all the parties.

(4) The parties and Department Heads shall cooperate in order to minimize the amount of time an employee will be required to spend away from his duties as a result of being compelled to appear before the Board.

(5) As soon as the necessary arrangements have been made, the Department Head shall notify all affected employees and order them to appear accordingly. Any employee who fails to comply with any such order without adequate excuse shall be subject to formal discipline pursuant to the provisions of Rule 11.

(6) In the event that an employee fails to comply with an order to appear before the Board, the Board, pursuant to the provisions of NEB.REV.STAT. §23-2522(6), shall immediately issue and cause to be served on the employee a subpoena directing the employee to appear before the Board to give evidence at a date and time to be specified by the Board.

(7) All time spent by an employee, compelled to appear by either party, in a hearing before the Board pursuant to this Rule shall be considered time spent in performance of the employee's duties, and the employee shall be compensated accordingly by the County.

(8) Before testifying, every witness shall be required to declare that they will testify truthfully by oath or affirmation administered by the court reporter.

(f) Exhibits: At least five (5) working days prior to the hearing, the parties shall exchange exhibits they intend to introduce at the hearing. The parties shall make every attempt to offer joint exhibits to avoid delays at the time of the hearing.

(1) Copies of all exhibits must be provided by each party for each member of the Board in attendance.

(2) Exhibits will be marked by a court reporter at the meeting.

(3) All costs associated with copies of exhibits shall be borne by the responsible party.

(g) Subpoenas: The Board shall have the power to issue subpoenas to compel the attendance of witnesses or the production of documents as provided in Neb.Rev.Stat. § 23-2522(6). Service of subpoenas shall be in strict accordance with Neb.Rev.Stat. §25-1223 and §25-1226.

(h) Scope of the Board's Review: In its review of an employee appeal, the Board shall limit itself to the question of the appropriateness of the action and related matters, and to the following:

(1) Review of Disciplinary Action Appeals: In its review of disciplinary action, the Board shall limit itself to the following questions (1) whether the employee committed the transgression(s) charged; (2) whether the discipline imposed for the transgression(s) is authorized under the provisions of these Rules or the relevant union contract; and (3) whether the Department Head, in imposing the discipline, considered any mitigating factors which may have existed in connection with the transgression(s).

In such cases, the Board shall affirm the action of the Department Head unless it is clearly established by evidence in the record that: (1) the employee did not commit the transgression(s) charged; or (2) the discipline imposed was not authorized under the provisions of these Rules or the relevant union contract; or (3) the Department Head, in imposing the discipline, failed to take into consideration any mitigating factors which may have existed in connection with the transgression(s).

(2) Review of Grievance: In its review of the Department Head's answer to the employee's grievance, the Board shall limit itself to interpretation of the relevant Rules and/or the relevant union contract cited in the grievance, and the facts which are the basis for the grievance.

(i) Adjournments: Hearings on appeals or grievances may be adjourned prior to completion of the hearing only upon good cause shown and/or by agreement of the parties.

(j) Failure to Appear: In the event that the appellant or grievant shall fail to appear in person or by counsel at the time and place set for hearing, the appellant or grievant shall be presumed to have waived their right to further hearing, and the Board shall dismiss the appeal or grievance. The Human Resources Director shall inform the party of such dismissal and their right to request their hearing be rescheduled. The Board may reschedule the hearing upon written presentation, by appellant or grievant or counsel, of evidence of extenuating circumstances which prevented the appearance of appellant or grievant and/or counsel. Such evidence shall be in writing and served upon the Board, through the Human Resources Director, within ten (10) calendar days of the meeting in which the appellant or grievant failed to appear.

(k) Representation: Appellant or grievant may, at their election, be represented by counsel.

(l) Conduct of Hearings: Hearings before the Board shall be public and shall be conducted in an orderly manner with a view to the presentation of all material facts so that a fair and impartial decision may be made. The Board shall not be bound by the strict rules of evidence and all hearings shall be conducted by the Chair or Vice-Chair, in the absence of the Chair or Vice-Chair, by another member of the Board. The Chair or Vice Chair of the Board shall have full authority at all times to maintain orderly procedure, including the admission or exclusion of testimony and to reject irrelevant matters and limit the hearings to relevant facts.

(1) Hearings shall be conducted in an informal manner with every effort made by the Board to avoid the appearance of conducting a trial as in a court of law. Any member of the Board may question any of the witnesses during the course of the hearing.

(2) The following is the customary order, with the party that bears the burden of proof going first. The Board may vary this order, either on its own initiative or at the request of either party.

- a. Opening statement by the grievant or Appellant.
- b. Opening statement by the County or Appellee.
- c. Presentation of evidence, witnesses and arguments by the grievant or Appellant.
- d. Cross-examination by the County or Appellee.
- e. Presentation of evidence, witnesses and arguments by the County or Appellee.
- f. Cross-examination by grievant or Appellant.
- g. Rebuttal evidence, if necessary, by grievant or Appellant.
- h. Rebuttal evidence, if necessary, by the County or Appellee.
- i. Summation by grievant or Appellant.
- j. Summation by the County or Appellee.

(m) Rebuttal: The scope of rebuttal shall be very narrow. On rebuttal, the Board shall receive only that evidence which: 1) has become relevant or important only as a

direct result of evidence introduced by the opposing party, and 2) is offered for the sole purpose of explaining, refuting, contradicting, or disproving said evidence of the opposing party.

(n) Transcript: A transcript of any or all of the hearing may be obtained from the court reporter. All costs associated with receipt of a transcript shall be borne by the requesting party.

(o) Decisions: A majority of affirmative votes shall be required to sustain a grievance or reverse or modify disciplinary action.

(1) Each present Board member will state their decision as well as the reasoning for their decision on the record.

(2) The Board shall reduce its findings and decisions to writing and send copies of the same to each party within fourteen days.

## **RULE 5 - APPLICATION AND EXAMINATION PROCESS**

### **5.1 Notices of Examinations**

(a) Original appointment to the classified service shall be conducted on an open-competitive basis. The Human Resources Director shall give public notice of all original appointment examinations and shall make every reasonable effort to attract qualified persons to compete in the examinations. For those classes in which there is expected to be a considerable and recurring need for eligibles, the Human Resources Director shall establish a continuous recruitment program which shall be both positive and continuous. Under such programs, applications may be accepted at any time, and examinations held whenever and wherever the Human Resources Director deems it desirable for the service. Notice of examination shall be posted and shall be distributed through such media as the Human Resources Director may determine best suited to the dissemination of information to qualified applicants for the positions in question. The public notice examination shall specify: the title and salary of the class of position; typical duties to be performed; the minimum qualifications required; and all other pertinent information and requirements. The public notice shall include the statement "an Equal Opportunity Employer." In the event a sufficient number of qualified applicants has not made application for an examination, the Human Resources Director may postpone, with the concurrence of the Department Head affected thereby, the last filing date of examinations.

(b) Examinations may be limited to probationary and status employees in the classified service or within a single department where the Human Resources Director, after consultation with the Department Head concerned, determines that there are a sufficient number of qualified candidates within the classified service to provide competition. The Human Resources Director shall make distribution and post notice of such examination. This notice shall specify that information set forth in Rule 5.1(a).

### **5.2 Minimum Qualifications for Filing**

Open-competitive examinations shall be open to all applicants, shall be prepared by or obtained under the direction of the Human Resources Director, and shall include present standards or requirements regarding training, experience, minimum age, physical condition, and such other factors as may be held to relate to the ability of the candidate to perform with reasonable efficiency the duties of the position. Any applicant or present employee taking a written entrance examination for any position with the County and who fails to make a passing grade is eligible to retake the examination after six (6) months following the original date of taking the written examination.

### **5.3 Filing Applications (Revised 10/10)**

(a) All applications shall be made on forms provided by the Human Resources Director and must be filed with the Human Resources Director on or prior to the closing date specified in the announcement. For those classes for which there is to be continuous

recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice. Such applications may require information concerning education, experience, references, and other pertinent information. All applications shall be signed, and the truth of the statements contained therein certified by such signatures. Applicants must meet the minimum qualifications specified in announcements as to training and experience, but in no case shall admittance to the examination constitute assurance of a passing grade in the evaluation of training and experience if the same is a part of the examination.

(b) It shall be the responsibility of applicants to notify the Human Resources Department in writing of any change in address or other change affecting availability for employment. However, the Human Resources Director may use any methods to determine at any time the availability of applicants.

#### **5.4 Disqualification of Applicants**

The Human Resources Director may refuse to certify an eligible on a list, remove a name from an eligible list or consult with the Department Head in taking steps to remove such person already appointed if:

(a) It is found that the person does not meet any one of the preliminary requirements established for the examination for the class of positions.

(b) The person is proven to be addicted to the continuous and habitual use of controlled substances or intoxicating liquors without evidence of rehabilitation that is satisfactory to the Human Resources Director and the Department Head.

(c) The person has made a false statement of material fact in the application process.

(d) The person has used or attempted to use political pressure or bribery to secure an advantage in the examination.

(e) The person has directly or indirectly obtained information regarding the examination to which, as an applicant, he or she was not entitled.

(f) The person has failed to submit an application correctly or within the prescribed time limits.

(g) The person has taken part in the compilation, administration, or correction of the examination for which he is an applicant.

(h) The person has previously been dismissed from a position in the County service for cause or has resigned while charges for dismissal for cause were pending.

(i) The person has been convicted of a felony or misdemeanor relating to the responsibility of his position.

(j) The person has otherwise willfully violated the provisions of these Rules or the Departmental Rules previously approved by the Human Resources Director.

(k) The person is not sixteen (16) years of age or older. Exceptions on recommendation of the Department Head may be made for certain part-time, temporary, or seasonal positions to a minimum of fourteen (14) years of age.

(l) The person has established an unsatisfactory employment or personnel record as evidenced by reference check of such nature as to demonstrate unsuitability for employment.

(m) Or for such other reasons considered by the Human Resources Director that employment of such individual would be detrimental to the best interests of the County.

### **5.5 Character of Examinations**

(a) Examinations shall be practical in nature and job related, constructed to reveal the capacity of the candidate for the particular class of positions for which he is competing, and shall be rated impartially. Examinations may be assembled or unassembled, and may include written, oral, physical or performable tests, or any combination of these. They may take into consideration such factors as education, aptitude, knowledge, character, personality, or physical fitness as determined by physical and/or medical examination or any other qualifications or attributes which in the judgment of the Human Resources Director enter into the determination of the relative fitness of applicants.

(b) For positions involving unskilled labor, attendant or custodial work, when the character or conditions of employment make it impracticable to supply the needs of the service by appointments made in accordance with the procedures prescribed above, the Human Resources Director may adopt or authorize the use of such other procedures as he determines to be appropriate in order to meet the needs of the service while assuring the selection of such employees on the basis of merit and fitness. Examinations so given shall conform with and utilize such methods, forms, and techniques as the Human Resources Director may require.

### **5.6 Rating Examinations**

(a) In any examination, the minimum rating or standing through which eligibility on a list may be earned shall be determined by the Human Resources Director. Such final rating shall be based upon a weighted average of the various parts of the total examination. All applicants for the same class of position shall be accorded uniform and equal treatment in all phases of the rating procedure. A minimum passing score may apply to the rating of any part of the examination. Candidates may be required to attain at least a minimum score on each part of the examination in order to receive a passing grade or to be rated on the remaining parts of the examination.

(b) When the rating of training and experience forms a part or all of the examination, the Human Resources Director shall determine a procedure for the evaluation of the training



and experience qualifications of the applicants. The formula used in appraisal shall give due regard to quantity of experience and the pertinency of the training.

(c) Prior to certification to the eligible list, the Human Resources Director may conduct such investigations of the candidates' education record and work history as is deemed necessary.

### **5.7 Seniority Credit (Revised 8/05)**

To the total rating score on a promotional evaluation, 1 point for each year of continuous County service shall be added.

### **5.8 Veteran's Preference**

The Human Resources Director shall grant veteran's preference to all applicants who are otherwise eligible for County employment and who request such preference on their applications. In order to receive preference, the veteran must submit a copy of his discharge papers and, for disability credit, proof from the United States Veterans' Administration that the disability is at least ten (10) percent. To the passing score of veteran candidates, ten (10) points shall be added to a disabled veteran and five (5) to all other veterans.

### **5.9 Notice of Examination Results**

Each competitor shall be notified of his final status as soon as the rating of the examination has been completed and the eligible list established. Eligibles shall be entitled to information concerning their relative position on the list upon request and presentation of proper identification.

### **5.10 Appeal from Examination Rating**

(a) An applicant, who is a status employee and who has taken an examination may appeal to the Human Resources Director for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly. If dissatisfied with the review, a request may be filed with the Personnel Policy Board for an opinion.

(b) Any applicant, other than a status employee, who has taken an examination may appeal to the Human Resources Director for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly.

### **5.11 Adjustment of Errors**

Candidates may review the results of their examination and any documents related to their examination process, during the ten (10) working day period after receipt of their examination results. A clerical error in the rating of an examination, if called to attention of the Human Resources Director within the ten (10) working days after receipt by the applicant

of the notice of examination results, shall be corrected by the Human Resources Director; provided, however, that such correction shall not invalidate any certification and appointment previously made. If a certification has been made on which the applicant would have been included had there been no error, his name should be included on the certificate providing a selection from the certificate has not been made, or on the next certification regardless of rank.

## **5.12 Application and Examination Records**

(a) The Human Resources Director shall be responsible for the maintenance of all records pertinent to the examination process.

(b) The application and examining materials of all applicants shall remain on file for a period of at least two (2) years and may, at the direction of the Human Resources Director be destroyed at the end of two (2) years or in accordance with federal guidelines.

## **RULE 6 - ELIGIBLE LISTS**

### **6.1 Maintenance of Eligible Lists**

The Human Resources Director shall be responsible for the establishment and maintenance of appropriate eligible lists for all positions in the classified service.

### **6.2 Request for Certification of Eligibles**

(a) To fill a vacancy by an open-competitive examination, the Department Head shall submit a request for certification to the Human Resources Director upon forms prescribed by him. The requisition may be for one (1) or more positions within a class. The Department Head shall make such request as far in advance as possible of the date the employee is to begin work.

(b) The life of a certification from which an appointment can be made shall normally be sixty days from the date of issue and may be extended or reduced at the discretion of the Human Resources Director.

### **6.3 Open-Competitive Eligible Lists**

After each open-competitive examination, the Human Resources Director shall certify and submit in writing to the Department Head a list of persons who are best qualified and eligible for the position. Certification of eligibles for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the highest ranking available and eligible candidates.

### **6.4 Use of Related Eligible Lists**

If a vacancy exists in a class of positions for which there is no appropriate eligible list, the Human Resources Director may prepare an eligible list for the class from one or more existing related eligible lists. The Human Resources Director shall select eligible lists from similar classes for which the minimum qualifications are comparable to or higher than those required for the class in which the vacancy exists. The Human Resources Director may, if appropriate, re-rate training and experience on the basis of the minimum qualifications required for the class in which the vacancy exists.

### **6.5 Selection of New Employees (Revised 10/10)**

(a) In making appointments from the open-competitive list, the Department Head shall select from the certified list of eligibles, exclusive of the names of those persons:

(1) who decline appointment or request that they not be considered for appointment;

(2) who fail to reply within a specified period of the written request of the Department Head for an interview, or fail to appear for an interview which they have arranged with the Department Head;

(3) who accept an appointment and fail to present themselves for duty at the time and place agreed to without giving reasons for the delay satisfactory to the Department Head; or

(4) to whom the Department Head offers an objection in writing based on Rule 5.4, or 6.10, and which objection is sustained by the Human Resources Director.

(b) The certified eligible list may have ten (10) names of eligibles if available, in the case of one (1) vacancy with two (2) additional names for each additional vacancy, plus the names of all individuals who have the same whole number ranking as the individual ranking lowest on the certificate.

(c) The final selection by the Department Head shall be reported to the Human Resources Director. At the same time, the Department Head shall indicate the disposition of the other names listed and shall forward to the Human Resources Director for permanent record evidence of the nonavailability of any eligible passed over for that reason.

(d) If, in the exercise of his choice, the Department Head passes over the name of an eligible on a list in connection with two (2) separate appointments which he has made from the lists, written request may be made of the Human Resources Director that the name of such eligible be omitted from any subsequent certifications from the same list to the same Department Head. If the Human Resources Director sustains such request, the name of such eligible shall thereafter not be certified to that Department Head from that list for other vacancies in that class of positions.

## **6.6 Recall List**

Any employee with status who has been laid off shall be entitled to have his name placed on a recall list for the class of position from which laid off, provided he so requests in writing. The order in which such names are arranged on each recall list shall be determined by the Human Resources Director, who shall give consideration to qualifications and performance appraisals, conduct, and seniority in service. Eligibility to remain on the recall list shall expire one (1) year from the effective date of the layoff or separation. Whenever a request is received for certification from the open-competitive list, the Human Resources Director shall, if a recall list exists for that class of positions, certify only the names of the persons available on such list. The Department Head may make his selection from any of the names certified from the recall list.

## **6.7 Promotion List**

Competitive promotional examinations may be limited to a single department or held on a County-wide basis for common classes which are in more than one department. After each competitive promotional examination held in accordance with Rule 9, the Human Resources

Director shall prepare a list of persons meeting minimum requirements. All fractional scores shall be rounded off to the nearest whole number. Certification of eligibles for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the highest ranking available and eligible candidates, but which also permits selective certification under appropriate conditions within the Rules.

## **6.8 Temporary List**

Whenever the services to be rendered by an appointee are for a temporary period not to exceed one (1) year, the Human Resources Director shall certify only the names of those eligibles who have indicated their availability for temporary service who meet the necessary qualifications.

## **6.9 Duration of Eligible Lists**

(a) An eligible list shall last for one (1) year. This period may be reduced or extended by the Human Resources Director when it is deemed to be in the best interest of the County. However, in no case shall the name of an eligible remain on any list for a period greater than two years.

(b) An eligible list for those classes requiring continuous recruitment and examination shall last indefinitely, unless terminated by the Human Resources Director. The name of an eligible shall not remain on a continuous recruitment list for a class longer than one (1) year from the date of its entry on the list.

(c) When an eligible list becomes so depleted that the preparation of usable certificates for imminent vacancies of the class is impractical, the eligible list will be considered exhausted. The eligible list which has become exhausted shall be considered expired upon the administration of a superseding examination and the establishment of an eligible list on the basis of that examination.

## **6.10 Removal of Names from the Eligible Lists**

(a) The Human Resources Director may remove the name of an eligible from a list:

(1) For any of the causes stipulated in Rule 5.4;

(2) Upon evidence that the eligible cannot be located by telephone, postal authorities, or if the eligible has failed to respond by a specified deadline to a letter of inquiry regarding availability for appointment;

(3) Upon receipt of a statement from the eligible stating that he no longer desires consideration for a position in that class;

(4) If an eligible has received probationary appointment to a position of another class for which the grade is the same or greater than that of the class for which he has been certified.

(5) Declination of an appointment under such conditions as an eligible previously had indicated he would accept.

(6) Consideration for a probationary appointment from one list by three different department heads or three times by one department head and not appointed.

(7) Failure to report for duty within the times prescribed by the department head.

(8) Expiration of the term of eligibility on the eligible list.

(9) In the case of promotion lists, upon termination of County service.

(b) Whenever an eligible's name is removed from a list for reasons cited in 6.10 (a) of this Rule, the Human Resources Director shall notify the eligible of this action. The Human Resources Director shall assure that all applicants are treated equitably.

(c) An eligible whose name has been removed from a list for any of the reasons specified in Rule 6.10(a) may appeal to the Human Resources Director for reconsideration.

## **RULE 7 - TYPES OF APPOINTMENT**

### **7.1 Filling of Vacancies**

With the exception of recall, all vacancies in the classified service which are not filled by transfer, promotion or demotion shall be filled by probationary, emergency, temporary, seasonal or on-call appointment.

### **7.2 Probationary Appointment**

The appointment of an applicant to a position in the classified service through certification in accordance with Rule 7 from an open-competitive list shall constitute probationary appointment.

### **7.3 Emergency Appointment**

The appointment of an employee to a position by reason of a governmental emergency without regard to the examination requirements of these Rules. An emergency appointment may not exceed thirty (30) working days in duration and is nonrenewable, and shall be reported to the Human Resources Director prior to payment of the payroll.

### **7.4 Temporary Appointment**

Appointments for temporary employment may be made as is necessary to carry on the government's business. The Human Resources Director may authorize the temporary appointment of any qualified individual to be designated by the Department Head. The length of a temporary appointment shall not exceed 12 consecutive months. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on any eligible list. In the event that a temporary employee accepts a probationary appointment after an open-competitive process, the effective date of such probationary appointment shall constitute the employee's date of hire in the classified service and shall not be retroactive. An employee under a temporary appointment may be dismissed by the appointing authority without the right to a review of any kind.

### **7.5 Seasonal Appointment (Revised 03/13)**

Appointment to a position which, although temporary in nature, coincides with a particular season or seasons of the year and may recur regularly from year to year. Names of those persons appointed to a seasonal position may be placed on a reemployment list to be considered for the following season. An employee under a seasonal appointment may be dismissed by the appointing authority without the right to a review of any kind.

### **7.6 On-call Appointment (Revised 04/14)**

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

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

### **7.7 Appointment of Disadvantaged Persons**

In order to facilitate employment of disadvantaged persons, the Human Resources Director with the approval of the Board may designate "aide" or similar classes for which competition may be limited to such individuals.

### **7.8 Noncompetitive Appointment**

The Human Resources Director may designate one or more classes, the duties of which are mainly unskilled labor in character, which positions shall be filled by noncompetitive appointments. The Human Resources Director shall establish standards for recruitment and selection for noncompetitive positions which shall be as similar to competitive procedure as is practicable.



## **RULE 8 - PROBATIONARY PERIOD**

### **8.1 Nature, Duration, and Purpose (Revised 9/14)**

All new hires shall be required to serve an original probationary or working test period of six (6) months from the date of hire. Correctional Officers and Juvenile Detention Officers shall be required to serve a twelve (12) month probationary period. This probationary period is an essential continuation of the examination process and shall be utilized for the most effective evaluation of new employees and for the termination of any employee whose performance or conduct does not meet acceptable standards. As defined herein, probationary employees are not afforded the same rights, benefits and privileges afforded to status employees. A probationary employee may be separated at any time during the probationary period for any non-discriminatory reason.

### **8.2 Conditions Preliminary to Status (Revised 06/22)**

(a) When an employee successfully completes their probationary period, the Department Head will communicate to Human Resources that the employee is eligible to be given status. The employee's salary will advance to the next higher step in the pay grade for their class. The increase in pay shall be effective the beginning of the pay period after the date of satisfactory completion of the probationary period. The employee's new eligibility date will be one year from the effective date of obtaining status. Upon successful completion of probation, a position description and performance evaluation of the employee will be completed and become part of the employee's personnel file.

(b) An employee who is promoted during the employee's initial probationary period will serve the remainder of their probationary period in the new classification. The employee's rate of pay will advance in accordance with Rule 9.1 (d). The employee is not eligible to receive a pay increase at the completion of the initial probationary period. Upon successfully completing the promotion probation period, the employee will become a status employee and the employee's rate of pay will advance one step. The employee's new eligibility date will be one year from their current eligibility date.

(c) An employee who is in a class that is allocated to a higher pay grade during the employee's initial probationary period will serve the remainder of their probationary period in the higher pay grade. The employee's rate of pay due to the higher pay grade will advance in accordance with Rule 17.7. The employee is not eligible to receive a pay increase at the completion of their initial probationary period. Upon successful completion of probation, the employee's new eligibility date will be one year from the current eligibility date.

(d) A probationary employee who is reallocated to a position in a newly created class with a higher pay grade will serve the remainder of their probationary period in the new classification in accordance with Rule 8.2 (a).

### **8.3 Separation During the Probationary Period (Revised 2/15)**

Employees may be separated at any time during the probationary period if the Department Head determines that the services of the employee have been unsatisfactory. The Department Head shall notify the employee in writing of the date the separation is effective and the reason(s) for the separation. A copy of the notice of separation shall be provided to the Human Resources Director at least ten (10) working days prior to the expiration of the employee's probationary period. Employees who are separated while on probation have no right to a hearing or appeal.

## **RULE 9 - PROMOTION, TRANSFER AND DEMOTION**

### **9.1 Promotion (Revised 03/24)**

(a) Vacancies in the classified service shall be filled by promotion whenever practical and in the best interest of the service. Promotions shall be based upon merit and shall be made in accordance with the procedures established in these Rules.

(b) A promotion is the filling of a vacancy by the advancement of an employee from a position having a lower pay grade to a position having a higher pay grade. An employee may be promoted to a position within their agency or to a position in another agency. Appropriate consideration will be given to the qualifications, performance appraisals, conduct, and seniority of applicants for promotion.

(c) In filling a vacancy by promotion, the Human Resources Director shall administer a competitive examination which shall be open to all employees of the County who meet the necessary requirements and who are serving in an appropriate class as determined by the Human Resources Director. A promotional examination may include employees in specific classes in all agencies or may be limited to a single agency as determined by the Human Resources Director. The Human Resources Director shall prepare an eligible list as provided in Rule 6.7 and shall supply the Agency Head with the names of all persons in accordance with a formula which limits selection by the hiring agency from among the highest ranking available and eligible candidates.

(d) In the event of a promotion, the Agency Head will recommend to the Human Resources Director that the employee's rate of pay be increased at least to that step in the new pay grade next above the employee's rate of pay prior to promotion.

(e) No employee shall be given status in a promotional position until the employee shall have satisfactorily completed a qualifying for status period of six (6) months duration. During such qualifying period, the employee may be removed from such position by the Agency Head when, in the judgment of the Agency Head, the employee has not demonstrated fitness for the position. If an employee fails to successfully complete the qualifying for status period, the employee shall be returned to a position comparable to that held immediately prior to the promotion.

The employee's eligibility date will be the same eligibility date as prior to the employee's promotion. The employee will be placed at the step and pay grade the employee would have been at had the employee not been promoted, including any step increase that would have occurred. However, the employee will not receive retroactive pay for any step increase that would have occurred during the qualifying for status period since, during that period, the employee had already experienced an increase in pay due to the promotion.

(f) At the successful conclusion of the established qualifying for status period, the Agency Head will certify to the Human Resources Director that the employee's performance has been satisfactory and the employee's rate of pay shall advance one step, unless the

employee received a reallocation or pay grade change during the promotion probationary period. The employee's new eligibility date will be one year from the date of qualifying for status.

## **9.2 Transfer**

(a) A Department Head may transfer an employee from a position of a class to another position of the same class within his organizational unit.

(b) Two (2) Department Heads may transfer an employee from a position of a class to another position in the same class between their respective organizational units upon mutual agreement, including the employees, and with a report to the Human Resources Director.

(c) The transfer of an employee from a position of a class to a position of another related class of the same pay grade may be made by a Department Head or Department Heads, if two units are involved, subject to the prior approval of the Human Resources Director and only if the classes involved are so related that the experience in, and entrance qualification requirements of one class, are such as to qualify the employee in a reasonable manner for the other class. If the transfer is made between Department Heads, the employee must also consent to the transfer.

(d) The rate of pay for a transferred employee shall remain the same as before the transfer, and the employee shall retain the same eligibility date.

## **9.3 Demotion (Revised 11/01)**

(a) A demotion is moving a status employee to a position having a lower pay grade.

(b) A status employee may be demoted for lack of work in his class, or for cause and in case of the latter, only after the employee has been presented with the reasons for such demotion in writing, and has been allowed at least fifteen (15) working days to reply thereto in writing or, upon request, to appear personally or with counsel and reply to the Department Head. A copy of the statement of reasons and the reply shall be filed with the Human Resources Director. An employee with status may appeal his demotion for cause in accordance with Rule 12.

(c) If, for personal or other reasons, an employee requests in writing that he be assigned to a position of a lower class, the Department Head may make such a demotion provided an opening exists. In such cases, the demotion will be deemed to have been made on a voluntary basis, from which there shall be no appeal, and a report shall be made in writing to the Human Resources Director.

(d) Except in the case of a reduction-in-force, whenever an employee is demoted to a position for which he is qualified, he shall receive a rate in the lower salary grade which results in at least a one (1) step decrease in pay if the action is not for cause, or any appropriate rate in the salary grade if the action is for cause as determined by the Department

Head, and approved by the Human Resources Director. The employee's new eligibility date will be one year from the effective date of demotion.

## **RULE 10 - EMPLOYEE CONDUCT AND RELATIONS**

### **10.1 Change of Address**

Employees are required to notify the Human Resources Office promptly of any change of address so that employees may be contacted at all times by mail.

### **10.2 Relatives**

Without specific approval by the Human Resources Director, after conferring with the Department Head, no person shall be employed, continued in employment, promoted, or transferred to a department or agency of the County or to a division or section thereof when, as a result, such person would be supervising or receiving supervision from a member of his immediate family. No Department Head shall employ any member of his immediate family in that Department. For purposes of this rule, immediate family shall mean the employee's spouse, child, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, grandmother, grandfather or grandchild. This rule will not be applied retroactive to adoption of these Rules.

### **10.3 Outside Employment (Revised 9/01)**

(a) No status employee shall undertake any employment outside of his County employment which is, or can be interpreted to be inconsistent with or detrimental to his County work.

(b) Except as recommended by the Department Head and approved by the Human Resources Director, no status employee shall:

(1) Privately contract to provide services or otherwise be employed in any public or private nonprofit agency to which the County contributes funds or contracts for services, if such service or employment is similar in nature to his County employment.

(2) Engage in private practice or provide fee consultation services within the County, if such private practice or consultation is similar in nature to his County employment.

(c) Any employee desiring to engage in outside employment shall submit a "request for approval" with the recommendation of the Department Head to the Human Resources Director using such form as the Human Resources Director may require. The Human Resources Director shall approve or deny such request.

(d) Employees of the County may not engage in outside business activities while on duty, nor may any governmental property be used at any time for any but government or community functions which are approved by the Department Head.

#### **10.4 Attendance**

An employee shall be in attendance at work in accordance with these Rules and general departmental regulations. All departments shall keep daily attendance records of its employees.

#### **10.5 Chronic Infectious Disease**

The County will have a policy regarding chronic infectious disease and employees affected thereby. The policy may include screening, risk assessment, and authorization for vaccination. The policy is subject to the Rules and any applicable federal and/or state law.

#### **10.6 Employee Management Relations**

Employees of the County shall have the right to organize and join or refrain from joining any organization for the purpose of representation on matters relating to personnel administration in accordance with applicable State of Nebraska laws. The Human Resources Director shall meet and confer with such organizations when requested.

#### **10.7 Employee Performance**

The Human Resources Director shall, in cooperation with Department Heads and others, develop, adopt, and maintain a system of appraising the performance of employees in the classified service. This performance evaluation system shall give consideration to the quality and quantity of work done. Such performance evaluation may be used in determining the eligibility for salary adjustments; in discovering employees who should be transferred, promoted, or laid off; in rating suitability for promotion; and in developing necessary training activities. These evaluations shall be made at such times and in such manner as directed by the Human Resources Director.

## RULE 11 - DISCIPLINARY ACTIONS

### 11.1 General Provisions

Except as otherwise provided in these Rules, the tenure of an employee with status shall continue during good behavior and the satisfactory performance of his duties.

### 11.2 Reprimand, Suspension, Dismissal, Investigative Leave, and Demotion (Revised 8/09)

(a) The Department Head shall issue to the employee a notice in writing that his performance is unsatisfactory. This may take the form of a periodic performance evaluation.

(b) Disciplinary action shall consist of written reprimand, suspension, demotion and/or dismissal. A Department Head may reprimand, suspend, demote and/or dismiss an employee for just cause.

(c) Reprimand: A Department Head may reprimand an employee for cause. Such reprimand shall be in writing and addressed and presented to the employee for signature. A signed copy or a notation of an employee's signature refusal shall be delivered to the Human Resources Department for inclusion in the employee's personnel file. A status employee may submit an explanation or rebuttal which also shall become a part of his personnel file. Reprimands may not be appealed to the Board. However, a status employee may appeal the reprimand directly to the Human Resources Director. The appeal shall be presented within fifteen (15) working days of receipt of the reprimand. The response to the appeal shall be in writing and shall be issued within fifteen (15) working days of receipt of the appeal. The written decision on the appeal shall be final and binding upon the parties. A status employee may present a written rebuttal to the final decision regarding the appeal within fifteen (15) working days of the date of the decision which shall be attached to and become a part of the file pertaining to the appeal. The rebuttal shall be delivered to the Human Resources Department and a copy transmitted by the Human Resources Department to the Department Head.

(d) Suspension: A Department Head may suspend an employee without pay for cause for a period or periods not exceeding thirty (30) working days in any twelve (12) months; however, no single suspension shall be for more than fifteen (15) working days. Prior to a suspension, the Department Head shall notify the employee in writing that he is proposing to suspend the employee and the reasons for the suspension. The employee shall then be given an opportunity to present his side of the story at a meeting with the Department Head or designated supervisor. The employee shall have an opportunity to be represented at the meeting if he desires. After considering all of the information presented, including any mitigating factors, the Department Head shall inform the employee of his decision. If the Department Head determines just cause exists for suspension, the Department Head shall furnish the employee and the Human Resources Director, not later than one (1) working day of such action, with a written statement of the reason for and duration of the suspension. Any



status employee who is suspended may appeal for a hearing, in writing, to the Board within fifteen (15) working days of notice of suspension. Nothing in this section shall prevent a Department Head from electing to administer discipline more lenient than what was originally proposed.

(e) Dismissal: A Department Head may dismiss any status employee for cause. Prior to a dismissal, the Department Head shall notify the employee in writing that he is proposing to dismiss the employee and the reasons for the dismissal. The employee shall then be given an opportunity to present his side of the story at a meeting with the Department Head or designated supervisor. The employee shall have opportunity to be represented at the meeting if he desires. After considering all of the information presented, including any mitigating factors, the Department Head shall inform the employee of his decision. If the Department Head determines just cause exists for dismissal, the Department Head shall furnish the employee and the Human Resources Director, not later than one (1) working day of such action, with a written statement of the reasons for dismissal. Any employee who is dismissed may appeal, in writing, to the Board within fifteen (15) working days of notice of dismissal. Nothing in this section shall prevent a Department Head from electing to administer discipline more lenient than what was originally proposed.

(f) Investigative Leave: Upon being informed that an employee has been accused of behavior which, if substantiated, would be cause for dismissal, the Department Head shall have the option of placing an employee on investigative leave without pay for a period not to exceed thirty (30) calendar days for the purpose of investigating the accusation. If the Department Head determines just cause exists to dismiss the employee, he shall notify the employee of the results of his investigation and follow the procedure outlined in Rule 11.2 (e). If the Department Head determines just cause exists to suspend the employee, he shall notify the employee of the results of his investigation and follow the procedure outlined in Rule 11.2 (d). If the Department Head determines that the accusation cannot be substantiated or does not constitute cause for dismissal, the employee will be reinstated and awarded back pay for any portion of the suspension time not imposed as disciplinary action.

(g) Demotion: A Department Head may demote an employee for just cause in accordance with Rule 9.3. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in the lower class and shall not be made if a status employee in the lower class will be laid off by reason of the action. Any status employee who is demoted for cause may appeal for a hearing, in writing, to the Board within fifteen (15) working days of notice of such action.

(h) Just causes for dismissal, demotion or suspension include but are not limited to the following:

(1) The employee has been convicted of a felony or crime which renders him unfit to perform the duties of his position.

(2) The employee has willfully, wantonly, unreasonably, unnecessarily, or through culpable negligence, has engaged in brutality or cruelty to a resident of an institution, to a person in custody, or to other persons, provided the act committed was not necessarily or

lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody.

- (3) The employee has violated any of the provisions of these Rules.
- (4) The employee has engaged in any action unbecoming an officer or employee of the County which reflects on the County adversely.
- (5) The employee has violated any department, division, or institution regulation or order, or failed to obey any proper direction made and given by a supervisor.
- (6) The employee uses intoxicating beverages to excess or unlawfully uses a controlled substance; or is under the influence of alcohol or is unlawfully under the influence of a controlled substance while on duty.
- (7) The employee has been insubordinate to his supervisor.
- (8) The employee has been incompetent or inefficient in the performance of the duties of his position.
- (9) The employee has been careless or negligent with the monies or other property of the County.
- (10) The employee has used or threatened to use, or attempted to use, personal or political influence in securing promotion, leave of absence, transfer, change of pay rate or character of work.
- (11) The employee has induced or has attempted to induce an officer or employee of the County to commit an unlawful act or to act in violation of any department, division, or institution regulation or order.
- (12) The employee has taken for his personal use from any person any fee, gift, or other valuable thing in the course of his work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.
- (13) The employee has engaged in outside business activities on government time, or has used County property for such activity.
- (14) The employee has failed to maintain a satisfactory attendance record.
- (15) The employee has been absent from duty without leave contrary to these Rules, or fails to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked and cancelled by the proper authority.
- (16) The employee has made a false statement, misrepresentation or omission of material fact on his job application or resume.

(i) The provisions of Nebraska State Laws are applicable in any disciplinary investigation of employee behavior.

## **RULE 12 - COMPLAINT, GRIEVANCE AND APPEAL PROCEDURE**

### **12.1 Informal Complaints**

When an employee feels dissatisfied or annoyed with an aspect of his employment over which he has no control, and when he desires remedial action he is encouraged to complain outside the formal structure of the grievance process. Most complaints can be settled by presenting the problem informally to the immediate supervisor. All employees shall be assured freedom from discrimination, coercion, restraint, or reprisal in presenting complaints. This section shall not suspend the time limitations for the filing of an employee grievance or appeal.

### **12.2 Grievances (Revised 8/00)**

(a) It shall be the policy of the County to give status employees an opportunity to discuss their grievances with the County in order to find mutually satisfactory solutions as rapidly as possible. The grievance procedure set forth herein is designed to preserve harmony and friendly relations between the County and its employees. Furthermore, the grievance procedure is to provide a just and equitable method for the resolution of grievances without discrimination, coercion, restraint, or reprisal against any employee who may submit or be involved in a grievance. The grievance procedure shall not be used to change any provisions of the Rules, or filed for the purpose of getting an established policy, standard, or procedure changed.

(b) A grievance is hereby defined to be any disagreement concerning the interpretation or application of the specific and expressed provisions or terms of the Rules relating to compensation, working conditions, or fringe benefits, but disagreements relating to the substantive terms or provisions of those Rules shall not be considered grievances.

(c) In reducing a grievance to writing, the following information must be stated with reasonable clearness: The exact nature of the grievance, the act or acts of commission or omission, the exact date of the act or acts of commission or omission, the identity of the party or parties who claim to be aggrieved, the identity of the party or parties alleged to have caused the grievance, the specific provisions of the Rules that are alleged to have been violated, and the remedy which is sought. For the purpose of this Rule, "working days" shall be defined as Monday through Friday, excluding Saturdays, Sundays, and holidays.

(d) Grievances shall be processed in the following manner:

Step One. The aggrieved employee shall present his grievance in writing to his Department Head within fifteen (15) working days from the date on which the employee became aware of or should reasonably have been aware of the incident giving rise to the grievance. The Department Head shall respond in writing to the employee presenting the grievance within fifteen (15) working days.

Step Two. If satisfactory settlement is not reached under Step One, the employee or his designated representative shall resubmit the grievance in writing within fifteen (15) working days of receipt of the response from the Department Head to the Human Resources Director or his designated representative for submission to the Board. The Board shall hold a hearing with the employee or his designated representative within thirty (30) working days after receipt of the grievance in an attempt to settle the grievance. The decision of the Board concerning a grievance shall be made within fifteen (15) working days of the final hearing and reduced to writing, including both findings and decisions, and it shall be filed with the Human Resources Director with a copy to the Department Head and the subject employee.

(e) Decisions of the Board concerning a grievance are binding on all Department Heads and employees in the classified service.

(f) Time limitations as outlined in this Rule may be extended in writing by mutual agreement between the employee or his designated representative and the Department Head.

### **12.3 Appeals (Revised 2/20)**

(a) Any status employee may appeal directly to the Board the following actions: receipt of three (3) written reprimands, involving the same subject matter, within a twelve (12) consecutive month period; suspension; demotion for cause; reduction in classification resulting in loss of pay; lay-off and dismissal.

(b) The employee shall present his appeal in writing to the Human Resources Director or his designated representative within fifteen (15) working days from the date on which the employee became aware of or should have reasonably been aware of the incident giving rise to the appeal.

(c) The Board shall hold a hearing with the employee or his designated representative within thirty (30) working days after receipt of the appeal. The decision of the Board shall be made within fifteen (15) working days of the final hearing. The decision shall be reduced to writing; shall include the Board's findings; and shall be filed with the Human Resources Director with a copy to the Department Head and the subject employee.

## **RULE 13 - CAREER DEVELOPMENT PROGRAM AND TRAINING**

### **13.1 Programs to Improve the Government Service**

(a) The Human Resources Director shall devise plans for and cooperate with Department Heads, other supervisory officers and employees in the conduct of employee training programs, to the end that the quality of service rendered by County employees may be continually improved. Programs to be developed include employee general and specialized training, retraining, safety, and programs to improve employee morale, work motivation, health, counseling, and welfare.

(b) Employee participation in general training programs during off-duty hours shall be voluntary. Employees who are directed to attend specialized (job-related) training meetings and courses held on the employee's own time shall be compensated in accordance with these Rules. With the approval of the Department Head, either general or specialized training may be held during official working hours.

(c) The Human Resources Director shall assist agencies in determining their training needs and assist agencies in conducting periodic evaluations to determine the effectiveness of such programs.

(d) The Human Resources Director shall provide agency trainers with materials and manuals and offer such advisory help as requested by the agency.

(e) The Human Resources Director shall initiate and encourage needed interagency training programs and shall assist individual County agencies, professional and employee organizations, and State and County educational institutions in carrying of interagency training.

### **13.2 Career Development Program**

The Human Resources Director shall, with the assistance of Department Heads, plan, promote, and implement a career development program designed to meet the continually changing staffing requirements of the various departments and agencies, which shall consist of the following elements: identifying key managerial, professional, scientific, technical, and administrative positions in which the need for replacements can be reasonably anticipated in the next decade; assessing available manpower to determine whether or not highly competent replacements are available or persons of considerable potential are available; determining what is required to develop that potential into high competency; and marshalling the resources of management and personnel management to carry out the steps necessary to develop the competency in potential replacements so that, ultimately, there will be a constant supply available of highly competent manpower prepared to meet the needs of the County.

## **RULE 14 - SEPARATION FROM THE COUNTY SERVICE**

### **14.1 Resignation**

An employee who desires to terminate his service with the County shall submit a written resignation to the Department Head. Resignations shall be submitted at least ten (10) working days before the final work day. The Human Resources Director may make such investigation as he deems warranted for the purpose of verifying reasons for each resignation including the conduct of separation interviews. A copy of an employee's resignation shall be attached to the payroll action affecting the separation and be filed in the employee's service record in the Human Resources Department. An employee's resignation shall become effective at the close of the last working day the employee is physically present at work.

### **14.2 Disability or Impairment**

An employee may be separated from employment when for reasons of disability he cannot perform the essential duties of his position, with or without accommodations because of physical or mental impairment, and pursuant to the Americans with Disabilities Act. The Human Resources Director or Department Head may at any time require an employee to be examined by a qualified medical professional for the purpose of determining the employee's ability to perform the essential duties of his position. Such examination, if required by the Human Resources Director or Department Head, shall be made at no expense to the employee.

### **14.3 Retirement (Revised 11/02)**

Retirement shall be as provided in the County Retirement Plan. An employee's retirement date shall be the date specified in writing by the employee. Employees will be eligible for retirement upon attaining age sixty; or upon attaining age fifty-five and completing ten years of service.

### **14.4 Layoff (Revised 12/00)**

(a) A Department Head may lay off a status employee in the classified service whenever he deems it necessary by reason of shortage of funds, shortage of work, abolishment of position, or other material change in duties or organization. The status employee shall be notified at least fifteen (15) calendar days prior to the effective date and shall be given written notice of the reasons for the layoff. The status employee may appeal, in writing, to the Board within ten (10) working days of notice of layoff.

(b) The Human Resources Director shall establish a uniform procedure for layoffs. No status employee is to be separated by layoff while there are probationary, on-call, temporary, or emergency employees serving in the department in the same class.

(c) A new date of employment shall be established for employees who are re-employed in the classified service after a layoff of more than one (1) year.

(d) Layoffs of forty (40) hours duration or less do not require the fifteen (15) working days notice prior to layoff.

(e) When a layoff becomes necessary and the affected employee exercises retreat rights in lieu of layoff, the employee shall be paid at a rate which most nearly approximates the rate of pay immediately prior to the layoff if available in the pay grade. If the rate of pay prior to layoff is higher than the maximum rate of the lower pay grade, the employee will be paid at the maximum rate of the lower pay grade.

(f) An employee with status who has been laid off may request that his name be placed on a recall list for the class of position from which laid off, provided he so requests in writing. Eligibility to remain on the recall list shall expire one (1) year from the effective date of the layoff or separation.

(g) A recalled employee shall have his service time computed back to his original date of employment minus the time not employed.

(h) An employee who is laid off, and is later recalled within one (1) year, shall have available upon his return such unused sick leave accrual as he may have earned up to the time of his departure.



## **RULE 15 - RECORDS AND REPORTS**

### **15.1 Personnel Forms**

The Human Resources Director shall prescribe personnel forms which Department Heads shall use to maintain properly all employee records and to record and report all personnel actions and status changes. The Human Resources Director shall inform the Department Heads which personnel actions and status changes must be reported to him.

### **15.2 Leave Records**

The Human Resources Department shall install and maintain a leave record showing for each employee: (1) annual leave earned, used and unused; (2) sick leave earned, used and unused; and (3) any other leave with or without pay. Such records shall be the basis for periodic reports to the Board and the County Board as they may require.

### **15.3 Official Roster**

The Human Resources Director shall prepare and maintain a record of all employees showing each employee's name, address, title of position, rate of pay, change in status, transfer, and other pertinent data.

### **15.4 Record of the Human Resources Department**

- (a) Except as otherwise provided in these Rules and by law, all employee records of the Human Resources Department shall be considered confidential.
- (b) Employees may inspect their official personnel folders during working hours.
- (c) An employee's official personnel folder may be inspected by other than the employee only on written authorization of the employee.

## **RULE 16 - ADMINISTRATION OF THE CLASSIFICATION AND COMPENSATION PLANS**

### **16.1 Responsibilities of the Human Resources Director**

The Human Resources Director shall be responsible for the maintenance of the classification and compensation plans, including but not limited to the allocation of new or changed positions, the determination of proper compensation rates within the provisions of the plans, maintenance of up-to-date class descriptions, class lists, and allocation records.

### **16.2 Maintenance of the Pay Plan**

The Human Resources Director may review the pay plan whenever he deems it necessary. Such review shall include a comprehensive survey of pay and fringe benefit practices of other employers in the appropriate labor markets, and the development of indicated revisions in the pay and benefit plan and all related provisions of these Rules.

(a) The Board shall make such recommendation as appears desirable relative to wages to the County Board.

(b) Based on prevailing rates of specific common occupations, pay grade changes shall be recommended for individual classes in order that the County may continue to obtain and retain competent employees with due regard to relative values, organizational and occupational relationships among classes.

(c) Based upon any significant change in the predominant benefit practices of other employers in the appropriate labor market, indicated improvements in fringe benefits and working conditions shall be recommended for revisions of the pertinent benefit rules.

(d) The approval of the County Board shall be obtained on any action affecting the pay of employees or other matters included in the compensation plan which are not within the powers and authority of the Human Resources Director as prescribed by the statute.

### **16.3 Preparation and Content of Class Descriptions**

(a) The Human Resources Director shall provide and may amend, as provided in these Rules, written descriptions for each class in the classification plan. Each class specification shall include the class title, a description of the duties and responsibilities of the work, and a statement of the qualifications a person shall possess to enable him to perform the duties of a position of the class.

(b) Class descriptions are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the classes as determined by their duties and responsibilities and are not to be construed as declaring what the duties or responsibilities of any position may be, or as limiting or modifying the power of any Department Head to

assign, direct, or control the work of employees under his supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

(c) In determining the class to which any position should be allocated, the description of each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements, and relationships to other classes.

(d) The statement of qualifications required in the descriptions for any class shall constitute the basis and source of authority for the test to be included in examinations for the class and the evaluation of the qualifications of applicants. Qualifications enumerated in a class description shall relate to the reasonable standards of experience and training required at the time of original appointment of a new employee and shall not be construed as representing or measuring qualifications which employees already working in such a class may actually possess.

#### **16.4 Class Titles**

(a) Each of the standard titles specified in the classification plan shall also be used to identify a class of positions and to identify each individual position of the class.

(b) Class titles are generally indicative of the work of the class and of the level of its difficulty and responsibility. Where Roman numerals are affixed at the end of a title to indicate level within an occupational sub-series, the higher numbers represent the higher levels. The Roman numerals affixed to titles in a one sub-series have no relation to those in titles of another sub-series, and different titles with the same Roman numeral may properly be at different pay grade levels.

(c) The class title shall be used to designate positions or employees in all budget estimates, payrolls, personnel records, reports, and other official records, and in internal correspondence or other communications relative to personnel administrative processes.

(d) For purposes of external relations, or other purposes not relating to Human Resources Administration, any suitable organizational title, or other title in common use, may be used, provided that such title is not similar to or confused with any standard class title other than the one by which the position involved is officially designated.

#### **16.5 Interpretation and Use of Class Descriptions**

(a) The Human Resources Director shall be charged with the responsibility for the proper continued administration of the classification plan so that it will reflect the duties being performed by each employee in the classified service and the class to which each position is allocated.

(b) Whenever a Department Head desires to add a position, a notice of such proposed action, together with a description of the duties of the new position, shall be submitted to the Human Resources Director in such manner and on such forms as he shall provide. The Human Resources Director shall promptly allocate such position and shall notify the Department Head of the official allocation.

(c) Whenever a Department Head desires to make any permanent and substantial change in the duties or responsibilities of a position, written notification of the proposed change shall be submitted to the Human Resources Director for determination of the proper allocation of the position. After due investigation, the Human Resources Director shall promptly notify the Department Head of such allocation. The Human Resources Director may, upon his own initiative or at the request of a Department Head or status employee, study the duties of any position to determine if its allocation is proper. Following such study, he may reallocate the position to the appropriate class.

(d) A status employee occupying a position which has been reallocated shall continue in the position only if he possesses the qualifications of training and experience requisite for such position. In any case, where an incumbent is ineligible to continue in the position and is not transferred, promoted, or demoted, the layoff provisions of these Rules shall apply.

(e) A status employee occupying a position which has been reallocated may appeal the Human Resources Director's findings, within ten (10) calendar days of notice of the reallocation, to the Board, if the review results in a reallocation to a class with a lower maximum pay rate. Upon a finding by the Board that the reallocation was improper, retroactive pay may be awarded to the first day of the pay period following the original notice of the Human Resources Director's decision.

## **16.6 Wage Adjustment (Created 6/03)**

When the Human Resources Director determines that the reallocation of an employee to a higher pay range, or the change in pay grade of a class has been delayed, or is otherwise not in accordance with contract or rule provisions, the Human Resources Director may authorize that the employee be compensated retroactively for up to six months to correct the difference in pay the employee should have received.

## **RULE 17 – APPLICATION OF THE COMPENSATION PLAN**

### **17.1 Salary Schedules and Rates**

The salary of employees occupying graded positions shall be on the basis of the schedules of salary rates prescribed for the respective classes of positions as established by the County Board.

### **17.2 Full-Time Salary Rates (Revised 6/00)**

The salary rates for full-time employment are based on forty (40) working hours per week or eighty (80) hours per work cycle, for the respective class of positions.

### **17.3 Starting Rate at Original Appointment**

(a) Original appointment to any position shall be made at the minimum rate of a pay grade, and advancement from the minimum rate to the maximum rate within a pay grade shall be based on performance and length of service.

(1) Upon recommendation of the Department Head, the Human Resources Director may approve initial compensation at a rate higher than the minimum rate in the grade for the class when the needs of the service make such action necessary; provided that any such exception is based on the outstanding and unusual character of the employee's experience and ability over and above the qualification requirements specified for the class, or that a critical shortage of applicants exists. In the latter case, any incumbents subject to the same labor market conditions and receiving a lower rate shall have their rates increased to the rate established for entrance of new employees.

(2) The Human Resources Director, upon recommendation of the Department Head, may authorize employment in a trainee capacity provided the needs of the service make such action necessary. Compensation will be established at no greater than fifteen percent below the minimum rate for the class. The trainee shall be given work experience so as to meet minimum qualifications for the entry level position within one (1) year.

(3) When an employee is employed in a class in which he was previously employed up to two years prior, the Human Resources Director may authorize compensation an up to the step of the pay grade corresponding to that which the employee had been receiving upon the termination of his previous service.

### **17.4 Starting Rate on Return from Military Service**

In the event of the return to duty of an employee who left the classified service as a result of being involuntarily recalled to Federal active duty, the normal procedure shall be to place

him in the step of the pay grade of the previously held position which, in the normal course of events, he would occupy had he not left the classified service.

### **17.5 Starting Rate on Return to a Classified Position from an Unclassified Position (Revised 10/13)**

Any employee who is granted a leave of absence in accordance with Rule 19.9 and leaves a classified position to accept an unclassified position and who subsequently returns from that leave of absence to the position previously held by him or some other similar position for which he is fully qualified, shall be placed on the same step they were on prior to the appointment, and shall receive the current rate of pay for that step. In the event the pay grade has been changed for the classification, or the employee is placed in a different classification, the employee will be placed on the step closest in pay to what the employee previously made in the classification. In no event should the employee be paid less than they were paid previously in the classification. The employee's eligibility date shall be changed to one year from the date of their return to the classified position.

### **17.6 Rate of Pay as Result of Reallocation (Revised 1/06)**

In the event of the reallocation of a position to a class which has a higher pay grade, the employee's rate of pay shall be increased to that step in the higher pay grade above his rate of pay prior to reallocation, or to the minimum rate of the higher pay grade, whichever is greater. If the step in the higher pay grade results in an increase of less than two and one-half percent (2.5%), the employee's rate of pay shall be increased to the next higher step in that pay grade, if available. The employee's new eligibility date shall be one year from the date of the reallocation. In the event of the reallocation of a position to a class which has a lower pay grade, the employee's rate of pay shall be decreased one step. If the employee's rate of pay exceeds the maximum rate in the lower pay grade by more than one step, the employee's rate of pay shall be frozen (red-circled) until such time that the maximum rate through general increases, makes sufficient upward movement so that it exceeds the employee's rate of pay. When the maximum rate meets or exceeds the employee's frozen (red-circled) rate through general increases, the employee's frozen rate of pay shall then increase to the maximum rate. In the event of the reallocation of a position to another class with the same pay grade, the employee shall be paid at the same rate in his new class. The effective date of any reallocation shall be the first day of the pay period following notification. There shall be no retroactivity, except as provided in Rule 16.6.

### **17.7 Rate of Pay as Result of Change in Pay Grade of a Class (Revised 06/22)**

In those cases where a class is allocated to a higher pay grade, the employee in the class will be placed in the higher pay grade on the step in the higher pay grade that is closest to their current rate of pay, provided this does not result in the loss of pay, or to the minimum rate of the higher pay grade, whichever is greater. If the step in the higher pay grade results in an increase of less than two and one-half percent (2.5%), the employee's rate of pay shall be increased to the next higher step in that pay grade, if available. The employee's new eligibility date shall be one year from the date of the change in pay grade of their class unless the employee is on probation, then the eligibility date will be set in accordance with 8.2 (c). In those cases where a class is allocated to a lower pay grade, the employee in the

classification shall normally be paid at the same rate in the lower pay grade. Employees at or above the maximum rate of the lower pay grade will be placed at the maximum in the lower pay grade. Any change shall be effective the first day of the pay period following the approval of County Board.

### **17.8 Approval of County Board**

Creation of a New Classification or a Change of Pay Grade shall be effective upon approval by the County Board. An employee who is affected because of the reallocation of his position to a new class or because of the reallocation of his class to another pay grade shall have his pay adjusted with the first full pay period following approval by the County Board.

### **17.9 Recommendations for Salary Advancement Within a Grade (Revised 01/07)**

(a) All status employees shall have their performance reviewed annually. The Department Head shall recommend in writing to the Human Resources Director the advancement in salary of each employee in his Department who has met the requirements for pay advancement. Such advancement may be made annually until the employee has reached the maximum rate of the pay grade for his position.

(b) A Department Head, with concurrence of the Human Resources Director, may request a salary advancement within a grade or cash award, not to exceed five hundred dollars (\$500), for an employee due to exceptional or unusual circumstances in connection with their class. The reason for such advancement must be explained in detail in writing to the Human Resources Director and must be consistent with the spirit and purpose of the merit system provisions. All salary advancements requested pursuant to this section require the approval of the County Board and become effective the first full pay period following approval by the County Board.

### **17.10 Compensation of Temporary, Seasonal, On-call and Emergency Employees (Revised 01/07)**

Temporary, seasonal, on-call and emergency employees occupying full-time or part-time positions in the classified service may be employed initially at an hourly rate in the pay grade for the class which meets the needs of the department. Appointments of such employees at other than the hourly equivalent of the entrance rate shall be approved by the Human Resources Director. Temporary, seasonal, on-call and emergency employees shall not be eligible for employee benefits of the classified service. Advancement within the pay grade of the class in which employed may not be granted more than one step annually.

### **17.11 Employees Temporarily Assigned to a Higher Classification (Revised 9/14)**

(a) A status employee may be temporarily assigned, in writing, to work in a budgeted position in a class with a higher maximum salary than the maximum salary of his regularly assigned class, when said position is temporarily vacant due to termination, resignation, leave of absence, or initial creation.

(b) Compensation for being temporarily assigned to a higher class shall be at least the next higher rate of pay in the higher class above the employee's regular rate, or the first step minimum rate of the higher class he is temporarily filling, whichever is greater. The employee shall be compensated at the temporary assignment rate of pay for all approved paid leaves of absences, holiday pay, and approved personal holiday leave.

(c) An employee who is temporarily assigned in writing to work in a higher class must perform all the duties the incumbent employee would have performed in the higher class job description to receive additional compensation. Exceptions to this Rule for receipt of out-of-class pay may be made or approved by the Human Resources Director.

### **17.12 Compensation for Supervisory Personnel**

All fully qualified supervisors shall be paid at a pay grade higher than the pay grade of those supervised. This higher pay grade shall also apply to fully qualified persons temporarily assigned as supervisors, provided that at the conclusion of such temporary service that person's rate of pay shall revert to his immediate prior grade and step.

### **17.13 Partial Compensation Received from Other Sources**

In any case in which part of the compensation for services of any employee is paid by an outside agency or from private sources, such payments shall be deducted from the compensation prescribed for regular full-time services from all sources combined for any period and shall equal the amount prescribed.

### **17.14 Employee Recognition Programs and Awards (Revised 2/01)**

With the approval of the Human Resources Director and County Board, agencies may implement Employee Recognition Programs which may include awards such as plaques, certificates of achievement or other items of value, including monetary awards, within the limits specified below:

(a) Years of Service Recognition Awards: The County may provide an employee recognition program which honors employees based upon years of service.

(b) Achievement Recognition Award within Department: A Department Head may implement an achievement recognition program within his or her own department to honor an employee's superior or exceptional job performance.

(c) Lancaster County Commissioners' Award of Excellence: The County may provide an achievement recognition program wherein an employee is selected by his or her peers. Nominations may be based upon the following criteria: safety, productivity, loss prevention, customer relations and valor.

(d) The cost of a plaque, certificate of achievement or other item of value (other than monetary awards) shall not exceed \$200. Monetary awards of up to \$100 for monthly



awards, \$250 for quarterly awards and \$500 for annual awards are allowed. All monetary awards must be approved by the Human Resources Director and County Board.

#### **17.15 Standby Compensation (Revised 09/14)**

A non-exempt status employee who is required to standby his post and be ready for duty, at the direction and under control of the County shall receive one (1) hour of straight pay for each eight (8) hour period he is assigned to standby.

#### **17.16 On-call and Call-in Compensation (Revised 05/2024)**

A non-exempt employee who is scheduled to be on-call and available to work, but who is not under the control of the County, shall be paid two (2) hours pay at the employee's regular rate of pay for each twenty-four (24) hour day.

An employee called in for duty shall receive pay for a minimum of two (2) hours at one and one half (1 1/2) times the employee's regular hourly pay or one and one-half (1 1/2) times the actual hours worked, whichever is greater.

#### **17.17 Total Remuneration**

The salary rate determined for a position or positions in the case where an employee serves part-time in more than one position under these Rules shall represent the total remuneration for the employee, not including reimbursement for official travel or expenses. Except as otherwise provided in these Rules, no employee shall receive pay from the County in addition to the salary authorized under the schedules provided in the compensation plan for services rendered by him, either in the discharge of his ordinary duties or any additional duties which may be imposed upon him or which he may undertake or volunteer to perform except as required by law. No reward, gift, or other form of remuneration in addition to regular compensation shall be received from any source by employees for performance of their duties except as provided in Rule 17.14.

#### **17.18 Longevity (Revised 3/24)**

Effective October 5, 2011, longevity pay for full and part-time status employees not covered by a collective bargaining agreement shall be frozen. Full and part-time status employees not covered by a collective bargaining agreement that were receiving longevity pay on October 5, 2011, shall continue to receive the same amount or rate of longevity pay annually which such employees were eligible to receive on October 5, 2011. Full and part-time status employees not covered by a collective bargaining agreement who were receiving longevity pay on October 5, 2011 shall not progress to the next higher longevity pay rate, but shall remain at the same longevity pay rate which they were at on October 5, 2011, for the remainder of their employment with the County or until they transfer, promote, or demote to a position that is covered by a collective bargaining agreement, or an appointed or elected position, or until amendment of this provision. If the employee accepts a position covered by a collective bargaining agreement, or an appointed or elected position, the employee will no longer receive longevity pay, and will not be eligible to receive longevity pay if they return to

a position not covered by a collective bargaining agreement. All full and part-time status employees not covered by a collective bargaining agreement, which have not completed five (5) full years of service with the County prior to October 5, 2011, or who are hired after October 5, 2011, shall not receive longevity pay. Longevity pay will be pro-rated based upon the total hours worked in each pay cycle for part-time status employees receiving longevity pay.

<u>Completed Full Years of Service as of September 21, 2011</u>	<u>Annual Pay</u>	<u>Hourly Pay</u>
5 Years	\$ 245.44	\$.118
10 Years	\$ 386.88	\$.186
15 Years	\$ 640.64	\$.308
20 Years	\$ 900.64	\$.433
25 Years	\$1,000.48	\$.481

There shall be no retroactivity or cumulative building on top of the previous longevity rate.

**17.19 Shift Differential (Revised 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 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-five (45) cents per hour.

(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.

(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 forty-five (45) cents per hour shift differential.

#### **17.20 Weekend Differential Pay (Revised 02/20)**

Probationary and status employees of Mental Health Crisis Center who are in class code 7706 - Registered Nurse and who are scheduled to work between the weekend times of 00:01 a.m. on Saturday through 23:59 p.m. on Sunday, will receive an additional seventy-five (75) cents per hour. This payment will be in addition to any other payment and will be included as part of the employee's current hourly rate.

#### **17.21 Overtime Administration**

A Department Head may prescribe reasonable periods of overtime work to meet operating needs. Such overtime shall be reported and justified as required by the Human Resources Director. Complete records of overtime of employees shall be maintained in each department. The Human Resources Director shall establish and approve an overtime policy for all county employees.

#### **17.22 Callback**

A full-time non-exempt employee who has left his normal place of work and who is called to duty during his off-duty time, and such time does not merge with his tour of duty shall be paid a minimum of two (2) hours at the rate of time and one-half (1 1/2) or one and one-half (1 1/2) times the actual number of hours worked, whichever is greater.

#### **17.23 Post Employment Health Plan (PEHP) (Created 9/98; Revised 8/99)**

The County may establish a Post Employment Health Plan on behalf of employees and make bi-monthly contributions to a trust account. The purpose of the contribution is to assist in the payment of future medical expenses and premiums in accordance with the Internal Revenue Code 501C (9).

Upon qualified separation, a percentage of the eligible employee's accumulated sick leave balance as defined in Rule 19.3 will be contributed to the Plan.

#### **17.24 Education Loan Forgiveness (Revised 12/23)**

Effective December 7, 2021, the County will provide education loan forgiveness ("ELF") to full-time Mental Health Crisis Center Registered Nurses and Nursing Supervisors as an incentive to become and remain County employees. The amount of the loan will be forgiven over a 3-year or 5-year period of full-time employment. This ELF program is subject to the following conditions:

The outstanding educational loan must not be older than 5 years.

The County will provide up to Seventy-Five Thousand Dollars (\$75,000) in loan forgiveness.

The ELF program shall only apply to those degree programs directly related to the nursing licensure.

The 3-year or 5-year period for the ELF program shall begin on the employee's eligibility date which will be determined after the employee successfully completes the probationary period as provided in Lancaster County Personnel Rule 8.2.

The employee shall sign a promissory note prior to any payments being made to the loan institution.

The County will make payments directly to the loan institution.

In the case of resignation or termination prior to the completion of the 3-year or 5-year term, any remaining balance on the loan will be deducted from the employee's final pay in accordance with the Nebraska Wage Payment and Collection Act and the Fair Labor Standards Act. After such deduction, any remaining balance on the loan, which will include the prevailing interest rate of the original lender, will be reimbursed to the County by the former employee.

The procedure to enroll in the ELF program is as follows:

The employee shall submit documentation detailing the loan institution and any outstanding amount owed to the City of Lincoln-Lancaster County Human Resources Department. The amount owed shall not include any amount previously paid by the employee or covered by scholarships, grants or other means.

Upon receipt of the loan information, the employee will be required to sign a promissory note to Lancaster County for the full amount of the loan prior to payment to the loan institution. Lancaster County will amortize the promissory note over the 3-year or 5-year period according to the following schedule:

\$1 to \$45,000 – 3-year promissory note

\$45,001 to \$75,000 – 5-year promissory note

After the promissory note has been signed, the County will then distribute payment to the loan institution for the established amount.

### **17.25 Dog Handler Pay (Created 5/22)**

Any employee who is the primary or main dog handler for an approved Lancaster County facility dog will be compensated at the rate of seven (7) hours at a premium rate of one and one half (1.5) times the employee's regular rate of pay per pay period. The primary or main dog handler will be the employee who has the dog residing at his or her home.

### **17.26 Referral Bonus Program (Revised 3/2024)**

Effective September 1, 2022, the County will have a policy regarding a referral bonus program for unrepresented, classified employees with the Lancaster County Sheriff's Office. Referral Programs are a proven, effective method used to recruit and hire contributors who are more likely to have increased longevity in the Agency. The policy is subject to the following conditions:

1. Employees Defined. Unless otherwise stated herein, the benefits described in this policy apply to the following employees with the Lancaster County Sheriff's Office:
  - a. Technology Support Technician
  - b. System Programmer
  - c. Security Technician
  - d. Security Guard Supervisor
  - e. Security Guard
  - f. Records System Supervisor
  - g. Administrative Services Officer
  - h. Administrative Aide I
  - i. Accounting Specialist
2. An employee employed with the Lancaster County Sheriff's Office who refers another person for employment as a commissioned deputy sheriff with the Lancaster County Sheriff's Office is subject to a referral bonus.
3. A referral bonus of \$1000 will be added to the referring employee's paycheck upon the referred employee's successful completion of six months of employment. Another \$1000 will be added to the referring employee's paycheck upon the referred employee's successful completion of one year of employment. Both the referral and referred employees need to be employed by Lancaster County Sheriff's Office at the completion of the referred employee's six and twelve months of employment in order for the referral employee to receive the referral bonus.
4. Employees who hold a position critical to completing the selection process are ineligible for the referral bonus. Referring employees may not participate in the selection process for any candidate they referred.
5. The name of the employee who referred the candidate shall be listed on the referred candidate's application.
6. The referral bonus is considered taxable income.
7. Any disputes or interpretations of this program will be decided by Human Resources and are not grievable.

## **17.27 Hiring and Retention Incentive (Created 1/24)**

This is a pilot program provided as a result of a Workforce Stabilization Grant through Region V.

(a) Effective December 13, 2023, the County will provide a \$10,000 bonus for full-time licensed healthcare providers who accept a position in the classification of Mental Health Clinician II, Nursing Supervisor or Registered Nurse as an incentive to sign on and remain employed at the Lancaster County Mental Health Crisis Center.

The hiring incentive is subject to the following conditions:

1. The employee will receive a hiring incentive of \$5,000 upon successful completion of their probationary period with the Mental Health Crisis Center. The incentive will be paid on the employee's paycheck for the pay period immediately following the successful completion of their probationary period.
2. The employee will receive an additional retention incentive of \$5,000 upon completing one year of employment with the Mental Health Crisis Center. This incentive will be paid on the employee's paycheck for the pay period immediately following completion of their one year of employment with the County.
3. Employees who are rehired after a break in service for longer than one year are eligible to participate in the incentive.
4. To be eligible, employees need to start working for the Mental Health Crisis Center in the classification of Mental Health Clinician II, Nursing Supervisor or Registered Nurse on or before June 30, 2024.

(b) A \$10,000 retention incentive is available to employees in the classification of Mental Health Clinician II, Nursing Supervisor or Registered Nurse as of December 13, 2023.

The retention incentive is subject to the following conditions:

- 1) This incentive shall be paid out over the course of one year, in two payments on January 4, 2024, and December 19, 2024.
- 2) Employees must be employed by the Mental Health Crisis Center in the classification of Mental Health Clinician II, Nursing Supervisor or Registered Nurse for the pay period in which the retention incentive payment is to be made in order to be eligible to receive it.
- 3) Employees shall not be eligible for partial or pro-rated payments should they leave employment at any point during this pilot program.
- 4) Any employee who leaves the Mental Health Crisis Center and/or the classification of Mental Health Clinician II, Nursing Supervisor or Registered Nurse shall forfeit eligibility for the remainder of the program.

(c) No employee is eligible to receive more than \$10,000 combined in hiring or retention incentives.

(d) The incentives are considered taxable income.

## RULE 18 - HOLIDAYS

### 18.1 Compensation for Absence on Holidays (Revised 04/22)

(a) All full-time and part-time status and probationary employees shall receive holiday 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
Juneteenth	Christmas Day
Fourth of July	

Holiday pay shall not be considered hours worked for the purposes of calculating overtime.

(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 1<sup>st</sup>, 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 1<sup>st</sup> but prior to May 1<sup>st</sup>, 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 1<sup>st</sup>, 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 part-time employees 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.

Part-time employees are entitled to prorated personal holiday hours as follows: the number of hours in a regularly scheduled work week divided by forty (40) hours and then multiplied by twenty-four (24) hours.

(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 1<sup>st</sup>, 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 1<sup>st</sup> but prior to May 1<sup>st</sup>, 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 1<sup>st</sup>, 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.

Part-time employees are entitled to prorated personal holiday hours as follows: the number of hours in a regularly scheduled work week divided by forty (40) hours and then multiplied by twelve (12) hours.

(d) In addition to the established holidays listed above, employees in pay grades prefixed by “A” or “G”, with the exception of part-time employees, 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.

Part-time employees are entitled to prorated personal holiday hours as follows: the number of hours in a regularly scheduled work week divided by forty (40) hours and then multiplied by twenty (20) hours.

(e) In addition to the established holidays listed above, employees in pay grades prefixed by “Y”, with the exception of part-time employees, 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.

Part-time employees are entitled to prorated personal holiday hours as follows: the number of hours in a regularly scheduled work week divided by forty (40) hours and then multiplied by eighteen (18) hours.

(f) 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 and ends with the pay period in August that results in the last pay check in August (“personal holiday year”) provided the days and times selected by the employee have the prior approval of the Department Head.



Personal holidays are automatically forfeited if they are not used during the personal holiday year in which they are granted or an employee separates employment with the County, except in those cases when an employee is eligible to retire.

### **18.2 Compensation for Holiday Falling on a Regularly Scheduled Day Off**

(a) Except for employees with an established holiday bank, or for employees regularly scheduled to work on a shift basis, when a holiday listed in Rule 18.1 falls on a Saturday, the preceding Friday shall be observed as the legal holiday; and when the legal holiday falls on Sunday, the following Monday shall be observed as the legal holiday.

(b) For employees regularly scheduled to work on a shift basis, the holiday will be observed as follows: January 1, July 4, November 11 and December 25. All other holidays shall be the same as those observed by other County employees.

### **18.3 Compensation for Work Performed on Holidays (Revised 11/20)**

(a) Full-time and part-time probationary, status and trainee (as defined in Rule 17.3 (a) (2)) shift employees of facilities open seven (7) days a week or twenty-four (24) hours a day, qualifying for holiday pay and who are scheduled to work and who actually work on one of the holidays listed in Rule 18.1, shall receive pay at time and one-half for hours worked on a holiday in addition to regular holiday pay. Any hours worked on a holiday listed in Rule 18.1 shall be considered hours worked for the purposes of calculating overtime.

(b) On-call, temporary, seasonal and emergency employees of facilities open seven (7) days a week, or twenty-four (24) hours a day, who are scheduled to work on a day designated as an authorized holiday, shall receive no holiday pay but shall receive pay for hours worked at time and one-half.

(c) Non-shift probationary and status employees, qualifying for holiday pay, who are scheduled to work and actually do work on one of the holidays listed in Rule 18.1 shall receive pay at time and one-half for hours worked on the holiday.

### **18.4 Qualification for Holiday Pay (Revised 05/2024)**

(a) In order to qualify for holiday pay, an employee must be in a pay status on their regular workday immediately before and after the holiday.

(b) Any holiday enumerated in Rule 18.1, if falling within a vacation period, shall be paid as holiday and not counted as vacation.

(c) Temporary, seasonal, on-call, and emergency non-shift employees, whether full-time or part-time, who are not scheduled to work on a day designated as an authorized holiday shall receive no holiday pay.

## **RULE 19 - LEAVES OF ABSENCE**

### **19.1 Request and Approval (Revised 06/13)**

(a) All leaves of absence must be requested in writing to, and approved by, the Department Head in advance of leave being taken. Exceptions may be made in an emergency.

(b) Leaves of absence without pay shall not be granted until all applicable leave balances have been exhausted, with the exception of leaves for military, travel or study.

### **19.2 Vacation Leave (Revised 01/24)**

(a) Probationary and status employees shall earn vacation leave with pay according to the following schedule:

(1) Less than five (5) years of service at the factored hourly equivalent of eighty (80) hours per year.

(2) After five (5) years of service at the factored hourly equivalent of one hundred twenty (120) hours per year.

(3) After ten (10) years of service at the factored hourly equivalent of one hundred fifty-two (152) hours per year.

(4) After fifteen (15) years of service at the factored hourly equivalent of one hundred sixty-four (164) hours per year.

(5) After twenty (20) years of service at the factored hourly equivalent of one hundred ninety-eight (198) hours per year.

(b) Probationary and status employees in a pay grade prefixed by "A" shall earn vacation leave with pay according to the following schedule:

(1) Less than five (5) years of service at the factored hourly equivalent of eighty (80) hours per year.

(2) After five (5) years of service at the factored hourly equivalent of one hundred twenty (120) hours per year.

(3) After ten (10) years of service at the factored hourly equivalent of one hundred fifty-two (152) hours per year.

(4) After fifteen (15) years of service at the factored hourly equivalent of one hundred sixty-four (164) hours per year.

(5) After twenty (20) years of service at the factored hourly equivalent of two hundred (200) hours per year.

(c) Employees shall earn but not be granted vacation leave during the first six (6) months of employment.

(d) Part-time employees shall earn vacation leave based on total hours worked in each pay period.

(e) Vacation leave shall be requested and approved in advance of its use, except in circumstances beyond the employee's control. Each Department Head shall schedule vacation leaves to accord with operating requirements and, insofar as possible, to coincide with the request of the employee.

(f) Accumulation of vacation leave credit shall be on a continuous basis not to exceed two hundred forty (240) hours. Unused vacation leave accumulation shall be paid upon separation. Employment may not be extended by using vacation at the time of separation, except in the case of retirement, per the Vacation Usage Upon Retirement Personnel Policy Bulletin.

(g) Vacation leave shall not accrue during any leave of absence without pay.

(h) Classified employees who accept permanent appointment to an elected position shall have their vacation balance paid out to them at their rate of pay in the classified position. Such payment shall be made on the paycheck following the employee's last day in their classified position.

### **19.3 Sick Leave (Revised 11/20)**

(a) Sick leave is only to be used for sickness, family illness, personal and family medical appointments, injury, disability or funeral leave as outlined in these Rules and for no other purpose. An employee who uses sick leave for any other purpose may be subject to discipline. For purposes of "family illness" and "family medical appointments", "family" is defined to be spouse, child, grandchild, parent, step-parent, sister, brother, employee's grandparents, the parents of the employee's spouse, as well as any other family member, whether it be by blood or legal marriage, or legal adoption or foster children, residing in the same household.

(1) Each employee in a pay grade prefixed by "C", "E" or "Y" shall earn Sick Leave hours at the factored hourly rate specified to equate to thirteen (13) days per year or one hundred four (104) hours per year for a full-time employee.

(2) Each employee in a pay grade prefixed by "A" or "G" shall earn sick leave hours at the factored hourly equivalent of ninety-nine (99) hours per year for a full-time employee.

- (3) Sick Leave shall not accrue during any period of absence without pay.
  - (4) Sick Leave shall be earned, but not granted, during the first six (6) months of employment.
  - (5) No refund of vacation shall be allowed due to illness incurred while on vacation.
  - (6) Sick Leave for part-time employees will be earned based on the number of hours worked each pay period.
- (b) The Department Head may require a doctor's certificate be obtained on an annual basis for the continued medical condition.
- (c) Accumulation of sick leave credit shall not exceed two thousand eighty (2,080) hours at any one time. Disability retirement shall not be effective until accumulated sick leave has been used.
- (1) Upon retirement or death, employees in a pay grade prefixed by "C", "E" or "Y", shall receive fifty-five percent (55%) of accumulated sick leave, one hundred percent (100%) of which will be distributed into the employee's PEHP premium account.
  - (2) Upon retirement or death, employees in a pay grade prefixed by "A" or "G" shall receive forty-five percent (45 %) of their accumulated sick leave into the employee's PEHP account.
  - (3) Payment shall be made based on the employee's current hourly rate of pay at the time of retirement or death.
- (d) An employee who is absent because of sickness or family illness shall inform his immediate supervisor of the fact and the reason therefore as soon as possible; failure to do so within a reasonable time may be cause for denial of pay for the period of absence. The Department Head may require a doctor's certificate or other evidence of illness before approving sick leave with pay; such certificates shall be transmitted to the Human Resources Director with the report of sick leave for entry in the employee's records. Sick leave may be denied when the County has facts showing that an employee is abusing sick leave.
- (e) An employee, at his discretion, may supplement his worker's compensation payment to bring the total sum of worker's compensation payment and sick leave to a figure equivalent to a full pay check.
- (f) An employee in a pay grade prefixed by "C", "E" or "Y" who voluntarily separates, other than retirement, from employment with the County after fifteen (15) consecutive years of service with the county shall be paid fifty percent (50%) of their accumulated sick leave balance that is in excess of one thousand hours. This pay out shall be distributed as one-third (1/3) cash and two-thirds (2/3) PEHP.

(1) An employee in a pay grade prefixed by “A” or “G” who voluntarily separates, other than retirement, from employment with the County after fifteen (15) consecutive years of service with the County shall be paid forty-five percent (45%) of their sick leave balance in excess of 1000 hours, and shall be paid in cash.

(2) Payment shall be made based on the employee's current hourly rate of pay.

(g) Once an employee has exhausted all sick leave, the department head may automatically deduct as necessary from any available paid leaves.

(h) For classified employees who have accepted an elected position:

(1) Employees who accept appointment to an elected position shall have their accrued sick leave banked at the time of their appointment.

(2) Upon termination of employment, the employee’s sick leave bank will be paid in accordance with the provisions of this Rule based on what their pay grade designation was in the classified position. Payment will be based upon the employee’s hourly rate of pay they earned when they left their classified position.

#### **19.4 Injury Leave (Revised 11/20)**

Any probationary or status employee who is injured in the performance of his duties shall receive the difference between his regular pay and the worker's compensation payment for up to ten (10) working days, not to exceed a total of eighty (80) hours, as injury leave.

Injury leave shall be taken within two (2) years from the date of the injury for which the leave was being paid and may be taken non-consecutively over the two (2) year period.

Failure to immediately report an incident which may have resulted in injury may cause forfeiture of the additional benefit.

Such injury leave shall not be deducted from vacation or sick leave credits. Injury leave shall not be considered hours worked for the purposes of calculating overtime.

#### **19.5 Leave for Jury Duty**

An employee called to serve jury duty shall receive his regular pay to a maximum of ten (10) working days during one jury term, in addition to the compensation received from the court. For jury service exceeding ten (10) working days during one (1) jury term, employees receive the difference between their regular pay and the compensation received for such jury service.

## **19.6 Military Leave (Revised 9/01)**

All employees who shall be members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve shall be entitled to leave of absence from their respective duties, without loss of pay, on all days during which they are employed with or without pay under the orders of authorization of competent authority in the active service of the State of Nebraska or of the United States for not to exceed fifteen (15) working days in any one (1) calendar year, for annual training or other active duty assignments. Such leave of absence shall be in addition to the regular vacation and holiday leave of the persons named herein. When the governor of the State of Nebraska shall declare that a state emergency exists and any of the persons named in this section are ordered to active service of the State of Nebraska, an additional leave of absence will be granted until such member is released from active service by competent authority. During the additional leave of absence because of the call of the governor, any official or employee subject to the provisions of this section shall receive such portion of his salary or compensation as will equal loss he may suffer while in active service of the State. Governmental officers serving a term of office shall receive their compensation as provided by law.

## **19.7 Special Leave (Revised 03/2024)**

(a) Leave of absence without pay may be granted to status employees for a period not to exceed ninety (90) calendar days. The Department Head must approve the first thirty (30) days of absences. The Department Head and the Human Resources Director must approve the subsequent sixty (60) days of leave. All requests for leave of absence must be made in writing, to comply with Rule 19.1 (b).

(b) A Department Head, with approval of the Human Resources Director, may grant a status employee leave of absence without pay for a period not to exceed one (1) year for travel or study which will render the employee of greater value to the County upon his return to duty. Such leave shall be granted only when it will not result in undue prejudice to the interests of the County as an employer beyond any benefits to be realized. Failure on the part of an employee on leave to report promptly at its expiration, without good cause, shall be considered as a resignation.

(c) Leave with pay for public health or safety duties of an emergency nature may be authorized by the Department Head upon approval of the Human Resources Director. Such leave will not be deducted from vacation or sick leave.

(d) In the event of an emergency as declared by the County Board (such as inclement weather) where an employee is unable to report for work, the employee may request and be granted accrued vacation leave, unused holiday time or authorized leave without pay, with the approval of the Department Head. Provisions may be made whereby attendance of essential or necessary employees is required.

## **19.8 Paid Parental Leave (Revised 03/2024)**

(a) Effective June 27, 2023, all Covered County Employees, are eligible to receive up to 240 hours of paid parental leave following the birth of an employee’s child/children or when a child/children is/are in the process of being adopted or placed into foster care with an employee.

For the purposes of this policy, the term “Covered County Employees” shall mean (1) all unrepresented, full-time and part-time County employees in the classified service, who are scheduled to work at least 20 hours or more, excluding temporary employees, seasonal employees, on-call employees, probationary employees, and interns; (2) all union-represented employees covered by a collective bargaining agreement that incorporates this paid parental leave policy; and (3) all currently eligible unrepresented employees who form a new bargaining unit and who have not yet finalized the terms of a collective bargaining agreement.

Part-time or alternate scheduled employees will receive prorated leave hours based on their regularly scheduled work week. Temporary employees, seasonal employees, on-call employees, probationary employees, and interns are not eligible for paid parental leave.

(b) Approved paid parental leave may be taken during the 12-month period immediately following the birth of an employee’s child/children or when a child/children is/are in the process of being adopted or placed into foster care with an employee.

- (1) Eligible employees must meet one of the following criteria:
  - (i) Have given birth to a child/children;
  - (ii) Be a spouse to a person who has given birth to a child/children or be the biological parent to a child/children that has/have been born;
  - (iii) Be in the process of adopting a child/children who is/are 18 years old or younger, with the exception of adoption of a spouse’s child/children;
  - (iv) Be in the process of a foster care placement of a child/children who is/are 18 years old or younger.
- (2) An employee is limited up to 240 hours, or a prorated number of hours for part-time employees, of paid parental leave in a rolling 12-month period regardless of the number of births, or placements for adoption or foster care.
- (3) An employee may take paid parental leave intermittently or on a reduced leave schedule:
  - i. With the Department Head’s approval for bonding purposes. Employees requesting intermittent/reduced schedule leave for bonding purposes must work with the employer to schedule the leave so as not to unduly disrupt operations.

- ii. With supporting medical documentation of a child/children's serious health condition.
  - (4) Paid parental leave is compensated at the employee's regular rate of hourly pay.
  - (5) Paid parental leave must be exhausted before an employee may utilize sick leave, vacation leave, or personal convenience holidays for the birth, adoption, or placement of a child/children with the employee.
  - (6) If a Holiday as defined in Personnel Rule 18.1(a) occurs while the employee is on paid parental leave, the employee's absence on said holiday will be charged to holiday pay and will not count against the employee's paid parental leave entitlement.
  - (7) Upon termination, retirement, resignation, or other separation from employment, employees will not be paid for any unused paid parental leave for which they were eligible.
- (c) An employee requesting paid parental leave shall complete FMLA paperwork or, if not FMLA eligible, the Paid Parental Leave Form at least 30 days prior to the proposed date of leave, or if the leave was not foreseeable, as soon as possible, and provide all documentation as required by the HR department to substantiate the request.
- (d) If an employee is eligible for Family and Medical Leave pursuant to the Family and Medical Leave Act (FMLA) Personnel Policy Bulletin, 2023-1, or becomes eligible for Family and Medical Leave at any time during paid parental leave, the paid parental leave shall run concurrently with FMLA leave and the FMLA Bulletin shall control the employee's use of leave.

### **19.9 Leave of Absence Without Pay to Accept Appointment in the Unclassified Service (Revised 10/13)**

A status employee shall be granted leave without pay from his position to accept appointment to a position in the unclassified service, within the employee's current department. The employee will be eligible to return to a comparable position to that which was formerly held in the classified service within one year of their appointment and will have his rate of pay established in accordance with Rule 17.5.

A formal request to the Human Resources Director must be made in writing by the employee in order to invoke this Rule provision.

### **19.10 Absence Without Leave (Revised 05/2024)**

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be made grounds for disciplinary action by the Department Head. If an employee is absent for three (3) or more days without authorized leave, the employee shall be deemed to have abandoned their job. Such absence shall be considered a voluntary resignation, and the employee is not eligible for rehire. Such absence may be excused, however, by the Department Head by a subsequent grant of leave with or without pay where extenuating circumstances are found to have existed.



### **19.11 Funeral Leave (Revised 05/2024)**

Bereavement leave may be taken upon approval of the Agency Head and according to the following:

(a) In the case of death of the employee's spouse, child, parent, sibling, grandparent, grandchild, or any other relative residing in the immediate household of the employee. Grandparent and grandchild include "great" grandparents and grandchildren. This includes family members by blood, marriage, adoption, foster or legal guardianship, except for family relationships defined in subsection (b) below. A full-time employee shall be granted bereavement leave with pay at the rate of up to twenty-four (24) hours to grieve their family member without deduction from their pay or accumulated sick leave. A part-time employee shall be allowed two-fifths (2/5) of the hours in their normally scheduled work week if scheduled to work the hours requested.

(b) In the case of death of the employee's sibling-in-law, child-in-law, aunt, uncle, nephew, niece, or grandparents of the employee's spouse, full-time employees shall be allowed sixteen (16) hours bereavement leave with regular pay to grieve their family member without deduction from their pay or accumulated sick leave. Aunt and uncle include "great" aunts and uncles. The part-time employee shall be allowed one-fifth (1/5) of the hours in their normally scheduled work week if scheduled to work the hours requested.

(c) A full-time employee shall be allowed to use up to twenty-four hours (24) hours of their accumulated sick leave in the case of death of any of the above designated persons. A part-time employee may be allowed to use accumulated sick leave up to four-fifths (4/5) of the hours in their normally scheduled work week if scheduled to work the hours requested.

(d) Up to four (4) hours bereavement leave shall be granted if a full-time employee attends the funeral of a co-worker or retiree from the department in which the requesting employee is employed. A part-time employee shall be granted one-tenth (1/10) of the hours in their normally scheduled work week if scheduled to work the hours requested.

### **19.12 Requirements as to Continuous Service (Revised 06/23)**

Length of service requirements for increased vacation leave and for other purposes, as specified in these Rules, shall be based on the employee's continuous service with the County. Continuous service with the County means employment without a break or interruption; provided that any absence or authorized leave without pay or by reason of layoff for thirty (30) consecutive calendar days or less shall not affect the continuity of service. Leaves without pay and layoffs for a period in excess of thirty (30) consecutive calendar days shall be deducted in computing the total length of service with the County and the employee's eligibility date will be adjusted accordingly. Absences related to a legally protected leave event shall not be deducted in computing total length of service.

### **19.13 Civil Leave (Created 12/97)**

Civil leave is a leave of absence from duty, without loss of pay or charge to annual leave, to perform election duty for the Lancaster County Election Commissioner Office. In addition to the leave granted, an employee appointed for election duty shall receive an hourly wage in the amount specified by the Nebraska Legislature.

## **RULE 20 - SAVINGS CLAUSE**

If any section in these Rules or any part of a section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

## **RULE 21 - FURLOUGH**

### **21.1 Definition (Created 6/10)**

A **furlough** is the placement of an employee in a temporary non-duty and non-pay status because of lack of funds or appropriations or shortage of work. Furloughs may be an alternative to layoff.

### **21.2 Voluntary Furloughs (Created 6/10)**

- (a) A Department Head may make a request to status employees in the classified service for volunteers, or employees may volunteer, to be placed on unpaid furlough whenever the Department Head deems it necessary by reason of shortage of funds or appropriations or shortage of work.
- (b) A Department Head shall make a request for volunteers to be placed on voluntary unpaid furlough prior to the implementation of a mandatory furlough.
- (c) If voluntary unpaid furlough is taken by an employee, the voluntary unpaid furlough time will be considered in satisfying any subsequent mandatory unpaid furlough requirements within a fiscal year.
- (d) All requests by employees to be voluntarily placed on unpaid furlough must be made in writing.
- (e) Length of Voluntary Furlough: A Department Head may grant a request to be placed on voluntary unpaid furlough. Voluntary unpaid furloughs must be taken in two (2) hour increments. A full day furlough without pay is equal to the employee's normal scheduled work hours on the affected day.
  - (1) Voluntary unpaid furloughs in excess of thirty (30) calendar days must be approved by the Human Resources Director.
  - (2) Voluntary unpaid furlough hours may be scheduled over consecutive days and/or weeks, or non-consecutive days over a period of time (e.g. one work day per month for a twelve month period).
- (f) A Department Head shall schedule furloughs in a manner which minimizes disruption to the efficient operation of the department. A Department Head will work with employees to identify in advance what voluntary furlough days/hours will be taken to maintain effective operations and essential services.

### **21.3 Mandatory Unpaid Furloughs (Created 6/10)**

- (a) A Department Head shall make a request for volunteers to be placed on voluntary furlough prior to the implementation of a mandatory unpaid furlough.

If there are insufficient volunteers to mitigate the need for mandatory unpaid furloughs and/or if effective operations or essential services are compromised, a Department head may implement mandatory unpaid furloughs.

- (b) A Department Head may furlough status employees in the classified service whenever he deems it necessary by reason of shortage of funds or appropriations or shortage of work. In such case, a Department Head shall establish a uniform Mandatory Furlough Plan which shall require all employees in the department to take an equal number of hours of leave without pay during a furlough period.
- (c) Notice: When a mandatory unpaid furlough has been implemented, the status employee shall be notified at least fifteen (15) calendar days prior to the effective date of a furlough period.
  - (1) The furlough notice will include the following:
    - (A) A general statement of the reason for the furlough (budget shortfall, decrease in appropriations, shortage of work).
    - (B) The effective date of the furlough and the maximum number of furlough hours. If the furlough is due to an emergency situation the number of hours may not be known in advance. If the number of furlough hours becomes known after the onset of the furlough, then reasonable efforts will be made to communicate the information to furloughed employees.
  - (2) In the case of an emergency a furlough notice will be provided as soon as reasonably possible.
- (d) Length of Mandatory Unpaid Furlough:
  - (1) A status employee may be placed on mandatory unpaid furlough for a period not to exceed 96 furlough hours during a County fiscal year. Mandatory unpaid furlough hours may be scheduled over consecutive days and/or weeks, or non-consecutive days over a period of time (e.g. one work day per month for a twelve month period).
  - (2) Mandatory unpaid furlough hours must be taken in two (2) hour increments. A full day furlough without pay is equal to the employee's normal scheduled work hours on the affected day.
  - (3) An employee may not be furloughed more than their normal scheduled work day unless requested by the employee and agreed to by the employee and Department Head.

- (e) Scheduling Mandatory Unpaid Furlough:
  - (1) The scheduling of mandatory unpaid furloughs shall be at the sole discretion of the Department Head and a Department Head shall schedule furloughs in a manner which minimizes disruption to the efficient operation of the department. However, to the extent possible, employees will be allowed to choose the timing of furlough days/hours.
  - (2) Employees shall not be scheduled for furlough during periods of paid approved leave. Employees may be scheduled for furlough upon return to work from approved leave.
- (f) Essential Services: Departments Heads shall plan mandatory unpaid furlough time in a manner that allows for essential services to be provided. A Department Head will work with employees to identify in advance what furlough days/hours will be taken during the furlough period and to maintain effective operations and essential services.

#### **21.4 Fair Labor Standards Act Compliance (Created 6/10)**

- (a) In accordance with the provisions of the Fair Labor Standards Act, non-exempt (hourly) employees shall take unpaid furloughs in the day or hourly increments listed above. Non-exempt employees are not allowed to work during the unpaid furlough days/hours, nor are they allowed to work overtime hours during the week in which the unpaid furlough days/hours are taken.
- (b) In accordance with the provisions of the Fair Labor Standards Act, exempt employees will be considered as non-exempt for the work week in which the unpaid furlough day/hours are taken. Exempt employees are not allowed to work during the unpaid furlough days/hours. Exempt employees may not exceed forty (40) hours in combined furlough and work hours during the week in which the unpaid furlough days/hours are taken unless authorized in advance by the Department Head.

#### **21.5 Benefits and Seniority During Mandatory or Voluntary Furlough (Created 6/10)**

- (a) Furloughs shall not constitute a break in service of employment and there shall be no loss of seniority.
- (b) Furloughs shall not effect an employee's health insurance, dental insurance, continuous service, length of service or eligibility for longevity increases. However, employees shall be responsible for their normal contributions for benefits.

## **21.6 Vacation Leave, Sick Leave, Personal Holidays, and Other Paid Leaves During Mandatory and Voluntary Furlough (Created 6/10)**

- (a) Employees shall continue to accrue vacation and sick leave at their current levels during the furlough period and leave earnings shall not be prorated as a result of a furlough.
- (b) Employees may not substitute paid leave for a period of furlough.

## **21.7 Holiday Pay During Mandatory or Voluntary Furlough (Created 6/10)**

- (a) If an unpaid furlough day is scheduled on a holiday, then the employee will not receive holiday pay.
- (b) Unpaid furlough days scheduled immediately before and/or after a holiday, but not scheduled on a holiday, shall not disqualify an employee from receiving holiday pay.

## **21.8 Sanctions (Created 6/10)**

Employees are strictly forbidden from performing any County work while on furlough, including but not limited to checking work-related e-mail and voice mail. Employees who perform County work while on furlough may be subject to appropriate disciplinary action up to and including dismissal from employment.

## **21.9 Grievances (Created 6/10)**

Employees may grieve a furlough under Lancaster County Personnel Rule 12.

**Appendix A** – Nebraska Revised Statutes, Sections 23-2517 to 23-2533 (Cumulative Supplement 2006)